United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, JULY 24, 1997 *No. 106*

House of Representatives

The House met at 10 a.m.

The Reverend David F. Dzermejko, Mary, Mother of the Church, Charleroi, PA, offered the following prayer:

God of Abraham, Isaac, and Jacob, and Father of the Lord Jesus, in the elective leadership of our office, we gather as members of this magnificent assembly of Representatives, filled with the desire to serve all our people, irrespective of their color, creed, or social class, and at this moment we seek Your divine presence in our midst.

In this 221st year of our independence, so beautifully commemorated at the beginning of this month, we once more pledge ourselves to You as did the founding generation of our mighty Nation, and look for Your guiding spirit to give us wisdom beyond our years, justice beyond our geographic boundaries, and truth beyond our political affiliation.

We pray that the legislative decisions we make this day will reflect the glory of Your kingdom where one day we shall together share life forever. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Pennsylvania [Mr. MASCARA] come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA 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 SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; and

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2158) ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. CAMPBELL, Mr. CRAIG, Mr. COCHRAN, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mrs. BOXER, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution expressing the sense of the Congress regarding the OAS–CIAV Mission in Nicaragua; and

S. Con. Res. 41. Concurrent resolution calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus.

WELCOMING FATHER DAVID DZERMEJKO, GUEST CHAPLAIN

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MASCARA. Mr. Speaker, I would like to welcome Father David F. Dzermejko, my pastor and today's guest chaplain, to our Nation's Capital.

Father David, along with Father John Marcucci, are the dedicated and hard-working spiritual leaders of Mary, Mother of the Church, my parish back in Charleroi, PA.

I would like to thank Dr. Ford, the House Chaplain, for his kindness and assistance in extending an invitation to Father David to give the opening prayer at this session of the U.S. House of Representatives. I am sure his message will help guide us through our journey today as we do legislative work.

I know Father David joins me in sending greetings and best wishes to Father John and the entire parish family at Mary, Mother of the Church.

While many of us on Capitol Hill talk about family values, I can say without hesitation and qualification that our parish family could serve as a national model for family values. The church has certainly served as an inspiration to my wife Dolores, me, and my entire family.

Hopefully Father David will enjoy his stay in Washington, DC. I assure everyone back home that I will take excellent care of the good Father.

Father David, again welcome and thanks for joining me in this morning's opening session. It is truly an honor to have you with us today.

Printed on recycled paper containing 100% post consumer waste

HONORING THE 150TH ANNIVERSARY OF THE ENTRY OF PIONEERS INTO THE STATE OF UTAH

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. CANNON. Mr. Speaker, I rise in honor of today's 150th anniversary of the entry of the pioneers into Utah. The pioneer exodus was an event of monumental proportions. Seeking a land of opportunity and freedom, over 80,000 Mormon pioneers made the trek west in wagons, on horses, and on foot, covering the rugged trail from the shores of the Mississippi to the valley of the Great Salt Lake. It was blistering hot in the summer and deathly cold in the winter. Obstacles included disease, fatigue, hunger, and hostile natives.

My great grandfather, George Q. Cannon, was among those pioneers. At the age of 17, he lost both parents along the trail. Yet young George trekked on. He went on to become a Utah leader, fighting for statehood while serving in this very body as a territorial representative.

Today I honor my ancestor and his fellow pioneers for having the courage, fortitude, and the faith in every footstep to push on despite the obstacles, creating a legacy of faith and freedom.

TAX RELIEF FOR FAMILIES WHO TRULY NEED IT

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GEPHARDT. Mr. Speaker, I would like to introduce to all of my colleagues the Boyer family of Ste. Genevieve, MO, in my district. No strangers to hard work and sacrifice, the Boyers are struggling to provide their children with a quality education.

Cecil is a janitor in the County Sheriff's Department; Mary, a biology and algebra teacher for the past 23 years at Valle Catholic High School, has started working a second job as an attendant at a local gas station.

Now not only are the Boyers taking out student loans, but their daughter, Cathy, a junior at Central Missouri State and their son, Kevin, a Jefferson Community College student are also working part-time jobs. Combined, the Boyer family, four people working five jobs, make about $50,000 a year, middle class by anybody's definition of the word.

Under the Democratic tax plan, the Boyers would receive a $1,584 tax cut; under the Republican vision of tax relief the Boyers would receive only $528 in tax cuts.

Republicans have taken weeks to reach agreement on a unified tax cut proposal, but for most middle-income families like the Boyers it was not worth waiting for.

We hope the President can persuade Republicans to move toward the Democratic tax cut and direct relief into the pockets of the families who truly need it.

MOVING TOWARD THE GOAL OF LESS GOVERNMENT AND MORE FREEDOM FOR THE AMERICAN PEOPLE

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

Mr. RYUN. Mr. Speaker, this morning I would like to review some recent history. It is a matter of record that the American people have not had a tax cut in 16 years. It is also a matter of record that the Federal budget has not balanced in 28 years. It is a matter of record that we have never had Medicare reform.

Mr. Speaker, the 105th Congress is about to change all of that. This Congress is on the verge of passing the first tax cut in 16 years. This Congress is about to achieve the first balanced budget since 1969. This Congress is about to enact the first major reform in the Medicare Program in history.

While I do not believe the tax cuts go far enough and the budget will not be balanced soon enough, I do believe that we are moving toward the goal of less government and more freedom for the citizens of this Nation. The American people whom we serve deserve this.

INDEPENDENT CONTRACTOR PROVISION IS BAD FOR THE FUTURE OF OUR ECONOMY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the independent contractor provision is a potential disaster for the working people of our country. What would it do if adopted?

It would take away health care and pension benefits from millions of employees.

It would punish socially responsible employers and reward companies which refuse to invest in their workers.

It would mean an instant tax increase for workers who would pay twice as much in Medicare and Social Security taxes.

It would deny workers their legal protections against sex, race, age, and disability discrimination.

It would lead to the misclassification of millions of employees, and this would cost the U.S. Treasury billions of dollars.

Mr. Speaker, the independent contractor clause is bad for employees, bad for legitimate businesses, and bad for the future of our economy. Twelve Republicans wrote to the Speaker of the House citing their serious reservations about this clause. Seventy-nine Democrats wrote to the President asking him to delete this provision.

Let us reaffirm our commitment to America's workers and eliminate this provision from the final budget bill.

REPUBLICANS WANT TO EMPOWER FAMILIES BY TAKING AWAY SPENDING DECISIONS OF IRS AND PUTTING THEM BACK WHERE THEY BELONG

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, every morning in America, working families get up, send someone to work, sometimes two parents to work; they earn a paycheck, and they are required by law to send a big chunk of it back to the IRS in Washington, DC, so bureaucrats can make spending decisions for their families.

The Republicans in this Congress have proposed empowering families by taking those spending decisions away from the IRS and putting them back where they belong.

Our friends on the left do not agree with that proposal. They want to stop this tax cut, and the only way they can do it is to find some reason to be against it, and the argument we hear day after day is that it is a tax cut for the rich.

We should ask ourselves who they mean by the rich. They mean people earning $50,000 a year, like the family that the distinguished gentleman from Missouri [Mr. GEPHARDT] showed us. If someone owns a TV set and can listen to this debate, they are probably the rich they are talking about.

AMERICA'S WORKING FAMILIES DESERVE TAX RELIEF, NOT A TIME BOMB

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

Mr. BONIOR. Mr. Speaker, the $50,000 argument my friend makes; it is not $50,000. Sixty percent of their bill, their tax bill, goes to people who make $250,000 a year or more. This tax plan is a time bomb. It reminds me of those crazy TV furniture commercials that we see on TV: No money down, no interest, no payment until 1999.

Mr. Speaker, who is going to get stuck with the bill taking care of these people making a quarter of a million a year that are going to get 60 percent of this bill? It is going to be America's working families.

Under this bill, a young police officer supporting a family makes $23,000 a year, puts his life on the line every day. He would not get a single dollar in child tax credit, not a single dollar. But when the deficit starts to soar again, he is going to foot the bill for those millionaires and those wealthy people.

The numbers do not lie. This Republican plan will create a deficit of $750 billion just as millions of baby boomers start to retire. It is a giveaway, an irresponsible giveaway to the wealthy in this country, it is not fair. America's working families deserve tax relief, not a time bomb.

THE TRUTH ABOUT TAX RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I want to respond to my friend from Michigan, Mr. BONIOR.

The administration continues to crunch numbers, trying to make most Americans rich; Americans, by the way, that are struggling, who are not rich.

I believe, finally, there is a balance here in this body that wants to give a tax cut to those people that deserve it. There are those on the other side of the aisle who complain about the tax cut, and I think they are really showing their true colors. They do not really care about struggling families, they do not want a tax cut anyway. What they want is to increase our taxes, they want the Government to have more of our money.

So if my colleagues really want a tax cut, just admit it and do all the working people in this country a favor: Tell them they do not know what is best for their family, tell them they need to pay more taxes, tell them they would rather take more money out of their pocket, tell them they should give more to the IRS. But please tell them the truth about tax relief.

□ 1015

GOOD NEWS AND BAD NEWS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, now is the time to give a tax cut to working and middle-income Americans. But there is good news and bad news in America today. The good news is that in the last 4 years, the Democrats, under President Clinton, have brought down the deficit, reduced the size of government, and we are on course to balance the Federal budget. It is time to give American families some of their hard-earned money back.

But the bad news today is that the Republicans want to give most of the tax cuts to the very wealthiest of Americans. Under the Republican plan, almost 70 percent of the tax cuts would go to the top 20 percent of income earners in America. Working and middle-class Americans need and deserve the tax cuts more. There is a difference between the Democrat tax cut plan and the Republican tax cut plan.

I have put forward a bill called the Lifetime Learning Affordability Act, which would actually give parents tax deductible IRA-like savings accounts so hardworking Americans could provide for their children's college education in a cheaper and safer way. Mr. Speaker, it is time we invest in working and middle-class Americans with a tax cut for them, not the rich.

A NEW DAWN IN AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, there is a new dawn in America for working men and women. The Republican tax cuts will enable all hardworking Americans to keep more, not less, of the money they earn, giving them more freedom to grow, more freedom to prosper, and more freedom to create new jobs for others.

It will allow them to meet their personal needs and to fulfill their family responsibilities. A working father and mother will not have to take that second job that takes them away from their kids or from doing the things they enjoy. They will have more time to make a positive difference in their community. They will not have to go into debt or mortgage the family home or business just to send their kids to college. They can pursue that once out of reach dream of starting their own business.

Too often, Mr. Speaker, the crushing burden of Federal taxes undermines these vital opportunities and takes away our freedom to pursue our dreams. The Republican tax relief package is a first step in restoring those stolen dreams and freedoms, or creating new opportunities for all Americans to explore and enjoy.

I urge all my colleagues to support the Republican tax plan.

WINDFALL FOR THE RICH

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

Ms. DELAURO. Mr. Speaker, what my colleagues on the other side of the aisle are not telling us about is the $22 billion windfall they are providing to the richest corporations in this Nation, the Exxons, the Boeings, where they would phase out in some instances the tax obligations of the richest corporations in the United States; yes, Mr. Speaker, zero, some of these corporations would pay zero in tax dollars, while hardworking middle-income American families would have to continue to pay their taxes, and these folks would get away with it.

Mr. Speaker, let me just tell the Members that they have come up with a new tax plan which is in the papers this morning, that proved that they have not changed their spots at all. This proposal combines the worst policies of the House and Senate tax bills. Do not take my word for it, let me quote from an editorial in this morning's Washington Post. I quote:

> The tax provisions remain the worst aspect of the GOP legislation. They are tilted hugely toward the very rich, and in the long run, would be a far larger drain on the Treasury than their authors acknowledge.

This latest budget proposal makes Republican priorities clear, clear as a bell: Huge tax breaks for the richest individuals and corporations in the United States.

REPUBLICAN CONSENSUS ON TAX RELIEF

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I am very proud of my fellow Republicans. Last night we met for 3 hours and openly and honestly discussed our faults and our hopes for the future. We have heard and read the rumors about the nonexistent or alleged coup attempt, and we all know the Republicans do not always agree. But we decided to work together to overcome the obstacles that we have.

I admire our leadership. They open themselves to the media every day. Their lives are scrutinized by the public microscope, and this makes us all very guarded. Yet last night they opened themselves, they were vulnerable, honest, and frank. Any differences we had yesterday morning are now behind us. We are looking forward now.

As a team we are fighting for tax relief for working Americans. Together we will do all we can to overcome any reason, any excuse the opponents have to overcome tax relief, or to oppose tax relief.

Eventually there will be only one vote for tax relief. It will be at the request of the American people, with the consent of Congress, and with the agreement of the President. Either Members are for tax relief or they are against it. The Republicans have come together to get tax relief for working Americans.

BEWARE OF UNITED STATES-CHINA RELATIONSHIP

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the country that tried to buy our presidency is now a country that holds the fate of the U.S. economy in its claws. While politicians in Washington are playing politics, China is now holding the third largest United States debt, right behind England and Japan. Beam me up.

And make no mistake, the people running China are Communists. Communists do not give a damn about democracy, and Communists have never supported America.

Beware, Democrats alike, do not take China lightly and do not take John Huang lightly. Huang just did not have friends at the Commerce Department, Huang has friends in high Communist places.

I yield back the balance of some problems here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members to refrain from using anything close to profanity in their remarks.

HELP THE POOR, SUPPORT ECONOMIC GROWTH

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, what do the poorest Americans think of our tax relief proposal? What do those forgotten Americans who face great obstacles in life think about a tax plan that begins with the idea that Americans should be allowed to keep more of their own money? If it were up to them to design the tax bill, what would it look like?

I suspect what many of the poorest among us lack most is hope, so the question is, which tax relief measure would give those folks the most hope? Which tax bill would do the most for economic growth? Which tax bill would do the most to encourage job creation?

I know that economic growth is not something that liberals like to talk about, but economic growth is what would give the most hope for the future. That is why the tax on savings and investment needs to be reduced. If Members disagree, then I have but one question: Would lower economic growth help the poor?

REPUBLICAN TAX PLAN: HUGE TAX BREAKS FOR THE WEALTHY AND A BALLOONING DEFICIT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, we found out this morning that the Republicans have come together on a unified budget bill that is far worse for the average working American than the previous versions that passed the House and Senate. Their unified tax bill is even more unfair to working families and deeply skewed to help the wealthy. In particular, the Republicans have refused to scale back on one of their prize tax breaks for the wealthy, allowing investors to index their capital assets to inflation and thereby reducing their taxes.

Of course, the media and the American people are waking up to this Republican proposal. Today in the Washington Post the headline in the editorial said ''A Dismal Budget Prospect.'' If I could read from a section, it says:

> The tax provisions remain the worst aspect of the legislation. Why? The President has stated two great objections to them: They are tilted hugely toward the very rich, and in the long run, would be a far larger drain on the Treasury than their authors acknowledge. The Republicans today in this unified tax plan have given no ground on either count;

again, huge tax breaks for the wealthy and a ballooning of the deficit.

THE REPUBLICAN TAX BILL IS RIGHT, FAIR, AND TIMELY

(Mr. SUNUNU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNUNU. Mr. Speaker, this week Congress will finalize its proposal for tax relief for all Americans and begin discussions on that tax proposal with the President. During the past month Republicans have worked consistently to lower taxes for all Americans, with a $500-per-child tax credit, relief for families sending their children to college, providing death tax relief for small businesses and family farms. In fact, 75 percent of the tax relief in this proposal goes to those earning less than $75,000.

I hope the President will avoid the class warfare rhetoric we have heard today, but I am not optimistic. This administration's record falls short. In 1993 they pushed through the largest tax increase in America's history. This administration has proposed higher taxes on health care, taxes on energy, even taxes on camping equipment. They have called the reduction in the capital gains tax as being unnecessary and suggested that relief from death taxes is selfish.

The administration's record is one of higher and higher taxes. This is wrong. Americans deserve this tax relief. This bill is right, it is fair, and the time is now.

REPUBLICANS SHOULD COME BACK WITH A TAX PROPOSAL THAT HELPS AVERAGE WORKING FAMILIES

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, let me give an example of who benefits under the Republican tax plan. Sandy Weill is a CEO who last year earned $94 million. Under the Republican plan, he would enjoy a capital gains tax cut adding up to $7 million. The average American family earns a little more than $32,000 per year. Their entire annual income is, now get this, only four one-thousandths as big as the capital gains tax cut Sandy Weill would get under the Republican plan.

America has been good to people like Sandy Weill. With $94 million in income last year, I think he can wait for his tax cut. But most Americans cannot wait. They can use a tax cut now. Working families need it to pay their rent or mortgage, buy their groceries, raise their children, and maybe have a little left over for a rainy day.

I implore my Republican colleagues to take a second look at their plan and come back with a proposal that actually helps average working families. I know they can do it. They just have to want to.

TIME FOR THE LEFT TO STOP TWISTING THE TRUTH ABOUT TAX RELIEF

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is time for the left to stop twisting the truth about tax relief. That is the headline of the editorial in this week's U.S. News & World Report.

Here is what the editorial says. It says that ''The middle-class families that benefit from the Republican tax plan should hardly be considered rich.'' The editorial goes on: ''The way the left is trying to twist the tax debate, boldly ragging successful Americans as a way to achieve political points, trivializes the real issues and divides us as a people.'' That is what the U.S. News & World Report says.

The editorial suggests that the Democrat approach to this tax debate is a lot like the phony get-rich-quick schemes we often see on television, suggesting that somehow you magically become wealthy overnight. If Members are inclined to believe that kind of baloney, I would direct their attention to the get-rich-quick scheme presented here on my left.

All the Democrats, call the U.S. Treasury Department, 202–622–0120, and they can find out how, by applying their philosophy on taxes and income, their middle-class income actually makes them wealthy overnight, overnight. All Members have to do is call the Treasury Department, and they, too, can find out how the Democrats believe they are rich. Call the Treasury now, 202–622–0120. Democrat operators are standing by.

AN UNJUST AND UNFAIR REPUBLICAN TAX PLAN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, one purpose of Government is to suppress injustice. The Republican tax plan does just the opposite. This plan unjustly benefits the top 5 percent of income earners by giving them over 50 percent of the cuts. This plan unjustly

excludes working and middle-income students trying to pay for an education.

Take, for example, Tina, a single parent, mother of four, and student at Malcolm X College. With an income of $25,000, she pays $1,400 in tuition and fees. She would receive no break under the Republican plan. That is unjust. Under the Democratic plan, Tina would receive a $400 tax break. That is justice for a single mother of four attempting to get an education.

In addition to Tina, 4.8 million other Americans are left out by the Republican plan: Police officers, schoolteachers, dental assistants, and carpenters would not receive a break. The Republican plan can be summed up in three words: Unjust and unfair. Give America a break. Let us support a fair and just plan.

□ 1030

SUBPOENA TO CHAIRMAN OF HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, something is wrong. How can it be that a House committee serves a subpoena on a Federal agency one day and 3 days later that same agency subpoenas the campaign records of that committee's chairman? Talk about politicizing the Justice Department.

Yes, it is curious but that is exactly what happened 2 weeks ago. The gentleman from Indiana [Mr. BURTON] sent a subpoena about campaign fundraising to the Justice Department on July 8. Bingo. On July 11, an FBI agent walks into his Indianapolis campaign office with a subpoena for all ''Burton for Congress'' records. We are not the only ones to think this is strange. Even Dan Rather on CBS News raised it on his program.

This is not what good government should be about, Mr. Speaker. It should not be a game of tit for tat. The gentleman from Indiana [Mr. BURTON] should not have to face a political prosecution or persecution just because he is trying to do his job. The Attorney General should not politicize our system of justice in this way.

CUTTING AMERICAN WORKERS

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, the Republican majority has placed a provision in the budget bill to expand the definition of independent contractor. Because of the negotiation on tax cuts and health insurance for children and Medicare, not much has been said about this issue.

Mr. Speaker, this provision goes a long way toward taking away many of the benefits that employees need. We are not talking about personal parking spaces or perks. We are talking about health insurance coverage, pensions, and employer contributions to Social Security and unemployment insurance.

Employers say they want clear rules on how to classify an independent contractor. We can clarify those rules very easily without leaving a hole that one can drive a Mack truck through.

If this provision passes, perhaps millions of workers will lose their benefits and be classified as working for themselves, even though this is not the case. Outside of Washington people are concerned about and oppose this systematic downsizing and lowering of our standard of living. That is what this provision will do.

There is lots in that tax bill to be concerned about, but one of the things I am concerned about is the complaint of the American people that their standard of living is being lowered. They are doing it with this Republican bill.

MOTION TO ADJOURN

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on motion offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 64, nays 322, not voting 48, as follows:

[Roll No. 307]

YEAS—64

Abercrombie
Ackerman
Andrews
Berry
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Doggett
Evans
Farr
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Hastings (FL)
Hefner
Hinchey
Jefferson
Kennedy (RI)
Kilpatrick
Klink
Lantos
Lewis (GA)
Lowey
McCarthy (NY)
McNulty
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Obey
Olver
Owens
Pallone
Pascrell
Pelosi
Sabo
Sanders
Sandlin
Serrano
Slaughter
Thompson
Torres
Vento
Waters
Waxman
Weygand
Woolsey
Yates

NAYS—322

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—48

Barton	Gilchrest	Neal
Berman	Graham	Norwood
Blumenauer	Hooley	Paxon
Boswell	Hoyer	Pomeroy
Brady	Hyde	Radanovich
Cardin	Johnson, E. B.	Rangel
Chenoweth	Johnson, Sam	Roemer
Cox	Kaptur	Sawyer
Crane	Kennelly	Schiff
Davis (FL)	Kind (WI)	Skaggs
Diaz-Balart	Lampson	Stark
Dingell	Markey	Stokes
Dooley	Matsui	Sununu
Engel	McCarthy (MO)	Thurman
Eshoo	McDermott	Whitfield
Foglietta	Molinari	Young (AK)

□ 1055

Messrs. PACKARD, GEKAS, LEACH, CASTLE, LEWIS of California, HINOJOSA, SMITH of Michigan, BONO, BOEHNER, KANJORSKI, and Ms. SANCHEZ, changed their vote from ''yea'' to ''nay.''

Mr. OWENS changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 193 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2160.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 22, 1997, the bill had been read through page 27, line 23, and pending was the amendment by the gentleman from Wisconsin [Mr. OBEY].

Pursuant to House Resolution 193, no further amendments to the bill or amendments thereto are in order except the amendments printed in the CONGRESSIONAL RECORD before July 22, 1997, the amendments printed in the CONGRESSIONAL RECORD numbered 21, 22, 23, and 35, one amendment by the gentleman from California [Mr. COX] regarding assistance to the Democratic People's Republic of Korea, and the amendment by the gentleman from Wisconsin [Mr. OBEY], pending when the Committee of the Whole rose on July 22.

Each amendment is considered read, debatable for 10 minutes, except as provided in section 2 of the resolution, equally divided and controlled by the proponent and opponent.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

After a motion that the Committee rise has been rejected on a day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the Chairman of the Committee on Appropriations or the majority leader or their designee.

After a motion that the Committee rise with the recommendation to strike out the enacting words of the bill has been rejected, the Chairman of the Committee of the Whole may not entertain another such motion during further consideration of the bill.

Pending is the amendment by the gentleman from Wisconsin [Mr. OBEY].

Pursuant to the resolution, the gentleman from Wisconsin [Mr. OBEY] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

□ 1100

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 2 years ago, when the majority party tried to cut the School Lunch Program, this Congress and the Nation finally rejected that. Last year, they tried to cut the WIC Program, the feeding program for women, children, and infants. The country rejected that. Now we are back with this bill, and this bill is $30 million short of the amount that is apparently required in order to prevent 55,000 women and children from being knocked off the program.

At the same time, this Congress is being asked to approve a tax cut which will provide, on average, a $27,000 tax cut to the richest 1 percent of people in this country. I think that is unconscionable. The bill itself is $180 million below the President's budget for the WIC Program.

The amendment that I am offering today simply does not even restore the President's request. We simply try to restore $27 million so that we assure that no person is knocked off the program in the coming fiscal year. Now how do we pay for it? We pay for it simply by eliminating $36 million, which has been put in this bill above the President's budget to pay for subsidies for commissions for insurance agents who write crop insurance.

This is not aimed in any way at changing what farmers receive by way of crop insurance. This is not aimed in any way at affecting what farmers pay. It is simply aimed at the abuses in the commissions which were described by the General Accounting Office when they pointed out that they had discovered above-average commissions paid to agents by one large company. They discovered the Government was being charged for corporate aircraft and excessive automobile charges, we were being charged for country club memberships and various entertainment activities for agencies and employees such as skybox rentals at professional sporting events.

This amendment is, purely and simply, aimed at ending the rip-off of both farmers and taxpayers by some people who are involved in this program so that we can free up some money for starving and malnourished kids. It is as simple as that. I urge support of the amendment

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the Obey amendment.

I would like to point out that we have worked long and hard to put together a bill that is reasonable and fair to all aspects of USDA, FDA, CFTC, and farm credit. I think we have before this House a bill that is balanced. It takes care of the needs of farmers and ranchers; research related to nutrition and ag production; housing, rural development, and nutrition of low-income people and the elderly; food, drug and medical device safety; and food for the needy overseas.

I appreciate the gentleman from Wisconsin [Mr. OBEY] trying to do what he is trying to do. If my colleagues look at this bill, they will see that we both regard WIC as the highest priority item in it. WIC received the largest increase in this bill, at $118.2 million over last year. This is on top of $76 million that was recently provided in the supplemental. With this increase, WIC is funded at $3.924 billion in fiscal year 1998. This amount fully supports the current participation level of 7.4 million.

My colleague, the gentleman from Wisconsin [Mr. OBEY] says that if this amendment does not pass, 55,000, now they are going up about 5,000 a day from what I can gather after hearing the new statistics, 55,000 women, infants and children will be taken off the program.

I do not know where this information came from. We have two Statements of Administration Policy from the Executive Office of the President concerning this bill, and neither one says a word about people being forced off the program with the funding level included in this bill as it is now. We have heard these scare tactics before, let us not fall for them again.

Mr. Chairman, I have presented this House with a balanced bill. This is a bill of compromises. The amendment in full committee to increase crop insurance also provided an increase for the FDA food safety initiative and tobacco regulation enforcement activities. This is a bill that can and should be supported by every Member of this body. I support this bill and ask my colleagues also to support it, and I oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, could I inquire how much time each side has remaining?

The CHAIRMAN. Each side has 12½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, we live in a country where our agricultural production is so bountiful that it exceeds that which our people can consume. We have excess agricultural production each and every year. At the same time, hundreds of thousands of people in our country go to bed hungry every night. Many of these people who are hungry are women who are carrying infants, pregnant women. Others are young mothers, their infants and children.

This is a brutal paradox. And the brutality of it is made worse by the bill before us, because the bill before us would deprive, it is estimated, 50,000 people, young mothers, pregnant women, young children, infants, from the ability to participate in the women, infants and children program, which provides basic nutrition for those folks.

The Obey amendment seeks to correct that brutal situation by restoring $24 million to the women, infants and children program so that some of those pregnant women, some of those young mothers, some of those infants, and some of those children will get proper nutrition. This is a reasonable thing to do.

The opposition says that the Obey amendment is going to hurt farmers. The facts of the matter are quite the contrary. The Obey amendment will help farmers. It will help farmers by taking care of some of that excess agricultural production. Dairy, for example. We have excess dairy production all across the northeastern part of this country and elsewhere in the United States.

The Obey bill will make sure that some of that excess milk and other dairy products are consumed by people who are hungry and need the nutrition. It is a sensible, reasonable thing to do. He takes the money, the $24 million, from the commissions of people who sell crop insurance. And he talked a little bit earlier about some of the specific benefits, like skyboxes and airplane trips and things of that nature, that are enjoyed by these commissioners. And they will be, unfortunately, deprived of those amenities, but that money now will be used to make young mothers, pregnant women, young children whole, give them better nutrition, make them strong, make them healthy. It is a good amendment, and I hope that all Members of this House will support it.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman from New Mexico [Mr. SKEEN] for yielding me the time.

Maybe it is time that we reviewed the facts in this issue rather than listen to the rhetoric. So let me just review the facts for one moment. The gentleman from Wisconsin [Mr. OBEY] offers to reduce the crop insurance program by $23 million, adding it to a $3.9 billion program for WIC. That is almost an insignificant addition, if we understand the immensity of the WIC program already.

However, if we take that same amount from the crop insurance program, we destroy the crop insurance program, we reduce it by 20 percent, it will not be available for agriculture. There will be nobody to deliver the crop insurance.

So while all of us are concerned with the WIC Program, as we should be, I note that this issue was never raised in committee. There were no negative votes on this question. Everybody seemed to have their arms thrown around the program offered by the chairman, until we reach the floor. Is this a hit-and-run on the committee system? I suggest it well may be.

Where should this whole thing be decided? We have added, as mentioned, $118 million to WIC at the same time in committee. Where should this be decided? It should be decided where it has always been decided. The Secretary of Agriculture of the United States of America and crop insurers ought to sit down and negotiate this program. That is what is being done now. We should not take away the negotiation opportunity for farmers by passing this kind of legislation.

So, please, reject the Obey amendment and allow this to be done, as it is properly done, between the Secretary of Agriculture and crop insurers.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, one of the measures of a strong and prosperous nation is its ability and willingness to take care of its neediest communities. I believe, we as a country, have an obligation to address the problems of our most vulnerable citizens. We have a whole wealth of new research indicating importance of proper care for children, particularly at-risk children during their first few years of life.

The very least we can do for these young children is to make sure that they have access to proper nutrition during these formative years. WIC has been proven to be one of our most successful programs at reducing low birth weight, infant mortality, and child anemia. It is one of the most effective social programs that we have.

Why, then, would we fund WIC coming out of the committee $30 million short of what we need to simply maintain the current caseload in 1998? This subtraction of the $30 million will have a direct impact on children's health in this country. I think that the cost could be exacerbated, in fact, if the cost of food is higher in fiscal year 1998.

I think we need to look carefully at funding this program at levels that we have funded it in the past. I am sympathetic with the concerns of small farmers, but the money that this amendment is taking it from comes from insurance premiums. A GAO study in fact showed that the money that these insurance agents are taking from this program is being used for things like skyboxes. And frankly, if you weigh children's nutrition and healthful food and infant formula against skyboxes, I think the choice is pretty clear.

This is not an intention to hurt farmers. And in fact, I think that we should support our farmers of this country, and I think the farmers of this country would support and do support programs that benefit young children.

And so, for those reasons, I think this is a great amendment. I thank the gentleman for raising it.

□ 1115

Mr. SKEEN. Mr. Chairman, I yield 3½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I would just like to point out because I was down here on the debate on the supplemental disaster bill and I was one who voted for $76 billion additional spending on the WIC Program. As was noted earlier today, we have a $118 million increase in WIC over last year's level in this appropriation bill.

What I would like to speak about for just a minute because I was listening with great interest a couple of nights ago to the debate on crop insurance, I found somewhat humorous, if not tragic, the constant reference to skyboxes. I can tell my colleagues about the typical crop insurance agent in my State of South Dakota. Their business is on Main Street. They are mom and pop operations whose main line of business is probably another field of insurance, but they are also involved in crop insurance because somebody has to do it. They are not cutting a fat hog. They are making a living, having a tough

time of it, because they are dealing with a program which is fraught with redtape and bureaucracy.

As I have listened to the crop insurance agents explain to me how difficult it is to be in this business, one of the things that repeatedly comes up is how much bureaucracy and redtape there is. I think as I look the our State of South Dakota, we have 77,000 square miles. Agriculture is our No. 1 industry. We do not have a professional sports team in South Dakota, so our guys are not going to skyboxes. But we have a lot of small crop insurance agents who make this program work. As a matter of fact, 90 percent of the farmers, the producers in South Dakota, are in the crop insurance program and 75 percent at the buyup level.

That is precisely what we wanted to do by changing Government policy in this country, to encourage our producers to protect themselves against future loss so that we do not down the road have to come in with taxpayer dollars in the form of disaster assistance.

Let me tell Members what I think are the alternatives if we do not have a workable crop insurance program. The first one is it will go back to the Federal Government. We will have a delivery system where the Federal Government is once again in the business of crop insurance. I think that is a lot less preferable than having people in the private sector who are delivering this program in a way that makes sense and is efficient and saves the taxpayers dollars.

The second alternative is to have no program at all. Where does that leave us? That leaves us exactly where we were before, and that is year in and year out as a disaster strikes we will be coming back to the Congress and asking for disaster assistance to go to producers in the States that are in the business of agriculture.

I think we have an efficient system that is delivering the product, that is working, and it is to our advantage to have a program that works for the producers, for the people who are trying to make a living, in the business of selling crop insurance, and if we do not have that sort of a system in place, those are the alternatives that we are left with.

I would like to say, because I heard the other night the discussion on skyboxes, it might please the gentleman from Wisconsin to know that I am a Green Bay Packers fan and have been since I was about 5 years old. I have never been to a Green Bay Packers game, but I hope that someday in the future I will. I can assure the gentleman that if and when that happens that I probably will not be in a skybox. I would be happy to sit in general admission, which is where the crop insurance agents in my State of South Dakota, who are small businesses, mom and pop operations, will be sitting with me.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I am very interested in all this discussion about small farmers. I am probably one of the few small farmers in this body. I have a small farm. I sure do not get whole lots of Federal subsidies or insurance agents. I never heard of this commission. But I do know about women's health. I do know what it means when a woman who is pregnant gets good nutrition. I do know what it means when a small child gets good nutrition. All these subsidies for farmers, come on. Farmers are in business. We do not subsidize farmers, or we should not. We certainly should not subsidize insurance agents, at the cost of health care and nutrition. We know that every dollar we put into health care and nutrition for pregnant women is a dollar that pays back time and time again.

What does America stand for? Does it not stand for our children? Let us support the Obey amendment because the Obey amendment is sensible. It is common sense. It is common sense to invest in prevention. All this talk about skyboxes, gee, I never as a small farmer have ever seen one of these commissioners. I buy insurance because I think that is the American way. We buy things for small business. We do it ourselves. We do not take money and food out of the mouths of pregnant women and children so that we in business can get a little subsidy.

As a farmer, I say let us support WIC. I say let us support the Obey amendment. Let us say finally that this is not a country that subsidizes everybody who wants to be in business. This is a country that stands for something. One of the things we stand for is healthy children, healthy mothers. I thank the gentleman from Wisconsin [Mr. OBEY] for presenting this amendment. I say we should all support it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman for yielding me this time.

Mr. Chairman, let me first say that if there is a greater supporter of the WIC Program in this body than CHARLIE STENHOLM, I do not know who it might be. I am a great supporter of WIC. It does wonderful things for people that need wonderful things done for them.

This bill, as presented to us, increases by $118 million the amount of dollars in the WIC Program. If it will take more, I will be glad to join with my colleagues in supporting more. But let me remind all of us, we are dealing with tight budgets. That means we have got to scrutinize all programs, including the good ones, if we are going to do our job.

In regard to crop insurance, I am a great supporter of crop insurance. We have some terrific problems, and time will not permit me to talk about some of the frustrations I have with the crop insurance program today. But this is not the time and the place to revise and reform the crop insurance program. That belongs in the authorizing committee, and we are going to do that.

Let me remind everyone in regard to agents, right now we are racheting down the reimbursement rate for crop insurance agents from 31 percent to 29 percent. We are scheduled to go to 28 percent in 1997. This bill takes it to 27 percent 1 year earlier. Therefore, all of the rhetoric about where this is going and how it is going to do, let me say to my colleagues, this is not the place to make arbitrary judgments regarding the crop insurance plan for some alleged wrongdoing. Stick with the committee bill, defeat the Obey amendment. We are all going to be supportive of WIC. We all are going to be supportive of crop insurance reform, but let the authorizing committee do its work, which I will publicly admit we have not done as yet, and that is a black mark on us, not the appropriators.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, let me try to place this debate and discussion in some context. The fact of the matter is that in the last session of the Congress, the Republican majority did not appropriate enough money for the WIC Program, Women, Infants and Children Program. They were forced, and in fact we helped to force them, to increase those dollars at the end of the process so that women, infants, and children would not be thrown off of the program. In fact, in several States that process has started. But the Democrats forced that debate in order for there to be an increase in funding in the WIC Program, what my colleague from Wisconsin is trying to do, because once again the Republican majority is shortchanging the WIC program and we will find ourselves in the same position where we will look at approximately 55,000 people, women, infants and children, who will not be able to avail themselves of the program. My colleague from Wisconsin is trying to avoid that situation and in fact restore money so that we will not have to take women, infants and children off of this program. This program, we find, is a cost-effective one. It saves us dollars in other programs. It is a wise investment. What the Obey amendment is suggesting is that what we take the money from is the increase in the insurance rates to those who offer crop insurance to farmers. This does not decrease the amount of dollars to farm subsidies.

I understand the problem of small farmers, or I try to do that. The fact of the matter is that the insurance agents are the ones who are benefiting from this effort. I trust the fact that we are trying to bring down the number, but we are talking today about 24 percent of premium. This is a hefty amount of premium. This should not go to the insurance agents but to women, infants and children.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I stand in opposition to the Obey amendment. As working families in every corner of the country go to the grocery store today, they will find about 10,000 items to choose from. In many cases, the overwhelming majority of the cases, they will find good prices for good food products that people can buy in this country. People take that for granted, not understanding how important our agriculture industry is to this country. To amend this bill and to hurt farmers eventually will hurt consumers as they try to buy food in the grocery store.

I know in this day and age we have become a victim to a great degree of our materialistic success and as we go to buy food in stores many Americans think somehow it just comes from the back storeroom or from a truck that came down the road, but that all started out on a farm in some State in this country. To do this to our farmers is a sad commentary on what we are arguing about here today.

The WIC Program is something that we all support. We on our subcommittee in a bipartisan way have supported increased funds for the WIC Program because it is important. But to demagog this issue in the way that it is being demagoged this morning is a real tragedy. I hope Members will look in their hearts and look for the truth in what we are debating about here today and support the position that we have taken on the subcommittee to fully fund crop insurance and fully fund the WIC Program.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I want to address my concerns very briefly to the colleagues who have fiscal concerns. There is no better way to put it than to say we should not be penny wise and pound foolish on this subject. This is not profligate Government spending we are debating here. The WIC Program is a program that works and in the longer term actually saves Federal money. For every $1 used in the prenatal segment of the WIC Program, Medicaid saves untold amounts of money and gives healthy productive lives to all these children. WIC works, to put it very bluntly. It is not an area where we should be penny wise and pound foolish.

I guess I have got to say, Mr. Chairman, and speaking now as a Republican fiscal conservative, in this the wealthiest Nation in the world, we should not see children going to bed hungry.

Mr. Chairman, I rise in support of the Obey amendment to increase funding for the WIC Program by over $24 million by implementing offsetting cuts in funding for crop insurance sales commission.

Mr. Chairman, this amendment is a natural follow-on to the farsighted decision made by this Congress in May to fully fund the WIC Program in the disaster supplemental.

Today, we are reducing for crop insurance sales commissions to provide food and health security for our children. Mr. Chairman, in the constant struggle to make sure that we set our priorities straight, this amendment is another step in the right direction.

For those of my colleagues who have fiscal concerns—don't be penny-wise and pound-foolish.

This is not profligate Government spending we are debating here. The WIC Program is a program that works, and in the longer term, actually saves Federal money. For every $1 used in the prenatal segment of the WIC Program, Medicaid saves untold moneys and gives healthy productive lives to these children and cannot be measured in dollars and cents.

WIC works. It reduces the instances of infant mortality, low birthweight, malnutrition, and the myriad other problems of impoverished children. The WIC Program also provides valuable health care counseling for expectant mothers for both mothers and children.

In recent months Time and Newsweek magazines have written feature articles on the importance of the years from birth to age 3. These articles validate longstanding research based on up-to-date studies of prenatal and early childhood development. WIC funding is a big part of the future development of these infants. Let's not be penny-wise and pound-foolish.

This $24 million for the WIC Program is good investment. A wise investment, at that.

Mr. Chairman, this is the wealthiest Nation in the world and yet, children still go to bed hungry.

WIC must remain fully funded and should be off limits. Only then will we preserve food for hungry babies.

Mr. Chairman, we can take advantage of an opportunity today.

We can meet the challenge of fiscal responsibility in two ways: First, through budget neutrality, that is finding offsets as we appropriate funds to different programs, and second, by making wise investments.

This is a wise investment.

With this amendment, we have the opportunity to enhance WIC funding and thereby protect low-income women and children and—incidentally—the taxpayer.

I urge support of this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I certainly count myself among those in this body that fully support the WIC Program. I think that it ought to be funded so that it can operate and provide services and food to all that meet eligibility requirements. That, I do not think, is what is at issue here this morning. We are talking about a zero sum game. We are trying to increase the funding of one program at the expense of another. Of course it sounds more attractive to say we are going to feed infants and pregnant women at the expense of providing insurance agents with commissions. But I submit that is not really the issue. The issue is what type of a crop disaster program do we wish to have. Do we wish to have one that is based on an insurance principle or do we want ad hoc disaster payments? In the past we have paid out billions of dollars in some years in ad hoc disaster payments to farmers for crop losses. With an insurance-based program, the farmers are purchasing insurance. In order to make that program effective we have to have agents selling the insurance, and this program is essential to maintain that commission program and those agents.

□ 1130

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I spoke the other evening on this subject, and there is a lot been made about the WIC program and caring for women, infants and children. There is plenty of money already in the bill for that, more than what is needed as far as the carryover. But I think one thing that is being very much forgotten here is the women, infants and children of farm families that they are going to destroy by taking away an opportunity for them to protect the risks that they have out there.

Mr. Chairman, when we look at the hope and dream of a small family farm which is made up, by the way, of women, infants and children, they would rather have them apparently go on the welfare rolls than they would to survive in their businesses. All we are asking for is the opportunity for these people, these small farm families, to protect their risk so that they do not have to get on a Government program, so that we do not have to have disaster bills which cost us billions of dollars every year.

If my colleagues want to think about women, infants and children, why do they not think about those on family farms?

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 3 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, a propaganda sheet has been circulated by lobbyists who are lobbying against my amendment, claiming that this is an amendment that attacks farmers. That is certainly not true. I represent farmers, I have fought for them all my life; in my view farmers are not hurt by this amendment, they are hurt by two things. They are hurt by the misguided farm policies of the Reagan, Bush, and Clinton administrations that we suffered through for the last three administrations, and they are also being hurt by the failure of the Committee on Agriculture to reform the crop insurance program so that we do not get ripped off by some of the agents involved in this program. Most of the agents involved are perfectly rational, responsible and fair-minded people, but the fact is that nonetheless the program is

being ripped off. If we separate fact from fiction, the fact is that nothing in this amendment changes crop insurance for farmers, nothing in my amendment changes what farmers will pay for crop insurance. What we are trying to do is to stop the rip-offs on the commissions that some of the insurance agents are getting.

Now the lobby sheet that is being circulated says that 10 percent commission is not enough. We are not cutting this to 10 percent. We are trying to cut the commission from 28 percent to 24½ percent, which is the amount USDA and the Office of Management and Budget both say is sufficient to run the program. We are not cutting it to 10 percent. And the reason we are doing that, as I said earlier, is because we have a General Accounting Office report which indicates that some of the commissions being charged included charges for corporate aircraft, excessive automobile charges, country club memberships, rental of things such as skyboxes, and they suggest that the best way to tighten up this program is to do exactly what we are doing in this amendment.

I know we passed a freedom to farm program last year. I did not vote for it because I thought it was a lousy bill. But the fact is, freedom to farm is not freedom to milk farmers. It is also not freedom to milk taxpayers as some of these commissions are doing.

The fact is my amendment is supported by the U.S. Department of Agriculture, it is supported by the Office of Management and Budget, it is an attempt to end the rip-offs of this program, and that is in the benefit of farmers. It is an attempt to use the money we save to help starving infants and to help malnourished mothers who are about to give birth to children who we want to be healthy. That is what it does.

Stick with the kids. Do not listen to this propaganda sheet being pedaled by some of the agents. I urge support for the amendment.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, three of the six counties in our district are in Appalachia where WIC is a very important program. I am a strong supporter of WIC, and if I believed for 1 minute that this bill shortchanged the WIC Program, I would be supporting the Obey amendment.

I think the facts indicate otherwise. The WIC Program is completely funded in this program. We need to vote ''no'' on this amendment.

Mr. SKEEN. Mr. Chairman, I yield myself the balance of my time.

Let me close and let me state the facts, the facts, once again. This bill does not force anyone to be taken off the program. I do not know where they are getting this information, but we have two statements of administration policy from the Executive Office of the President concerning this bill, and neither one says they are worried about people being forced off the program with the funding level included in the bill. We have heard these scare tactics once again raised, but, Mr. Chairman, they are not true, we have given our colleagues the facts, and I oppose this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to thank and support my colleague, Mr. OBEY, for introducing such an important amendment today. The current bill provides just enough money to maintain current participation levels, but it is based on the assumption that the number of women and children in need and the cost of food will remain absolutely constant. A similar miscalculated assumption brought all of us to the floor 2 months ago to vote on increased funding for WIC in the middle of the 1997 fiscal year.

The WIC funding level does not provide enough funding to ensure that no women, child or infant will be cut from this critical program. The cost of infant formula, for example, depends in part on the contract the State WIC program secure with formula manufacturers. This is not a fixed price. Furthermore, the prices for which the manufacturers have offered to sell formula to State WIC programs have been steadily increasing. If this trend continues, which many expect that it will, then this appropriations bill will fall far short of ensuring that current participation levels are maintained.

The Office of Management and Budget and the U.S. Department of Agriculture project that the funding level the committee has provided would result in the loss of 55,000 to 60,000 women, infants, and children next year alone. In my State of California, 1,225,800 low income and nutritional at risk pregnant women, infants, and children benefit from WIC. It is not fair to suddenly strip many of these women, infants, and children of this vital program in the middle of the 1998 fiscal year simply because we have lacked the foresight now to make accurate predictions of the needs of WIC recipients.

The WIC program is one of the most cost-effective and successful programs in the country. The Government saves $3.50 for each dollar spent on WIC for pregnant women in expenditures for Medicaid, SSI for disabled children, and other programs. More importantly, research has demonstrated how effectively WIC reduces low-birthweight babies, infant mortality, and child anemia.

On behalf of the State of California, which operates the largest WIC program in the country, I urge all of my colleagues to join me in voting ''yes'' on the Obey amendment. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 9, as follows:

[Roll No. 308]

AYES—195

Abercrombie	Gephardt	Obey
Ackerman	Gibbons	Olver
Allen	Gilman	Ortiz
Andrews	Green	Owens
Baldacci	Gutierrez	Pallone
Barrett (WI)	Hall (OH)	Pappas
Bass	Harman	Pascrell
Becerra	Hastings (FL)	Pastor
Bentsen	Hefner	Payne
Bereuter	Hilliard	Pelosi
Berman	Hinchey	Porter
Bilirakis	Horn	Poshard
Blagojevich	Hoyer	Price (NC)
Blumenauer	Jackson (IL)	Quinn
Boehlert	Jackson-Lee (TX)	Rahall
Bonior	Johnson (CT)	Ramstad
Borski	Johnson (WI)	Rangel
Boucher	Johnson, E. B.	Reyes
Brown (CA)	Kanjorski	Riggs
Brown (FL)	Kelly	Rivers
Brown (OH)	Kennedy (MA)	Rodriguez
Campbell	Kennedy (RI)	Roemer
Capps	Kennelly	Ros-Lehtinen
Cardin	Kildee	Rothman
Carson	Kilpatrick	Roukema
Castle	Kind (WI)	Roybal-Allard
Chabot	Kleczka	Rush
Clay	Klink	Sabo
Clayton	Kucinich	Salmon
Clement	LaFalce	Sanchez
Conyers	Lampson	Sanders
Costello	Lantos	Sawyer
Coyne	Levin	Saxton
Cummings	Lewis (GA)	Schumer
Davis (FL)	Lipinski	Scott
Davis (IL)	LoBiondo	Serrano
Davis (VA)	Lofgren	Shays
DeFazio	Lowey	Sherman
DeGette	Luther	Skaggs
Delahunt	Maloney (CT)	Slaughter
DeLauro	Maloney (NY)	Smith, Adam
Dellums	Manton	Stokes
Deutsch	Markey	Strickland
Diaz-Balart	Martinez	Stupak
Dicks	Mascara	Sununu
Dixon	Matsui	Tauscher
Doggett	McCarthy (MO)	Thurman
Dooley	McCarthy (NY)	Tierney
Doyle	McDermott	Torres
Ehlers	McGovern	Towns
Engel	McHale	Traficant
Ensign	McKinney	Velazquez
Eshoo	McNulty	Vento
Evans	Meehan	Visclosky
Fattah	Meek	Waters
Fawell	Menendez	Watt (NC)
Filner	Millender-McDonald	Waxman
Flake	Miller (CA)	Weldon (PA)
Foglietta	Mink	Wexler
Forbes	Moakley	Weygand
Fox	Moran (VA)	Wise
Frank (MA)	Morella	Woolsey
Franks (NJ)	Nadler	Wynn
Frelinghuysen	Oberstar	Yates
Furse		Young (FL)
Gejdenson		

NOES—230

Aderholt	Bunning	Cubin
Archer	Burr	Cunningham
Armey	Burton	Danner
Bachus	Buyer	Deal
Baesler	Callahan	DeLay
Baker	Calvert	Dickey
Ballenger	Camp	Doolittle
Barcia	Canady	Dreier
Barr	Cannon	Duncan
Barrett (NE)	Chambliss	Dunn
Bartlett	Chenoweth	Edwards
Bateman	Christensen	Ehrlich
Berry	Clyburn	Emerson
Bilbray	Coble	English
Bishop	Coburn	Etheridge
Bliley	Collins	Everett
Blunt	Combest	Ewing
Boehner	Condit	Farr
Bonilla	Cook	Fazio
Bono	Cooksey	Foley
Boswell	Cox	Ford
Boyd	Cramer	Fowler
Brady	Crane	Frost
Bryant	Crapo	Gallegly

Ganske	Leach	Ryun
Gekas	Lewis (CA)	Sandlin
Gilchrest	Lewis (KY)	Sanford
Gillmor	Linder	Scarborough
Gonzalez	Livingston	Schaefer, Dan
Goode	Lucas	Schaffer, Bob
Goodlatte	Manzullo	Sensenbrenner
Goodling	McCollum	Sessions
Gordon	McCrery	Shadegg
Goss	McDade	Shaw
Graham	McHugh	Shimkus
Granger	McInnis	Shuster
Greenwood	McIntosh	Sisisky
Gutknecht	McIntyre	Skeen
Hall (TX)	McKeon	Skelton
Hamilton	Metcalf	Smith (MI)
Hansen	Mica	Smith (NJ)
Hastert	Miller (FL)	Smith (OR)
Hastings (WA)	Minge	Smith (TX)
Hayworth	Mollohan	Smith, Linda
Hefley	Moran (KS)	Snowbarger
Herger	Murtha	Snyder
Hill	Myrick	Solomon
Hilleary	Nethercutt	Souder
Hinojosa	Neumann	Spence
Hobson	Ney	Spratt
Hoekstra	Northup	Stabenow
Holden	Norwood	Stearns
Hooley	Nussle	Stenholm
Hostettler	Oxley	Stump
Houghton	Packard	Talent
Hulshof	Parker	Tanner
Hunter	Paul	Tauzin
Hutchinson	Paxon	Taylor (MS)
Inglis	Pease	Taylor (NC)
Istook	Peterson (MN)	Thomas
Jefferson	Peterson (PA)	Thompson
Jenkins	Petri	Thornberry
John	Pickering	Thune
Johnson, Sam	Pickett	Tiahrt
Jones	Pitts	Turner
Kasich	Pombo	Upton
Kim	Pomeroy	Walsh
King (NY)	Portman	Wamp
Kingston	Pryce (OH)	Watkins
Klug	Radanovich	Watts (OK)
Knollenberg	Redmond	Weldon (FL)
Kolbe	Regula	Weller
LaHood	Riley	White
Largent	Rogan	Whitfield
Latham	Rogers	Wicker
LaTourette	Rohrabacher	Wolf
Lazio	Royce	

NOT VOTING—9

Barton	Kaptur	Schiff
Dingell	Molinari	Stark
Hyde	Neal	Young (AK)

□ 1156

The Clerk announced the following pair:

On this vote:

Ms. KAPTUR for, with Mr. BARTON of Texas against.

Ms. DANNER and Messrs. CLYBURN, COX, ENGLISH of Pennsylvania, ROHRABACHER, and MOLLOHAN changed their vote from ''aye'' to ''no.''

Messrs. PAPPAS, GIBBONS, SUNUNU, and STRICKLAND changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I would like to ask, what are the rules of the House in terms of distributing literature at the door which absolutely, totally misdescribes and libels the amendment that was just offered by me?

There is a sheet that was distributed which says ''Vote no on the Obey amendment to kill crop insurance''. It does absolutely no such thing. This House has a rule against that kind of misinformation. I would like to know what the rule is.

The CHAIRMAN. The rule is that anything that is handed out at the doors or on the floor must bear the name of the Member authorizing it.

Mr. OBEY. Could I ask, Mr. Chairman, what are the rules with respect to sheets which are absolutely, totally false and erroneous?

□ 1200

The CHAIRMAN. The rules of decorum may generally be applied to the contents of such handout.

Mr. OBEY. Mr. Chairman, I have a further parliamentary inquiry.

Mr. Chairman, under the rules of the House, what are the remedies available to a Member when the amendment that he has offered to the House is being falsely described in a sheet handed out by another Member?

The CHAIRMAN. The Chair is reluctant to address the question in a hypothetical manner but would be pleased to consult with the gentleman.

Mr. OBEY. Mr. Chairman, I do not understand that response. This is not a hypothetical situation. This just occurred. I thought there was a requirement for truth on the sheets that are being distributed.

The CHAIRMAN. The Chair suspects the remedy would be the same as the remedy for any action by any Member in any committee.

Mr. OBEY. Mr. Chairman, I suggest this is an outrageous misstatement of the facts. The truth is regular order.

The CHAIRMAN. The Chair understands the gentleman's concern but has not had an opportunity to examine the flier.

AMENDMENT NO. 4 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MEEHAN:

In the item relating to ''RISK MANAGEMENT AGENCY'' in title I, after the last dollar amount, insert ''(reduced by $14,000,000)''.

In the item relating to ''SALARIES AND EXPENSES''—''FOOD AND DRUG ADMINISTRATION'' in title VI, after the aggregate dollar amount in the first undesignated paragraph, insert ''(increased by $10,000,000)''.

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from Massachusetts [Mr. MEEHAN] and a Member opposed, each will control 5 minutes.

Does the gentleman from New Mexico seek the time in opposition to the amendment?

Mr. SKEEN. Yes, Mr. Chairman, I do. I rise in opposition.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Utah [Mr. HANSEN], my Republican colleague, a leader in the fight to protect America's children against tobacco and the cochair of the task force on tobacco and health in the Congress.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, most of my colleagues know that throughout my 17 years in this body I have been keenly interested in decreasing the use of alcohol and tobacco products by our children. I have no issue with the adults who choose to responsibly use legal tobacco and alcohol products, but I have become increasingly upset at the dramatic increase in tobacco use among our young people today.

Cigarette smoking among high school seniors is at a 17 year high. Smoking among eighth and tenth graders has increased 50 percent since 1991. These 13 and 14 year old children are being sentenced to shorter and unhealthier lives by addictive tobacco products. Even the tobacco industry now agrees to this conclusion. Tobacco smoking is a problem that clearly starts with our children. Almost 90 percent of today's adults who smoke started before the age of 18. The average youth smoker begins at age 13 and becomes a daily smoker at age 14. It is self-evident that the message that tobacco kills is not reaching our children or our grandchildren.

We have worked with the Food and Drug Administration over the past 2 years to develop regulations to curb youth tobacco abuse. The comprehensive FDA plan intends to reduce tobacco use by our young people by 50 percent in 7 years.

Some of the initiatives in the plan would require photo ID for the sale of cigarettes and tobacco smoke just like we do for alcohol. It would prohibit vending machine cigarettes, eliminate free samples and the sale of single cigarettes and packages with less than 20 cigarettes, known as kiddie packs, that are known to be given to children.

The FDA rule will also strive to make tobacco products less appealing to children by banning outdoor advertising within 1,000 feet of schools and prohibiting giveaways of products like hats or gym bags that carry cigarette or smokeless tobacco products. These measures will have no effect on adults who choose to use this product.

However, our children should not be bombarded with advertising and promotion which tell them that the illegal use of tobacco products is fun, it is glamorous, it is cool. The age restrictions on tobacco products which are in law in every State exist because children lack sufficient information and experience to decide whether to use a product as harmful as cigarette or spit tobacco.

The proposed FDA regulation would also require tobacco companies to notify consumers about the unreasonable health risks of their product, including warning labels on packages that kids

can understand, for example, warning: Cigarettes kill.

I would urge Members to support the Meehan-Hansen amendment which would do something great for this country on health.

Most of my colleagues know that throughout my 17 years in this body, I have been keenly interested in decreasing the use of alcohol and tobacco products by our Nation's children. I have no issue with adults who choose to responsibly use legal tobacco and alcohol products. But, I have become increasingly upset at the dramatic increase in tobacco use among young people today. Cigarette smoking among high school seniors is at a 17-year high. Smoking among 8th and 10th graders has increased by over 50 percent since 1991. These 13- and 14-year-old children are being sentenced to shorter and unhealthier lives by addictive tobacco products. Even the tobacco industry now agrees with this conclusion.

Tobacco smoking is a problem that clearly starts with our children: Almost 90 percent of today's adult smokers started using tobacco before age 18. The average youth smoker begins at age 13 and becomes a daily smoker by age 14½. It is self-evident that the message that tobacco kills is not reaching our children and grandchildren.

I have worked with the Food and Drug Administration [FDA] over the past 2 years to develop regulations to curb youth tobacco abuse. The comprehensive FDA plan intends to reduce tobacco use by young people by 50 percent in 7 years.

Some of the initiatives included in the FDA plan would: Require photo ID for the sale of cigarettes and smokeless tobacco, just like for alcohol; prohibit vending machine sales of cigarettes; eliminate free samples and the sale of single cigarettes and packages with fewer than 20 cigarettes, known as kiddie packs.

The FDA rule will also strive to make tobacco products less appealing to children by banning outdoor advertising within 1,000 feet of schools, and prohibiting giveaways of products like hats or gym bags that carry cigarette or smokeless tobacco product names or logos. These measures will have no effect on adults who choose to legally use these products.

However, our children should not be bombarded with advertisements and promotions which tell them that their illegal use of tobacco products is fun, glamorous, or cool. The age restrictions on tobacco products, which are law in every State, exist because children lack sufficient information and experience to decide whether to use a product as harmful as cigarettes or spit tobacco. When tobacco products are seen as popular and cool, you can count on an increase in underage smoking.

The proposed FDA regulations will also require tobacco companies to notify consumers about the unreasonable health risks of their products, including descriptive warning labels on packages of cigarettes that kids can really understand:

WARNING: Cigarettes Kill

WARNING: Cigarettes Are Addictive

WARNING: Cigarette Smoking Harms Athletic Performance

WARNING: Smoking During Pregnancy Can Harm Your Baby

Similar warnings will be included on smokeless tobacco products, such as:

WARNING: Use of smokeless tobacco can make your teeth fall out.

Who among us will stand up and argue with the accuracy of these warnings? This will be the first national program ever undertaken to reduce youth access to tobacco. I believe these are major strides in the right direction.

However good these ideas may be, enforcement is the key to their success. Today, it is far too easy for kids to buy cigarettes and spit tobacco. Studies of over-the-counter sales have found that children and adolescents were able to successfully buy tobacco products 67 percent of the time. Despite the fact that it is illegal in all 50 States to sell cigarettes and smokeless tobacco to minors, our young people purchase an estimated 1.26 billion dollars' worth of tobacco products each year.

Strong enforcement is the key to reducing youth access to tobacco. The Food and Drug Administration seeks $34 million to fund the enforcement of these regulations. The funding sought by FDA will not create a new Federal bureaucracy and the majority of these funds will go directly to State and local officials for enforcement.

Let me repeat that, this funding will not create a new Federal bureaucracy and the majority of these funds will go directly to State and local officials for enforcement.

The current Agriculture appropriations bill funds this vital program at only $24 million. The Meehan-Hansen amendment would provide the full funding request for this vital program.

The offset for these funds would come from the Federal Crop Insurance Corporation's Crop Insurance Sales Commission, by decreasing that program's funding by $14 million and increasing the FDA's funding by $10 million, for a net savings of $4 million. The Agriculture appropriations bill currently funds the Crop Insurance Sales Commission at $188 million—an increase of over $36 million above the President's request. This program reimburses private insurance companies for expenses associated with selling and servicing crop insurance policies.

A recent GAO audit of this program uncovered numerous inappropriate expenses, such as business acquisitions and lobbying. Also included in the program's expenses were: $22,000 for a trip to Las Vegas; $44,000 for a fishing trip to Canada; country club memberships; tickets to sporting events, including $18,000 for a baseball skybox rental and $6 million to fund above average individual agent sales commissions by one large company.

In my humble opinion, these are not valid uses of taxpayer money. It appears this program is clearly one that can afford to spare a small percentage of its budget to improve and protect the health of our children and grandchildren. Even with the $14 million decrease in funding contained in this amendment, the program will still be funded at 114 percent of what Secretary Glickman deems necessary.

Please join with 87 percent of the American public in supporting the FDA policy for restricting tobacco use among children. This is the right thing to do for the health of our children and future generations. I urge my colleagues to vote ''yes'' on the Hansen-Meehan amendment to fully fund the FDA efforts to enforce tobacco regulations to keep these products out of the hands of our children.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

We started on this bill last Wednesday, and yesterday we offered a unanimous-consent request that would have allowed 30 minutes of debate on this amendment. We were informed to not bother making the offer because it would be objected.

The bill is supported by the administration and they are very happy with this bill. They are very happy with the Food and Drug Administration number. Last year FDA spent $4.9 million on its antismoking tobacco program. The committee bill provides $24 million for this program, quadruple what it had last year. In all my years here, I have not ever seen a program that could absorb money that fast and spend it wisely.

Nonetheless, this is an important initiative, and it is obvious that the committee supports it, but enough is enough. They are damaging one program, crop insurance, that also needs help. I ask Members for a no vote.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise today because what we need to do with this amendment is fully fund the tobacco initiative. The administration does not support this. The administration requested $34 million to carry out the necessary enforcement and outreach that will effectively curtail sales of tobacco products to children. I would hope that we could all agree, there are 50 States that have laws that are in effect, to regulate tobacco use to children. This allows the FDA to fully enforce those laws. That is what this is all about.

It does not affect tobacco farmers. It does not deal with the contentious or controversial issues relative to FDA regulation like marketing restrictions and advertising. All this attempts to do is give the FDA the resources that the administration says they need to effectively inform retailers of what they are to be doing; namely, carding a consumer who is underage who comes to buy tobacco products. The evidence is overwhelming that retailers are selling these products that kill children to children. The only thing we are trying to do with this amendment is allow the FDA to implement a program of education so that they can make sure that retailers know how they should protect children from sales. We have to card people, to educate people.

We are talking about tobacco, the leading preventable cause of death in America. In nearly every category, children are using tobacco products more and more, 3,000 children experiment with tobacco products a day, 1,000 of them have their lives cut short. The minimum that we can do, the minimum we can do is enforce the laws that are in effect now. Let us make them card people. Let us make the retailers stop selling this destructive product to children.

The way we do that is by giving the FDA the authority and the resources they need. Even with this money that

is available, the Department of Agriculture will still get 114 percent of what they asked for. There is no excuse for not passing this amendment. It is in the interest of America's children.

This is a bipartisan bill. It is not a Democratic amendment. It is a bipartisan amendment. There are Members here who have been fighting all across America, attorneys general who have been fighting, hours and months of negotiating to keep tobacco products away from children. Let us join with those health experts. Let us join with the President and protect America's children. Vote for this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Chairman, I rise to speak in opposition to this amendment. Obviously this is an emotional issue. As the gentleman from Massachusetts said, 50 States already prohibit the sale of tobacco products to minors, and those States have the responsibility to enforce those regulations. In addition, as the chairman said, the gentleman from New Mexico [Mr. SKEEN], $24 million is in this bill to give FDA the authority to enforce its regulations.

I would remind the gentleman from Massachusetts and the proponents of this amendment that the FDA in the Fifth Circuit in the U.S. District Court in North Carolina has stayed all of the FDA regulations with the exception of carding children 27 and below at retail establishments. There is sufficient funds available for that.

In addition to that, in 1992, this Congress passed the SAMSA regulations with HHS. They also are enforcing these regulations. So this money is absolutely not needed at this time.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I rise against the Meehan amendment and the Hansen amendment. Mr. Chairman, certainly none of the arguments posed here can be objected to by anyone. No one wants children to smoke. As a matter of fact, I do not want adults to smoke. I am so strong in that that I quit myself. But the idea here is simply that we are moving the funding to the wrong area.

It has been said that there is an additional $24 million in this program. I support that idea. The problem here is that we are affecting all of agriculture. We are affecting wheat and corn and soybeans and all other agricultural products. This is not just directed at tobacco. This is directed against crop insurance.

This is the risk management tool, Mr. Chairman, that we talked about in the last amendment; here again, no one is opposed to increasing WIC. No one is opposed to increasing the battle against children smoking and for tobacco itself. But in this amendment, maybe mistakenly, we have impacted all of agriculture and, again, we are attacking a program that must stay in place for a whole industry, and that is agriculture.

Please, I ask all of my colleagues, again, oppose the Hansen-Meehan amendment.

Mr. CASTLE. Mr. Chairman, I rise in support of this amendment to fully fund the FDA's tobacco initiative to enforce restrictions on the sale of tobacco to children. Thirty-three States have pledged to work hand in hand with the FDA to ensure that provisions of its tobacco initiative are fully enforced. This amendment is critical to ensuring our Nation's success in reducing youth access to tobacco.

Cigarette smoking among high school seniors is at a 17-year high, and smoking among 8th and 10th graders has increased by more than 50 percent since 1991. According to a University of Michigan study, an astonishing 18.6 percent of eighth graders smoke. And they are getting cigarettes from stores—on average, kids are able to buy tobacco products over-the-counter 67 percent of the time.

I cannot emphasize enough how important it is to stop kids from smoking. Very few adult smokers picked up their habit after age 20. In fact, 9 percent of adult smokers started smoking before age 12, and 90 percent started before age 18. Every day, approximately 3,000 young people begin smoking, and over half of them become addicted.

Despite the fact it is against the law in all 50 States to sell cigarettes and smokeless tobacco to minors, kids purchase an estimated $1.26 billion worth of tobacco products each year. The FDA's initiative will make it more difficult for kids to sustain their smoking habit by reducing their access. It will require retailers to conduct ID checks of all tobacco purchasers who appear to be under age 27. This may appear to be a pretty high age for an ID check, but teens—particularly older teens—are notorious for being able to make themselves look older and more sophisticated.

There are other important reasons to stop kids from smoking—including a finding that heavy teen smokers are far more likely than nonsmokers to use heroin or other illegal drugs. Young smokers are also susceptible to a host of other health problems, including decreased physical fitness, respiratory illnesses, early development of artery disease, and reduced lung development.

The offset for this amendment, the Crop Insurance Sales Commission program, reimburses private insurance companies for expenses associated with selling and servicing crop insurance policies.

The GAO has found many inappropriate expenses included in reimbursement rates, including funds to cover country club memberships, a $44,000 fishing trip to Canada, and tickets to sporting events—including $18,000 for a baseball skybox rental.

As a remedy, the GAO recommended a $152 million appropriation. Even if this amendment is adopted, the Insurance Sales Commission program will still be funded at $174 million—well above what GAO recommended.

Passage of this amendment is critical to reducing teen access to tobacco. The price of our failure to do so will be millions of tobacco-addicted adults, billions of dollars in lost productivity and health care costs, and unmeasurable pain and suffering. Let's cut our losses and support this amendment.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Meehan-Hansen amendment which would increase funding for the Food and Drug Administration [FDA] by $10 million. This money would be used for outreach efforts to educate businesses about their responsibilities regarding the sale of tobacco products to children.

Yes, it is against the law to sell tobacco to children. Unfortunately, these laws are rarely enforced. A review of 13 studies of over-the-counter sales reveals that children and adolescents were able to successfully buy tobacco products 67 percent of the time. Young people purchase an estimated 1.26 billion dollars' worth of cigarettes and smokeless tobacco each year.

The bill that is on the House floor does not adequately fund the FDA's initiative to reduce children's access to tobacco products. The FDA's tobacco initiative mandates that retailers must check the photo identification of individuals who want to buy cigarettes. Without full funding, the FDA will not be able to adequately enforce this crucial restriction on the sale of tobacco to children.

Tobacco continues to be a major health problem in the United States. The American Heart Association emphasizes that:

more people die each year in the United States from smoking than from AIDs, alcohol, drug use, homicide, car accidents, and fires combined.

Tobacco use accounts for more than $68 billion in health care costs and lost productivity each year.

Nearly all tobacco use begins in the teenage years. Adolescent smokers become adult smokers. The key to reducing the rate of disease resulting from tobacco use is to discourage young people from starting to use tobacco products.

Mr. Chairman, we can no longer close our eyes to a product that brings into its deathly fold 3,000 children each day. Teenage smoking is a national health care crisis that can be curbed by fully funding the FDA's tobacco initiative.

It is my understanding that, in order to pay for this increase in funds to the FDA, $14 million would be taken from the crop insurance sales commissions of the USDA's Risk Management Agency. Under this program, private insurance companies are reimbursed for expenses incurred in the process of providing crop insurance for Federal programs. I believe this is a reasonable offset because the bill provides $36 million more than was recommended in the President's budget for this program, which is funded at $188 million. I also understand that a GAO report has raised some concerns about this program. According to the GAO, in past years, some of the reimbursements have included expenses for a trip to Las Vegas, $22,000, rental of a skybox, $18,000, and fishing in Canada, $44,000.

What kind of an America will we leave for our children if we do not take steps to prevent yet another generation from becoming addicted to tobacco? Providing the FDA with adequate funds to implement and enforce

their tobacco initiative will change for the better the landscape of smoking in the United States.

I urge my colleagues to support the Meehan-Hansen amendment.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, with so many of our children that are 18 years old——

The CHAIRMAN. The gentlewoman will state her inquiry.

Ms. JACKSON-LEE of Texas. Mr. Chairman, emphasizing the facts of how many of our children are smoking, the inquiry is, Mr. Chairman, with so many of our children dying from tobacco, why this debate is limited to 5 minutes? What are the rules and why are we limited to not allowing the 24 Members who want to speak on this amendment, why can they not speak on this amendment opposing death by cigarettes to children?

The CHAIRMAN. The gentlewoman is not stating a parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Mr. Chairman, why can we not speak beyond the 5 minutes or the 10 minutes allotted?

The CHAIRMAN. The gentlewoman has not stated a parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Meehan amendment to H.R. 2160, the Agriculture Appropriations Act of 1998.

This amendment would transfer $14 million of the excess funds over the Department's request for their Federal Crop Insurance Sales Commission Program to fully fund the Food and Drug Administration's tobacco initiative. This transfer of funds from the Federal Crop Insurance Sales Commission would leave that account with 114 percent over the President's request for that area.

The Federal Crop Insurance Sales Commission Program reimburses private insurance companies for expenses associated with selling and servicing crop insurance policies. This amendment would leave $22 million in funding over the President's request.

According to the University of Texas-Houston School of Public Health study titled ''Why Kids Start to Smoke,'' the smoking prevalence rates for minorities in Texas are slightly higher than the national statistics according to Dr. Steven Kelder, assistant professor of behavioral sciences and principal investigator with the Southwest Center for Prevention Research at the university.

According to Dr. Laura K. McCormick, smoking is clearly a danger to health, and the number of teenagers who do smoke is considerable.

Tobacco use is a problem that starts with children. Almost 90 percent of adult smokers began smoking at or before age 18. Every day 3,000 children and adolescents become regular smokers, 1,000 of whom will eventually die prematurely because of tobacco use. More than 5 million children under age 18 alive today will die from smoking-related disease unless current rates are reversed.

Thirty-three State attorneys general have requested that the FDA receive full funding for the tobacco initiative to help their States fight to protect kids from tobacco. Today, in our Nation 4.5 million kids age 12 to 17 are current smokers, while smoking among high school seniors is at a 17-year high.

Since 1991, the answer to the question, ''Have you smoked over the past month,'' the response among eighth graders and tenth graders has increased by almost 50 percent. If we do not act to stem the tide of teenage smokers more than 5 million children under age 18 alive today will die from smoking-related disease, unless current rates are reversed.

This amendment will have no effect on individual farmers. It leaves the Federal Crop Insurance Sales Commission Program very well funded by $22 million more than USDA Secretary Glickman has indicated is needed to effectively fund the crop insurance program.

The Food and Drug Administration will use the funds made available by this amendment to begin work through training programs for the half million retailers in this country who sell tobacco products regarding their responsibilities under the law regarding tobacco sales to minors.

I thank Congressman MEEHAN for his leadership in bringing this amendment to the House for adoption to the Agriculture appropriation bill.

I would like to encourage my colleagues to support this amendment.

The question is on the amendment offered by gentleman from Massachusetts [Mr. MEEHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

□ 1215

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 193, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1998, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $783,507,000 in the President's fiscal year 1998 Budget Request (H. Doc. 105–3)), but not to exceed $783,507,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1998, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $610,000,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,835,000 is for snow survey and water forecasting and not less than $8,825,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem

rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): *Provided further,* That the Secretary is authorized to transfer ownership of land, buildings and related improvements of the plant materials facilities located at Bow, Washington to the Skagit Conservation District.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1009), $10,000,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $101,036,000, to remain available until expended (7 U.S.C. 2209b) of which not more than $50,000,000 shall be available for technical assistance: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $29,377,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $2,000,000, to remain available until expended.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $3,950,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,000,000,000 shall be for unsubsidized guaranteed loans; $30,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $128,640,000 for section 515 rental housing; $600,000 for section 524 site loans; $25,000,000 for credit sales of acquired property; and $587,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $128,500,000, of which $6,900,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,300,000; section 514 farm labor housing, $7,388,000; section 515 rental housing, $68,745,000; credit sales of acquired property, $3,492,000; and section 523 self-help housing land development loans, $17,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $354,785,000, which shall be transferred to and merged with the appropriation for ''Rural Housing Service, Salaries and Expenses.''

MULTI-FAMILY HOUSING GUARANTEES

For gross obligations for the principal amount of guaranteed loans for the multi-family housing guarantee program as authorized by section 538 of the Housing Act of 1949, as amended, $19,700,000.

For the cost of guaranteed loans for the multi-family housing guarantee program as authorized by section 538 of the Housing Act of 1949, as amended, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $1,200,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $493,870,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided,* That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That agreements entered into or renewed during fiscal year 1998 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $26,000,000, to remain available until expended (7 U.S.C. 2209b).

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $2,000,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

RURAL HOUSING ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, agreements, and grants, as authorized by 7 U.S.C. 1926, 42 U.S.C. 1472, 1474, 1479, 1486, and 1490(a), except for sections 381E, 381H, and 381N of the Consolidated Farm and Rural Development Act, $86,488,000, to remain available until expended, for direct loans and loan guarantees for community facilities, community facilities grant program, rural housing for domestic farm labor grants, very low-income housing repair grants, rural housing preservation grants, and compensation for construction defects of the Rural Housing Service: *Provided,* That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further,* That of the total amount appropriated, not to exceed $1,200,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities as authorized by Public Law 103–66: *Provided further,* That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1998, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $58,804,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944, and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,888,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of $35,000,000: *Provided further,* That through June 30, 1998, of the total amount appropriated, $3,345,000 shall be available for the cost of direct loans for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

In addition, for administrative expenses to carry out the direct loan programs, $3,482,000 shall be transferred to and merged with the appropriation for ''Rural Business-Cooperative Service, Salaries and Expenses.''

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, as amended, for the purpose of promoting rural economic development and job creation projects, $25,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, up to $5,978,000, to be derived by transfer from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, as amended, to remain available until expended.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $3,000,000, of which up to $1,300,000 may be available for cooperative agreements for appropriate technology transfer for rural areas program.

RURAL BUSINESS-COOPERATIVE ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for sections 381E, 381H, and 381N of the Consolidated Farm and Rural Development Act, $51,400,000, to remain available until expended, for direct loans and loan guarantees for business and industry assistance and rural business enterprise grants of the Rural Business-Cooperative Service: *Provided,* That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That $500,000 shall be available for grants to qualified nonprofit organizations as authorized under section 310B(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932): *Provided further,* That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further,* That, of the total amount appropriated, not to exceed $148,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for business and industry loans for empowerment zones and enterprise communities as authorized by Public Law 103–66 and rural development loans for empowerment zones and enterprise communities as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: *Provided further,* That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1998, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $25,680,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944, and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $400,000,000; and loans made pursuant to section 306 of that Act, rural electric, $300,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935 and 936), as follows: cost of direct loans, $12,461,000; cost of municipal rate loans, $16,880,000; cost of money rural telecommunications loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,760,000: *Provided,* That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $34,398,000, which shall be transferred to and merged with the appropriation for ''Rural Utilities Service, Salaries and Expenses.''

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1998 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $3,710,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for ''Rural Utilities Service, Salaries and Expenses.''

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., as amended, $15,030,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided,* That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for sections 381E, 381H, and 381N of the Consolidated Farm and Rural Development Act, $577,242,000, to remain available until expended, for direct loans, loan guarantees, and grants for rural water and waste disposal, and solid waste management grants of the Rural Utilities Service: *Provided,* That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further,* That through June 30, 1998, of the total amount appropriated, $18,700,000 shall be available for the costs of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further,* That of the total amount appropriated, not to exceed $18,700,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of the Consolidated Farm and Rural Development Act, as amended: *Provided further,* That of the total amount appropriated, not to exceed $5,200,000 shall be available for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That an amount not less than that available in fiscal year 1997 be set aside and made available for ongoing technical assistance under sections 306(a)(14) (7 U.S.C. 1926) and 310(B)(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932): *Provided further,* That of the total amount appropriated, not to exceed $8,750,000 shall be for water and waste disposal systems pursuant to section 757 of Public Law 104–127.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, and for cooperative agreements, $33,000,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944, and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 47, line 7, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $454,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $7,766,966,000, to remain available through September 30, 1999 of which $2,548,555,000 is hereby appropriated and $5,218,411,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That none of the funds made available

under this heading shall be used for studies and evaluations: *Provided further,* That up to $4,124,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,924,000,000, to remain available through September 30, 1999: *Provided,* That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further,* That up to $12,000,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further,* That notwithstanding sections 17 (g), (h) and (i) of such Act, the Secretary shall adjust fiscal year 1998 State allocations to reflect food funds available to the State from fiscal year 1997 under section 17(i)(3)(A)(ii) and 17(i)(3)(D): *Provided further,* That the Secretary shall allocate funds recovered from fiscal year 1997 first to States to maintain stability funding levels, as defined by regulations promulgated under section 17(g), and then to give first priority for the allocation of any remaining funds to States whose funding is less than their fair share of funds, as defined by regulations promulgated under section 17(g): *Provided further,* That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: *Provided further,* That State agencies required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996 only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $25,140,479,000, to remain available through September 30, 1998, in accordance with section 18(a) of the Food Stamp Act: *Provided,* That $100,000,000 for the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or workforce requirements as may be required by law: *Provided further,* That $1,204,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028: *Provided further,* That $100,000,000 of the foregoing amount shall be available to carry out the Emergency Food Assistance Program as authorized by section 27 of the Food Stamp Act.

AMENDMENT NO. 12 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. CLAYTON:

Page 49, line 21, insert ''(increased by $2,478,000,000)'' after the first dollar figure.

Page 49, at the end of line 14, add the following:

Each amount otherwise appropriated in this Act (other than this paragraph) is hereby reduced by 5 percent.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to House Resolution 193, the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentleman from New Mexico [Mr. SKEEN] will each control 5 minutes.

The gentlewoman from North Carolina [Mrs. CLAYTON] is recognized.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment increases the funding for food stamps by $2.4 billion in fiscal year 1998. The increase will result in food stamps being funded at the same level as in fiscal year 1997. This amendment is paid for, Mr. Chairman, by an across-the-board decrease of 5 percent on all other accounts, mandatory and discretionary.

Mr. Chairman, last Congress we agreed that our welfare system needed to be reformed, and we were right, but reforms should be directed to moving people out of poverty, not into poverty. Nutrition programs are essential for the well-being of millions of our citizens: the disadvantaged, our children, the elderly and the disabled.

These are groups of people who, in many instances, cannot provide for themselves and need assistance for their basic existence. They do not ask for much, just a little help in sustaining them through the day, to keep their children alert in class, or to help others be productive on their jobs or as they seek and search for jobs.

Nutrition programs in many cases provide the only nutritious meals that many of our Nation's poor receive on a daily basis. Many of those I am speaking about, far too many, are working people, working families. These working Americans are struggling to make ends meet and still cannot afford to feed their families.

One-fifth of families receiving food stamps are working families who have a gross income below the poverty level. Of the 27 million people served by the food stamp program, over half, 51 percent, are children; 7 percent are elderly.

The program allows only 75 cents per person per meal. When was the last time any of us had to exist off of 75 cents per meal?

I am concerned that in our zeal to balance the budget, we are failing to balance our priorities. That failure is demonstrated in a telephone call to my office recently. It was from a woman who, having labored for a lifetime, now lives on her Social Security of $6,500 a year.

Her Social Security payment was increased by $16. Because of that increase, her food stamp allotment was lowered by $7. Her State then made adjustments in their Medicaid Program. Two types of needed medication that had cost her $1 each before, now cost her a total of $100. The $16 increase cost her a $107 cut in her already paltry income.

We may be gliding toward a balanced budget, Mr. Chairman, but many of our citizens are sliding rapidly to the bottom, and this Congress has an obligation to understand what we are doing. The best efforts of the four Presidents and thousands of people who were in Philadelphia recently talking about voluntarism could not make up the difference required in the food banks and shelters if indeed we do not make that money available.

It is time for us to stop picking on the poor, Mr. Chairman. It is time for us to understand that we, too, have an obligation to them. Hunger has a cure, and Congress is part of that remedy. I urge my colleagues to consider the needs of the poor and those who receive food stamps.

Mr. Chairman, I had wanted to make that point so Congress is aware of our responsibility through the food stamp program and how we had been serving the food stamp program and what those cuts will mean to America.

Mr. Chairman, because I know I will have a point of order, I will not call for a vote, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note) and provide administrative expenses pursuant to section 204 of the Emergency Food Assistance Act of 1983, $141,000,000, to remain available through September 30, 1999: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $141,165,000, to remain available through September 30, 1999.

AMENDMENT NO. 18 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. SANDERS:

Page 51, line 6, insert after the dollar amount ''(increased by $5,000,000)''.

Page 56, line 15, insert after the second dollar amount ''(reduced by $5,470,000)''.

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from Vermont [Mr. SANDERS] and a Member opposed each will control 5 minutes.

Does the gentleman from New Mexico [Mr. SKEEN] seek time in opposition to the amendment?

Mr. SKEEN. Mr. Chairman, yes, I stand in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] will control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. LOBIONDO] to speak on this bipartisan amendment which increases funding for Meals on Wheels.

Mr. LOBIONDO. Mr. Chairman, I want to thank the gentleman from Vermont [Mr. SANDERS] for his cooperation and work on this very important amendment.

Mr. Chairman, in my district the Meals on Wheels programs in Cumberland, Gloucester, Cape May, Atlantic, Burlington and Salem Counties consistently provide a valuable humanitarian service to thousands of seniors. Typically, the recipients of this service are individuals who are unable to leave their homes for a variety of reasons, sometimes due to chronic illness, sometimes because of a handicap, sometimes because of a temporary physical ailment.

At a cost of between $5 and $6 per meal per day, county employees and volunteers, I may stress a large number of volunteers, deliver a meal on weekdays and sometimes on weekends to the doorsteps of needy senior citizens. These meals are hot, well planned and nutritionally balanced.

More importantly, Mr. Chairman, these programs safeguard the well-being of local seniors. For instance, volunteers delivering meals can check to see if the water is running. They can check to see, during this summertime when the temperatures are soaring, if air conditioning is working, if the seniors need any help. Library books are often delivered along with the meals. And an ambulance can be sent or help can be summoned if in fact the volunteer determines there is a need.

I have personally participated in delivering Meals on Wheels with volunteers in the past, and can tell my colleagues from firsthand experience that this is a program that makes a positive difference to elderly Americans.

As the gentleman from Vermont will point out, Meals on Wheels is also an efficient Federal program. For every $1 spent, $3 are saved on other senior programs like Medicare and Medicaid. And as we struggle to find those dollars, I think it is important to note how cost-effective these are. There are not many programs that can match this fiscal rate of success.

Clearly, Mr. Chairman, Meals on Wheels is the kind of successful Federal and local partnership that Congress should be encouraging and looking to do more with. It strengthens the support of family, friends and neighbors. It encourages volunteerism. It is cost-effective.

And yet, despite all these positive aspects, the Meals on Wheels program suffers from a chronic shortage of funding. In fact, this problem is starting to have a tangible effect on the local level.

Mr. Chairman, I urge all my colleagues to vote for this amendment.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume, and rise in opposition to the gentleman's amendment.

This amendment would reduce the funding for the Food and Drug Administration and increase funding for the elderly feeding program. And let me say to my colleagues, we have funded the elderly feeding program at the President's budget request and the same level as last year.

Funding for the operation of this program, also known as Meals on Wheels, is actually contained in the Labor-HHS appropriations bill. The program is administered through the Department of Aging, not USDA. USDA has no say or control over the program. All USDA does is provide a cash reimbursement for each meal served. Increasing the funding for this program in this bill will not increase participation in the program. The funding level provided in the bill supports the President's request.

We all know how important FDA is to the health and safety of this country. We have had hundreds of letters sent to us asking that we increase FDA's funding for food safety and tobacco regulation enforcement. We have done the best we could to meet everyone's needs. The gentleman's amendment reduces funding for FDA, which will negatively impact these and other safety programs.

And let me remind my colleagues that the elderly feeding program is not authorized, but the committee felt strong enough to continue its funding and it is funded at the level the President says it needs.

I ask that the Members oppose this amendment, and ask the gentleman from Vermont to work with the authorizing committee to get this program reauthorized.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

What we are trying to do in a bipartisan way is to provide $5 million to some of the weakest and most vulnerable people in this country, senior citizens who are in need of nutrition but are too weak to get out of their own homes to get it, and we are taking that money from the salary and expense account of the FDA. I think it is the proper thing to do.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, we have no further requests for time, and I yield back the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from Vermont for yielding me this time.

Mr. Chairman, no person in this country should go hungry. For years, Congress has shown a bipartisan commitment to ensuring adequate nutrition for our citizens, especially children and the elderly. We provide assistance to those in need through food stamps and other Federal nutrition programs, yet 41 percent of the programs still have a waiting list. These are real people.

Now, $5 million may sound like too much money to some here, it may sound like too little to make a difference to others, but every day millions of people depend on senior nutrition programs.

□ 1230

According to studies, this $5 million will save $15 million in Medicare, Medicaid, VA health cost because undernourished people are less healthy.

I urge the Members to support this amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, one of my highest priorities since coming to Congress has been to ensure that our Nation's elderly are able to live with dignity. One can judge the humanity of any society by how it treats its very young, and its very old, the most vulnerable in our society.

This is personal to me. My own mother, who until her death at the age of 94, 2 years ago, was able to remain in our own family home only because of the Meals on Wheels Program. And because of that, she lived with dignity and with peace of mind. I think we should treat all the people of America as I would want my mother treated. This is a very important program. It is fiscally and morally sound.

Mr. SANDERS. Mr. Chairman, could I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] has 30 seconds remaining.

Mr. SANDERS. Mr. Chairman, I yield all of 15 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to support this. This is the better public-private partnership I am aware of. Meals on Wheels helps seniors in every State of the Union. We must restore half the cut from last year. Let us support the Sanders-LoBiondo amendment.

Mr. SANDERS. Mr. Chairman, I would just conclude and suggest that

last year there was a cut in this program. We are trying to restore half of the cut to the weakest and most vulnerable people in this country. It is the right thing to do. It is a bipartisan effort. I urge the Members to support it.

Mr. Chairman, the elderly nutrition programs funded in this bill, which include Meals on Wheels and congregate meals are excellent examples of good government and common sense, as well as Federal-State-local and public-private partnerships. This is exactly the sort of senior citizen program we should be funding. Therefore, I am delighted to be joined by Mr. LOBIONDO, Mr. KILDEE, Mr. NEY, Mrs. THURMAN, Mr. FOX, and many more of our colleagues in offering a compromise amendment to increase funding for these programs by $5 million, making up half of the $10 million cut made last year.

Mr. Chairman, across America today, about 6 million hot Meals on Wheels have been served to senior citizens who do not have the capacity to leave their homes, and another 6 million hot meals have been served to lower-income senior citizens at senior centers and other community locations through the congregate program.

Mr. Chairman, this program is terribly important to millions of Americans. For many recipients of Meals on Wheels, the driver who delivers their meals may be their only visitor, their only contact with the world, in a given day. The Urban Institute recently estimated that as many as 4.9 million seniors—about 16 percent of the population aged 60 and older—are either hungry or malnourished. According to studies from the University of Florida, 89 percent of Meals on Wheels recipients are at moderate to high risk for malnutrition. Meals on Wheels and congregate meals help these Americans stay healthy. Yet, 41 percent of Meals on Wheels programs nationwide have waiting lists today—lists of senior citizens who go hungry because we are not funding this program at an appropriate level.

Let me also point out that today in America, 4 million seniors live in poverty, and another 16 million are near poverty. Half of our senior citizens in this country live on incomes of $15,000 or less per year.

As Mathematica Policy Research found last year, the senior nutrition programs are well-targeted at poor elderly Americans. The average beneficiary of these programs is 77 years old, and 90 percent of beneficiaries live below 200 percent of poverty; about 40 percent have subpoverty incomes.

At this time, Mr. Chairman, I would like to tell you about how one of my constituents' lives was saved by a Meals on Wheels driver. On March 25 of this year, my constituent Cecil Utley of Barre, VT, fell and broke his hip. Unable to move, he lay on his floor for 5 hours until David Stevens, a Meals on Wheels driver for the Central Vermont Council on Aging, was troubled that Mr. Utley did not answer his door. He had another Council on Aging worker, Kathy Paquet, try to reach Mr. Utley by phone, and when they failed they obtained help from a neighbor who had a key to Mr. Utley's house. They found him barely conscious and called an ambulance. I am pleased to report that Mr. Utley is now doing well in his recovery.

As his son Gayle wrote to the program, "Without your help and concern, my father would probably not have survived this accident. You * * * will always be remembered fondly by our family. Keep up the great work."

Mr. Chairman, this program not only makes good social policy sense, it also makes excellent fiscal policy sense. Every $1 spent on these senior nutrition programs saves $3 in Federal Medicare, Medicaid, and veterans' health care costs since malnourished patients stay in the hospital nearly twice as long a well-nourished seniors, costing $2,000 to $10,000 more per stay.

Mr. Chairman, this is a modest, compromise amendment. Last year, the elderly nutrition programs in this bill were cut by $10 million, from $150 to $140 million. In my view, that was a penny-wise, pound-foolish cut to make. Given inflation and the aging of our population, funding for these programs is not keeping pace with either the rising cost of food or the increase in Meals on Wheels customers. Further, when Congress reauthorized the Older Americans Act in 1992, it said the per-meal reimbursement rate of these programs should not fall below 61 cents. Unfortunately, the rate has fallen to an estimated 58.5 cents per meal this year, and will fall further if our amendment is not adopted.

This amendment is fully paid for with a modest, 0.6 percent cut in the FDA through its salary and expenses account. I am not here to bash the FDA or its hard-working staff, and it is not my intent to cut food safety initiatives or tobacco control enforcement activities with this amendment, but I do believe this $5 million will better serve the country if it is spent on hot meals for homebound senior citizens rather than administrative expenses at FDA.

Mr. DIAZ-BALART. Mr. Chairman, I rise in strong support of the LoBiondo amendment to add $5 million in appropriations for the extremely successful Meals on Wheels Program.

Because of this Federal-State-local program, many home-bound senior citizens in my district are able to receive at least one nutritious meal daily. Because many seniors on this program have disabilities, the $3 meals provided by this program are especially critical to seniors on a fixed income in Florida, who live alone or do not have anyone to care for them.

As the Appropriations Committee's base bill essentially freezes fiscal year 1998 funding at the fiscal year 1997 level, this small increase in funding is very important to serve the growing number of elderly people who qualify for the program and to reduce the number of disabled who are being placed on waiting lists. I commend my colleague from New Jersey for advancing this meritorious amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MEEHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 309]

AYES—177

Ackerman	Gonzalez	Nadler
Allen	Green	Neal
Andrews	Gutierrez	Oberstar
Bachus	Hall (OH)	Obey
Baldacci	Hansen	Olver
Barrett (WI)	Harman	Ortiz
Becerra	Hayworth	Owens
Bentsen	Hinchey	Pallone
Berman	Holden	Pappas
Bilbray	Hooley	Pascrell
Blagojevich	Horn	Pastor
Blumenauer	Hoyer	Payne
Borski	Jackson (IL)	Pelosi
Brown (CA)	Jackson-Lee (TX)	Porter
Brown (OH)	Johnson (CT)	Quinn
Callahan	Johnson (WI)	Ramstad
Campbell	Kanjorski	Rangel
Capps	Kaptur	Reyes
Cardin	Kelly	Riggs
Carson	Kennedy (MA)	Rivers
Castle	Kennedy (RI)	Roemer
Clay	Kennelly	Rothman
Conyers	Kildee	Roukema
Cook	Kind (WI)	Roybal-Allard
Coyne	Kleczka	Royce
Davis (FL)	Kucinich	Rush
Davis (IL)	LaFalce	Sabo
Davis (VA)	Lampson	Salmon
DeFazio	Lantos	Sanchez
DeGette	LaTourette	Sanders
Delahunt	Leach	Sawyer
DeLauro	Levin	Scarborough
Dellums	Lewis (GA)	Schumer
Deutsch	Lipinski	Serrano
Dickey	Lofgren	Shays
Dicks	Lowey	Sherman
Dixon	Luther	Skaggs
Doggett	Maloney (CT)	Slaughter
Doyle	Maloney (NY)	Smith (NJ)
Duncan	Markey	Smith (TX)
Engel	Mascara	Smith, Adam
English	Matsui	Smith, Linda
Ensign	McCarthy (MO)	Snowbarger
Eshoo	McCarthy (NY)	Stupak
Evans	McDermott	Tauscher
Fattah	McGovern	Tierney
Fawell	McHale	Torres
Filner	McKinney	Traficant
Flake	McNulty	Velazquez
Foglietta	Meehan	Vento
Ford	Menendez	Visclosky
Fox	Millender-McDonald	Waters
Frank (MA)	Miller (CA)	Waxman
Franks (NJ)	Miller (FL)	Weldon (PA)
Frelinghuysen	Mink	Wexler
Furse	Moakley	Weygand
Gallegly	Moran (VA)	Wise
Gejdenson	Morella	Woolsey
Gephardt		Yates
Gilman		

NOES—248

Abercrombie	Bryant	Cunningham
Aderholt	Bunning	Danner
Archer	Burr	Deal
Armey	Burton	DeLay
Baesler	Buyer	Diaz-Balart
Baker	Calvert	Dooley
Ballenger	Camp	Doolittle
Barcia	Canady	Dreier
Barr	Cannon	Dunn
Barrett (NE)	Chabot	Edwards
Bartlett	Chambliss	Ehlers
Bass	Chenoweth	Ehrlich
Bateman	Christensen	Emerson
Bereuter	Clayton	Etheridge
Berry	Clement	Everett
Bilirakis	Clyburn	Ewing
Bishop	Coble	Farr
Bliley	Coburn	Fazio
Blunt	Collins	Foley
Boehlert	Combest	Forbes
Boehner	Condit	Fowler
Bonilla	Cooksey	Frost
Bonior	Costello	Ganske
Bono	Cox	Gekas
Boswell	Cramer	Gibbons
Boucher	Crane	Gilchrest
Boyd	Crapo	Gillmor
Brady	Cubin	Goode
Brown (FL)	Cummings	Goodlatte

Goodling	McCollum	Schaefer, Dan
Gordon	McCrery	Schaffer, Bob
Goss	McDade	Scott
Graham	McHugh	Sensenbrenner
Granger	McInnis	Sessions
Gutknecht	McIntosh	Shadegg
Hall (TX)	McIntyre	Shaw
Hamilton	McKeon	Shimkus
Hastings (FL)	Meek	Shuster
Hastings (WA)	Metcalf	Sisisky
Hefley	Mica	Skeen
Hefner	Minge	Skelton
Herger	Mollohan	Smith (MI)
Hill	Moran (KS)	Smith (OR)
Hilleary	Murtha	Snyder
Hilliard	Myrick	Solomon
Hinojosa	Nethercutt	Souder
Hobson	Neumann	Spence
Hoekstra	Ney	Spratt
Hostettler	Northup	Stabenow
Houghton	Norwood	Stearns
Hulshof	Nussle	Stenholm
Hunter	Oxley	Stokes
Hutchinson	Packard	Strickland
Hyde	Parker	Stump
Inglis	Paul	Sununu
Istook	Paxon	Talent
Jefferson	Pease	Tanner
Jenkins	Peterson (MN)	Tauzin
John	Peterson (PA)	Taylor (MS)
Johnson, E. B.	Petri	Taylor (NC)
Johnson, Sam	Pickering	Thomas
Jones	Pickett	Thompson
Kasich	Pitts	Thornberry
Kilpatrick	Pombo	Thune
Kim	Pomeroy	Thurman
King (NY)	Portman	Tiahrt
Kingston	Poshard	Towns
Klink	Price (NC)	Turner
Klug	Pryce (OH)	Upton
Knollenberg	Radanovich	Walsh
Kolbe	Rahall	Wamp
LaHood	Redmond	Watkins
Largent	Regula	Watt (NC)
Latham	Riley	Watts (OK)
Lazio	Rodriguez	Weldon (FL)
Lewis (CA)	Rogan	Weller
Lewis (KY)	Rogers	White
Linder	Rohrabacher	Whitfield
LoBiondo	Ros-Lehtinen	Wicker
Lucas	Ryun	Wolf
Manton	Sandlin	Wynn
Manzullo	Sanford	Young (FL)
Martinez	Saxton	

NOT VOTING—9

Barton	Hastert	Schiff
Dingell	Livingston	Stark
Greenwood	Molinari	Young (AK)

□ 1252

Messrs. CONDIT, SNYDER and STOKES and Ms. DANNER changed their vote from ''aye'' to ''no.''

Messrs. CLAY, GALLEGLY, PAPPAS, SERRANO, RIGGS and BACHUS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $104,128,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (U.S.C. 1766), $135,561,000, of which $3,231,000 may be transferred from the Export Loan Program account in this Act, and $1,035,000 may be transferred from the Public Law 480 program account in this Act: *Provided,* That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $225,798,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $12,250,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $30,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided,* That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further,* That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $175,738,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,780,000.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $3,231,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202 (a) and (b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING-MARKETS EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its export guarantee program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging markets, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $857,971,000: *Provided,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition to the foregoing amount, not to exceed $91,204,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be collected and credited to this appropriation and shall remain available until expended: *Provided further,* That fees derived from applications received during fiscal year 1998 shall be subject to the fiscal year 1998 limitation.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Chairman, I rise to make a point of order against the language in title VI of the Agricultural Appropriations Act for the Fiscal Year 1998 on page 56 of the bill, lines 18 through 24, based on the ground that this provision constitutes legislation in an appropriations bill, in violation of rule XXI, clause 2 of the Rules of the House.

The Prescription Drug User Fee Act, an act within the jurisdiction of the Committee of Commerce, authorizes the collection of user fees. However, this authority expires at the end of the fiscal year 1997. This provision of H.R.

2160 would authorize the collection and expenditure of these user fees beyond the year 1997. Therefore, I make a point of order against the language because it constitutes legislative language in an appropriations measure in violation of rule XXI, clause 2.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

As argued by the gentleman from North Carolina, the unprotected language on page 56 effectively would extend statutory authority that would otherwise expire. The language therefore constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained and the unprotected paragraph on page 56 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $21,350,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $7,728,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $57,101,000, including not to exceed $1,000 for official reception and representation expenses: *Provided,* That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $34,423,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1998 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 394 passenger motor vehicles, of which 391 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American Institutions Endowment Fund in the Cooperative State Research, Education, and Extension Service; and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1997 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided of this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1998 shall remain available until expended to cover obligations made in fiscal year 1998 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the

statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 720. Of the funds made available by this Act, not more than $1,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $205,000,000.

SEC. 722. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 723. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 724. None of the funds appropriated or otherwise made available in this Act may be expended or obligated to fund the activities of the Western Director and Special Assistant to the Secretary within the Office of the Secretary of Agriculture or any similar position.

SEC. 725. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board.

SEC. 726. None of the funds in this Act shall be used to fund the immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

SEC. 727. NONRURAL AREA.—The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period at the end the following: '', and the City of Galt, California, shall not be considered rural or a rural area for purposes of this title''.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

POINT OF ORDER

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I make a point of order against section 727 as constituting legislation on an appropriations bill in violation of House rule XXI, clause 2(b). It amends section 520 of the Housing Act of 1949 concerning the definition of rural areas for the purposes of providing USDA funds.

The CHAIRMAN. Does any Member in addition seek to address the point of order?

If not, the Chair is prepared to rule.

The unprotected general provision in section 727 of the bill proposes a direct change in the Housing Act of 1949. The provision is therefore legislation in violation of clause 2(b) of rule XXI. The point of order is sustained and section 727 is stricken from the bill.

AMENDMENT NO. 9 OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. NETHERCUTT: Strike section 726 (page 68, lines 8 through 11), regarding limitation on the use of funds for immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from Washington [Mr. NETHERCUTT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join in the offering of this amendment with the gentleman from Texas [Mr. STENHOLM], who authored this amendment initially, and the gentleman from California [Mr. DOOLEY], in restoring the funding for two particular offices within the U.S. Department of Agriculture.

Incidentally, I had earlier in the full committee proposed and had adopted by the full committee an amendment which struck funding for the Deputy and the Assistant Deputy Administrator for Farm Programs within the Farm Service Agency. I proposed that amendment and argued in favor of it and was successful in getting it put into this bill because of my dissatisfaction, and others within my State, with the way the Conservation Reserve Program was administered by this office, or these offices, that we were seeking to grab the attention of.

□ 1300

In the last signup there was acreage across the country earlier this spring permitted to be enrolled in the conservation reserve program, which is a very good program that preserves highly erodible land and involves the farm service agency and the USDA in making sure that highly erodible land is preserved. In my State, relative to every other State in the country that had enrollments, my State received 21 percent of those acres that were sought to be enrolled were enrolled. That is compared to my neighboring States of Oregon and Idaho which had about 80 percent that property that was sought to be enrolled enrolled, and there were problems in the administration of this program around the country and other States as well, but it has been dissatisfactory to the members of the minority as well as members of the majority.

So my efforts in the full committee were to bring attention to what we expect to have as legislators, the fair administration of a program that is good for the country, and I had not felt that our State was treated fairly. So I looked for many options and found that this was perhaps the only option that we had at the time and wanting to make sure that there is a fair administration of the conservation reserve program for all States, not the least of which is my own.

After conferring with the gentleman from Texas [Mr. STENHOLM], conferring with the gentleman from California [Mr. DOOLEY], and having several good conversations with the Secretary of Agriculture this week and previously, it was my judgment that based on assurances that we received that there is going to be fair treatment of all States

in the next signup, which we expect to be September, not the least again of which is my own State, and understanding that the Congress and Members of Congress who are in farm-affected States will have the ability to talk with the Secretary and the agency and have input as to a fair signup ratio so that we do not have these terrible disparities that in my opinion are very unfair to my own State and others, I felt it was appropriate that at this time I join with the gentleman from Texas [Mr. STENHOLM] and the gentleman from California [Mr. DOOLEY] and others who objected to my approach and the tactics we used to draw attention to this disparity, that we go ahead and do this now and that we allow this bill to proceed unencumbered.

Mr. Chairman, I am pleased that the Secretary is in my State today meeting with our farmers, addressing their concerns, and I think there is more to do. We need to make sure that the farmers from the districts of the gentleman from Texas [Mr. STENHOLM] and the gentleman from California [Mr. DOOLEY] and the gentleman from Minnesota [Mr. PETERSON] and other farmers, Members who represent farmers, have their needs met so that there is a fair administration of this program. The bureaucracy sometimes gets out of control and is unwilling to be fair and unwilling to change its mind, I shall say more accurately. But nevertheless, Richard Neumann, who is the deputy administrator for farm programs, I believe is a fine person, and understanding a little more about this amendment, my sense is that he was not involved in this decision or what I perceive to be a failure on the part of the Department to correct the mistake. So I have since learned that he is a fine person and a high-quality administrator. But I think there has to be more work done at the assistant deputy administrator's office. I know these Federal employees are trying their best in this very difficult bill to implement, but, by golly, I think that the rest of us in Congress and people who care about farmers and agriculture have the right to expect high standards and high responsibility on the part of all Federal agencies.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I wanted to say to the gentleman how impressed I am and our Members are on the manner in which you conducted yourself on this issue. I think the citizens of the State of Washington are extremely well represented, and I want to thank the gentleman for the manner in which he has operated in order to bring his concerns to the Department.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentlewoman from Ohio [Ms. KAPTUR] and cosponsors of this amendment.

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. WYNN:

On page 68, after line 16, add the following new section:

''SEC. . For an additional amount for the purposes provided for under the heading 'Departmental Administration' in Title I of this Act, $1,500,000, and the amount provided under 'National Agricultural Statistics Service' is hereby reduced by $1,500,000.''

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from Maryland [Mr. WYNN] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

I am delighted to be offering this amendment this afternoon along with my colleague the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentleman from Alabama [Mr. HILLIARD]. I am also pleased to have been able to work with the subcommittee chairman, the gentleman from New Mexico [Mr. SKEEN]. I want to thank him for his cooperation in helping me with this amendment.

This is a very simple amendment. It seeks to add $1.5 million to the Department of Agriculture's civil rights division. The purpose of this amendment and these additional funds is basically to assist the civil rights division in addressing its backlog of equal opportunity claims.

Many of us on both sides of the aisle have said it is absolutely important that we address the problem of discrimination with our existing EEO laws. These additional funds will enable us to do that in an efficient way. The Secretary has said that with additional funds he can address the backlog with additional investigators and we can begin to move forward in resolving these complaints.

We also have concerns about the problems and the plight of the black farmers in America, and these funds will also enable some of those concerns to be addressed.

So I believe there is bipartisan support for this approach, and I am pleased to be here, as I say, with the gentlewoman from North Carolina [Mrs. CLAYTON].

Mr. Chairman, I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I want to commend the leadership of the gentleman from Maryland [Mr. WYNN] and thank both the chair of the subcommittee and our ranking member of the subcommittee for both of them agreeing that this is the right thing to do.

Let me just say parenthetically the $1.5 million will go a long ways. It does not represent the total amount of moneys we need to represent. It goes a long ways to represent what we need, but it does not represent the entirety. I think the department said they needed at least $3 million.

So I want to think this is a step in the right direction. We need a few more steps before indeed we have enough funds to do the kind of investigation that is warranted to make sure those persons who have complaints have their complaints investigated properly.

Mr. WYNN. Mr. Chairman, I want to thank the gentlewoman from North Carolina for her outstanding work on this measure. I do not believe we have any speakers in support of the amendment.

Mr. Chairman, on that basis I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland [Mr. WYNN] to say that there have been several versions of this amendment and some of the other ones had scoring problems and this latest version appears budget-neutral and I will be happy to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. WYNN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998''.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

Mr. COX of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COX of California: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 728. None of the funds appropriated or otherwise made available by this Act may be made available to provide assistance to the Democratic People's Republic of Korea, except for assistance that is provided to needy people by the United Nations World Food Program or private voluntary organizations registered with the United States Agency for International Development, and not by the Government of the Democratic People's Republic of Korea.

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from California [Mr. COX] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to be offering this amendment with my colleague from Ohio [Mr. HALL]. I am

pleased because this is a completely bipartisan amendment and one that I expect will be supported by Members on both sides.

The purpose of the amendment is simple, to ensure that the United States of America, while doing all that it can to assist starving people victimized by the horrifying manmade famine caused by a half century of Stalinist agriculture policies in North Korea, does not empower the dear leader, Kim Jong-il. North Korea is one of the worst pariah states on Earth. North Korea spends over $5 billion a year militarizing itself. It is one of the most controlled societies on Earth, and the starvation caused by its Communist government and by those Communist government policies is horrific.

We have, of late, been providing through the United Nations and nongovernmental organizations assistance to starving people in North Korea, but we are distressed to learn that this aid is not reaching its intended beneficiaries all too often.

North Korea's chief ideologist, Hwang Jang-yop, defected to South Korea this year, and on July 10 he gave a news conference. He told the world that Kim Jong-il uses food to control people. U.S. taxpayers and the United States of America's policy ought not to support that. What he said at his press conference was that North Korea controls people with food, North Korea controls the entire country and people with food distribution. In other words, the food distribution is a means of control, quote, unquote.

Observers report that Kim Jong-il is practicing regional triage, sealing off the hardest-hit regions in the north and northeast and leaving them to starve so that he can feed the elites, in particular the military. Kim Jong-il has spent tens of millions of dollars in a successful effort to develop medium-range missiles. He is spending many millions more to develop long-range missiles. We heard testimony in February of this year that North Korea was on a military shopping spree for aircraft and air defense systems, submarines, landing ships, and automatic weapons. This year he ordered a massive series of war-fighting exercises that consumed huge amounts of food and fuel.

General Shalikashvili, the outgoing chairman of the Joint Chiefs of Staff, noted this recent increase in North Korea military exercises and asked,

> If they are in such great difficulty, and if they are in need of assistance, why are they spending their resources on this kind of exercising? You have to ask yours.

Secretary of Defense Cohen recently stated that North Korea is seeking food to keep its citizenry fed while its military continues to function and soak up what limited sources they have. So in the view of the Secretary of Defense, we are indirectly subsidizing the North Korean military.

Other expenditures by Kim Jong-il should also give us pause as we ask U.S. taxpayers to foot the bill for assistance that ultimately is controlled by Kim Jong-il: $83 million recently for a mausoleum for Kim il-Sung, the great leader, the great Stalinist; $134 million for the dear leader's own residence, for Kim Jong-il's own humble abode; $6 million to embalm Kim il-Sung; millions more just 2 weeks ago for nationwide ceremonies to honor Kim il-Sung.

No wonder Jim Lilley, our former Ambassador to South Korea, has described these massive expenditures which dwarf our food aid as a veritable death cult.

It is for these reasons that the gentleman from Ohio, Mr. TONY HALL, and I have developed a bipartisan compromise that permits the administration to continue its policy but safeguards the delivery of this food so that the military may not receive it and the government of North Korea may not deliver it. By cutting them out of this process, the amendment will decrease the risk that Kim Jong-il's military government will succeed in diverting the food the United States sends to North Korea or manipulating its distribution.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment offered by the gentleman from California [Mr. COX]?

If not, the Chair recognizes the gentleman from Ohio [Mr. HALL], to control the 5 minutes in opposition.

Mr. HALL of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly rise in support of this amendment. It is not a perfect amendment, but it brings the bill in line with a long and proud American tradition, and that is extending humanitarian aid to people who are facing starvation. Not one jot of food should be used to feed North Korea's standing army, and under the current approach the food we donate to the world food program is reaching the program is reaching the children and ordinary civilians who are facing starvation, and that is verified by independent monitors.

The policy we are pursuing towards North Korea is one we have painstakingly coordinated with our allies in South Korea. I believe it offers the best hope for making sure our humanitarian aid does not help North Korea's military.

□ 1315

In a few weeks, North Korea and China are meeting South Korea and the United States for peace talks. Negotiations to arrange these talks took more than a year. They offer the first real promise for peace in nearly five decades, since the Korean war ended.

But now, nearly 50 years later, the best hope is not for a collapse of North Korea's regime. Observers say that almost certainly this would almost endanger the 37,000 American troops who safeguard South Korea's borders. They predict it would send millions of refugees fleeing into South Korea and China, and that only a $1 trillion investment would prevent it. No one expects South Korea would bail out North Korea on its own. I am sure none of us wants to see the United States facing that kind of a bill.

Most experts say that the best hope today is for reforms that will bring to North Korea the prosperity and stability that has made South Korea the world's 11th largest economy. The shape of this reunification is the topic of considerable debate among experts here and in South Korea. But all agree that those changes start with peace.

Undercutting American foreign policy now may make some Members of the House feel good, but it is the wrong thing to do and it is potentially a dangerous course. The right thing to do is to support the approach the United States and allies are taking.

I have seen the conditions in North Korea, and I believe they are as desperate as the dozens of international and nongovernmental organizations working there constantly report that they are. I have watched the humanitarian approach to this difficult situation, and I believe it should be strengthened and not weakened. It is the innocent people in North Korea who suffer, and that is the group I am interested in, not the military. I support this amendment and I urge the House to support it.

Mr. BEREUTER. Mr. Chairman, this Member would congratulate the gentleman from California [Mr. COX] and the gentleman from Ohio [Mr. HALL] for working so diligently on this issue. The compromise is a good one, and this Member certainly supports it.

This Member had tried to be helpful in the effort to reach common language on the North Korean famine, and was prepared to offer a second degree amendment that would have reflected the view that has been expressed in the Committee on International Relations. While the Parliamentarian ruled that the International Relations Committee's language would have been authorizing in an appropriation bill and was not in order. This Member would note, however, the intention of the International Relations Committee to move its North Korea policy language as part of the Foreign Assistance Act. This Member will discuss the components of the Bereuter perfecting amendment momentarily.

Certainly it can be agreed that this Nation should be willing to provide food to starving women and children, regardless of the despicable nature of the regime under which they live. And, there is no more heinous regime than that of the Democratic People's Republic of Korea. It is perhaps the last Stalinist regime, and certainly one of the most brutal regimes that ever has existed.

As chairman of the Subcommittee on Asia and the Pacific of the International Relations Committee, this Member has conducted three hearings and countless briefings on the situation in North Korea in the last several years. The subcommittee has followed this issue very carefully.

Certainly there is starvation—some of it as the result of unprecedented flooding, but most due to the utterly incomprehensible and counterproductive agricultural policies of the North Korean Government. This Member would tell his colleagues that this famine is largely Government-induced, and not the result of natural catastrophe. But the famine is real. We have reliable reports of women and children eating grass and tree bark. The famine is so bad that many industries have simply ceased to exist because the workers no longer have the energy to perform even the most simple tasks.

When the United States began working with the World Food Programme to provide humanitarian food aid to the North, this Member, together with the distinguished chairman of the International Relations Committee, Mr. GILMAN, and the distinguished ranking member, Mr. HAMILTON, set forth certain criteria that were absolute preconditions for any U.S. food aid program. These included: One, assurance that our South Korean allies were consulted and supportive of the food aid deliveries; two, assurance that previous food aid and official confessional food deliveries have not been diverted to the military; three, North Korean military stocks have been tapped to respond to the North Korean unmet food needs; four, the World Food Programme would have the monitors on the ground to oversee the delivery and ensure that food aid is not diverted from the intended recipients; and five, that the United States Government encourage the North Korean Government to undertake a fundamental restructuring of its agricultural system.

These basic, commonsense conditions are the essence of the Bereuter second degree amendment that this gentleman would have been prepared to offer had it been ruled in order.

These types of basic conditions were deemed necessary because, in the past, food aid deliveries had in fact been diverted by the North Korean military. This Member would hasten to point out that U.S. humanitarian assistance was not diverted, but significant diversions of assistance from other countries has been detected.

It would be entirely unacceptable if the North Korean military were to benefit from our humanitarian outpouring of good will. This body must be vigilant against this possibility. The Asia and the Pacific Subcommittee and the International Relations Committee are working very closely with the administration to ensure that these conditions have been met. We have taken steps to ensure that the administration dramatically increases the number of trained monitors on the ground to supervise the dispersal of food assistance. The International Relations Committee also has been working with excellent organizations such as Catholic Relief Services and CARE to ensure that the monitoring teams are adequate to perform the tasks they have been assigned. We continue to work with the administration, and this Member can assure his colleagues that the Asia and the Pacific Subcommittee and the International Relations Committee are following this extremely important matter very, very closely.

Again, this Member commends the gentlemen for crafting an amendment that addresses the very real famine in North Korea while at the same time addressing the legitimate security concern that we not provide comfort to the North Korean military.

The CHAIRMAN. The question is on the amendment offered by gentleman from California [Mr. COX].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to rule 193, further proceedings on the amendment offered by the gentleman from California [Mr. COX] will be postponed.

AMENDMENT NO. 3 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. LOWEY:

At the end of the bill, insert after the last section the following new section:

SEC. . None of the funds made available in this Act may be used to provide or pay the salaries of personnel who provide crop insurance or noninsured crop disaster assistance for tobacco for the 1998 or later crop years.

The CHAIRMAN. Pursuant to House Resolution 193, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

The bipartisan Lowey-DeGette-Hansen-Meehan-Smith amendment will eliminate Federally-based crop insurance for tobacco and begin to get the Federal Government out of the tobacco business for good. According to the CBO, this amendment will save taxpayers at least $34 million.

Tobacco products kill 400,000 Americans each year. Every day more than 3,000 American teenagers start smoking. One in three will die from cancer, heart disease, and other illnesses caused by smoking. American taxpayers should not be subsidizing this deadly product.

The Federal Government is spending millions on crop insurance for tobacco; at the same time, we are spending almost $200 million to warn Americans about the dangers of tobacco and prevent its use. It is time for this hypocrisy to end. We must make our agricultural policy consistent with our public health policy.

Mr. Chairman, opponents of this amendment will say that we are denying a service to tobacco growers that is available to all other farmers. That is simply not true. Only 65 of nearly 1,600 crops grown in the United States are eligible for Federal crop insurance; honey, broccoli, watermelon, squash, cherries, cucumbers, not covered.

Opponents of this amendment will also say that it will hurt small tobacco farmers. But what they do not tell us is that tobacco is one of the most lucrative crops in America. An acre of tobacco yields a 1,000-percent higher price than an acre of corn. Today we have an historic opportunity to dissolve the Federal Government's partnership with the tobacco industry. We must stop using taxpayer dollars to subsidize a product that kills millions of adults, addicts our kids, and costs billions a year in health care.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent that one-half of my time be yielded to the gentlewoman from Ohio [Ms. KAPTUR], and that she be allowed to further yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] will control 7½ minutes, and the gentleman from New Mexico [Mr. SKEEN] will control 7½ minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield 1½ minute to the gentleman from North Carolina [Mr. PRICE].

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Lowey-DeGette amendment.

Mr. Chairman, I am not a reflexive defender of the tobacco industry. I favor effective public health and education measures, and I wish Joe Camel good riddance. But I find this amendment deeply offensive, punitive, and unfair, and I hope fair-minded colleagues will hear me out before they reflexively support it.

Crop insurance is a protection that we offer to farmers of all major crops, as determined by yield, demand, and value. This amendment would stigmatize and deny this protection to one group of farmers. It targets the people who farm, punishing them for the crop which they are able to grow by virtue of climate and geography and the size of their farms. If that is not discrimination, if that is not unfairness, I would like to know what name you would put on it?

Mr. Chairman, in North Carolina, the climate and soil are ideal for growing tobacco. Many of our farms are successfully diversifying, and we are attracting light industry to the countryside. But with an average size farm of just 160 acres, our farmers don't have the luxury of enough acreage to make a living planting only corn or cotton or soybeans; they have to make their living with what is theirs to work.

Denying crop insurance or disaster relief to these individuals will not change their geography or climate or the economic facts of life. It will not miraculously enable them to turn to some other crop or other line of work. It will simply ruin many of them economically, especially those on the margins of profitability, those on the small farms.

The burden of proof is on those who would withdraw crop insurance for one

and only one group of farmers. The Lowey amendment has nothing to do with smoking and health, everything to do with driving the small farmer off the land and hastening the day of corporate and contract farming. To stigmatize a group and exclude them from a common benefit simply because of the size of their farm, their climate, their geography, and what they grow, is the sort of discrimination we would reject out of hand in other realms. I urge my colleagues to reject it here.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. LINDA SMITH], a cosponsor of the amendment and a fighter on antitobacco programs.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I rise in support of this amendment. I think the major argument before us today will be that it is discrimination if we do not subsidize tobacco. I want to stand here before Members and tell them, there is only a handful of crops that qualify for Federal crop insurance, only a handful, less than 65.

Mr. Chairman, I believe if people look to their own States and find out which crops are not insured, they will find that good crops, like in the State of Washington, peaches, berries, cherries, Christmas trees, alfalfa forage, are not insured. I would beg Members to go back to find out which crops in their State are discriminated against as they are voting for certain States to get preference.

Let us look at the benefits of a peach. A peach is good for a kid. Now let us look at the benefits of tobacco. Tobacco kills kids. Where is the value for America? I looked up the amount of money pumped into this place for campaigns in the month of June. I did not see a whole lot from peaches. But I sure saw a whole lot from tobacco.

Why would tobacco think, up against this vote, that they had to pump hundreds of thousands, yes, millions of dollars into campaigns of people incumbent in Congress? I did not see them walking down the streets handing out checks to the tourists. I did not see them mailing them to people in my home district. But they do report that they have given hundreds of thousands to this body in the month of June, anticipating this vote.

I would beg Members to go home and look at their priorities, look at the crops that are being discriminated against in their State, and then justify to their constituents why they voted to subsidize tobacco.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I rise in opposition to this amendment, and to all the tobacco growers in Oregon, I want to explain why. By the way, we do not have tobacco growers in Oregon.

First of all, Mr. Chairman, there are three reasons here that this is a bad idea. One, it unfairly singles out tobacco farmers for punishment. Second, it undermines the Federal crop insurance program, which we have discussed here at great length under the other two amendments. Finally, and most importantly, this does absolutely nothing to stop people from smoking.

Mr. Chairman, if there is an effort here sincerely to stop people from smoking, I will join it. But I am not here to punish farmers. I am here to protect farmers. Listen to this, Mr. Chairman: 124,000 farms in 21 States grow tobacco, 90,000 tobacco policies are under the crop insurance program of over $1 billion. To say that this amendment does not hurt farmers, listen to those numbers.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Colorado [Ms. DEGETTE], a proud cosponsor of the amendment.

Ms. DEGETTE. Mr. Chairman, in 1989 Pat Rose died of lung cancer after smoking for 38 years, starting at the age of 16. Pat Rose was my mother, and she left behind me and my four younger siblings. Millions of Americans like my family are affected every year by smoking, and a new study shows that thousands of kids in this country every year die because of direct or indirect effects of smoking.

The United States recognizes that smoking is not good for our children or our families, which is why last year we spent $200 million trying to get Americans to stop smoking. Paradoxically, last year we also spent $80 million for tobacco crop insurance. This is a policy that is schizophrenic and must change now.

Let us debunk some myths, first of all. Members have heard that not every farmer has crop insurance. Only about 65 of the 1,600 crops grown in this country receive it. Healthy crops, as Members have heard, do not get a dime of Federal crop insurance, yet tobacco crops, which have no nutritional value, obtained this insurance. When our amendment passes, tobacco farmers can still obtain crop insurance, just not at the Government's expense.

I daresay that as we move from tobacco in this country, we need to spend our time not arguing about whether we should grow it, but helping these small farmers to find alternative sources of income. I am very sympathetic with the small farmers. I think we need to support their ability to move into healthy crops. I also daresay there are many small tobacco farmers who are killed by the effects of smoking and whose families are affected by smoking as well.

I urge all of my colleagues to think about our constituents, our friends and our families who are struck every year with the effects of tobacco, and the fact that smoking is increasing more than 50 percent among 8th through 10th graders. We must do everything in our power to discourage tobacco and to help the small farmers.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman. Here we are, Mr. Chairman, on our perennial trip to the whipping post. Who is to be whipped? Tobacco, of course, men and women who work 14 to 16 hours a day to get their crop to the barn and then to the market to make lives better for their children, workers who are employed at Lorillard in my hometown, nearby Phillip Morris, Reynolds, and Leggett, formerly, until American was forced to close their doors. And finally, the companies are to be whipped because they pay a million dollars of taxes to local and State governments, to enable these governments to extend services to thousands of citizens.

□ 1330

Tobacco, Mr. Chairman, has traditionally been known as the golden weed in my part of the country. One would think to hear this rhetoric in this hall that the weed was scarlet, the color of sin. Protect the golden weed. That is all we are asking. This is unconscionable what is being done here today, Mr. Chairman. I urge my colleagues to oppose the amendment of my friend from New York and see it go down in flames.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Utah [Mr. HANSEN], a cosponsor of this amendment.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, here we go again, confusing the public. I have never seen anything that confuses the public more than what we are doing right now. We spend $177 million to warn people of the use of this tobacco product. Then on the other hand here we are guaranteeing to subsidize the product.

It is interesting, another statistic that I recently pulled out. We are spending $50 billion in health care in America to take care of this particular product. But we are still going to subsidize it. We confuse the public a little more. We now find out that more lives are lost due to this product than murder, suicide, AIDS, alcohol and car accidents combined. Still here we go again, let us subsidize the product.

Is it a lucrative product? You bet it is. This amendment that we are working on does not affect the no net cost tobacco price support program for Federal Extension Services. Tobacco farmers are still able to grow tobacco and will still be able to sell it to the tobacco companies. This amendment is simply putting our agricultural policy in line with our health policy. I urge support for the amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. MCINTYRE].

(Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Chairman, if the idea today is to do away with the tobacco industry and smoking, this amendment will not work. All it will do is take some hard-working families from their farms.

The only victims of this scheme are the small farmers. No one will stop smoking because of this amendment. The only thing it will do is take away the already endangered family farm. If we take away crop insurance from our tobacco farmers, we punish them for making an honest living from the soil of the earth. We punish them by keeping them from getting bank loans.

Nobody asked for the two hurricanes that hit my district and destroyed crops in all eight counties last year. Are we going to punish the farmers for something they cannot help. This is what this amendment would do. It is a loser. Families first? No. Families last under this amendment. Mr. Chairman, we need to oppose this amendment and preserve the family farm.

Mr. Chairman, I rise today in strong opposition to the Lowey-DeGette amendment that would eliminate Federal crop insurance and Federal disaster compensation for tobacco farmers. Mr. Chairman, proponents of this amendment would have you believe that it will curb smoking levels across the country. They would have you believe that removing Federal crop insurance for tobacco would somehow injure the tobacco industry which they hold responsible for youth smoking. The results of this amendment, however, will not be felt by the tobacco industry. That is the big deception. The true fall-out, Mr. Chairman, will be felt by tobacco farmers and their families.

The truth of the matter, Mr. Chairman, is that the Lowey-DeGette amendment would do absolutely nothing to deter or stop the production of tobacco or punish cigarette companies. Can anyone honestly say that removing Federal crop insurance for tobacco farmers would promote a single smoker to give up the habit, or deter a single nonsmoker from initiating one? No.

Mr. Chairman, let's look at exactly who this amendment will affect. The Lowey-DeGette amendment will take away the ability of small farmers to keep their families above the poverty line. Let me repeat that. The Lowey-DeGette amendment will prevent small farmers from growing a legal crop that often means the difference in their efforts to provide food, clothing, and shelter for their families.

As an editorial in today's Fayetteville Observer-Times stated,

If the plan is to do in the tobacco industry, it won't work. What it will do is separate some hard-working people from their family farms.

Picture this (because this is all that the proposed legislation would accomplish). The people who provide the growers with the many things they need to get a crop started wouldn't be affected. Neither would the warehousemen, the corporate buyers, the manufacturers or the retailers. Only growers would fall under its provisions.

Moreover, the victims, if this scheme were to become law * * * would be small farmers.

Whatever the outcome, tobacco will still be produced, sold, processed, re-sold, and smoked. The only thing that will come close to disappearing is the already endangered family farm.

To paraphrase Shakespeare—and I can say this as a lawyer—the proponents of this awful, unfair, ugly amendment ought to say, ''The first thing let's do is to kill all the farmers,'' for economically speaking, that is exactly what supporters of this amendment will be doing.

Go ahead. Make the farm killers' day. Just blow 'em away. Let a hurricane or tornado or hail storm ruin their lives and the lives of their families.

If we take away crop insurance from our tobacco farmers, we punish them for making an honest living from the soil of the Earth, we punish them by keeping them from getting bank loans, and we punish them again if disaster strikes. Do not do it. Do not take away their chance to make an honest living an be able to provide for their families.

The U.S. Department of Agriculture classifies small farmers whose income total $20,000 or less for 2 consecutive years as limited resource farmers. The States with the largest numbers of limited resource farmers are Kentucky, Tennessee, Virginia, and North Carolina. It is no coincidence that these States also make up a majority of the leading tobacco producing States in the Nation. Mr. Chairman, the limited resource farmers that grow tobacco are by no means wealthy people. They sweat and toil on small plots of land where oftentimes the only crop that can be grown in such small quantities and still bring a financial return sufficient to maintain their operation from year to year is tobacco. The argument put forth by proponents of the Lowey-DeGette amendment that tobacco farmers could replace tobacco with another commodity is simply not true. The average size farm in tobacco country is 169 acres, of which tobacco is usually grown on 50 to 100 acres. In order to replace the gross income from just 50 acres of tobacco, a farmer would have to produce 235 acres of peanuts, 372 acres of cotton, 1,442 acres of wheat, 1,161 acres of soybeans, or 747 acres of corn. The small amounts of land that are typically available to limited resource farmers makes any of these options mathematically impossible.

My friends in the House, limited resource farmers do not grow tobacco to get rich. They do not grow tobacco so that cigarette companies can get rich. Limited resource farmers grow the legal crop tobacco in order to put a roof over their families' heads. They grow tobacco to put food on their families' tables. They grow tobacco so that they can someday send their children to school; so that they can provide the opportunity of a better life for their children.

Mr. Chairman, proponents of the Lowey-DeGette amendment would have us believe that not a single farmer will lose his or her job as a result of their language. This, my colleagues in the House, is absolutely false. My friends, tobacco is an extremely difficult crop to grow. It is vulnerable to a variety of diseases, infestations, and is especially sensitive to weather variations. In addition, due to its proximity to the Atlantic Ocean, our tobacco farmers are also at the mercy of competely unpredictable natural disasters like hurricanes, two of which hit my district last year and wiped out entire tobacco fields across the region in all eight of the counties which I represent. The delicate nature of tobacco requires that farmers secure insurance in order to receive operating loans that many farmers rely on for the funding necessary to initiate planting each year.

Without that insurance, farmers will not even be considered for the loans that enable them to begin planting each year. Without insurance, tobacco farmers will not have a means to make a living. USDA Secretary Dan Glickman recognized this and has made the availability of Federal crop insurance a top department priority. In a statement he made this past May, Secretary Glickman said, ''I am determined that everyone will have access to crop insurance—large farmers and small farmers alike, especially those with limited resources, minorities, and producers in all areas of the country.'' In addition, Secretary Glickman announced last week the formation of a National Commission on Small Farms to find new ways to support small farms and limited resource farmers. It would appear, then, that eliminating Federal crop insurance which is relied upon so heavily by small, limited resource farmers is not at all in line with the USDA. It is simply advancing someone's political agenda at the expense and heartache of farmer families. It is stealing bread off of the table. It is discrimination in its ugliest form. It is taking advantage of someone else who falls victim to a natural disaster.

Mr. Chairman, limited resource farmers depend on Federal crop insurance and the protection it provides simply because they cannot afford the high cost of private insurance which proponents of the Lowey-DeGette amendment like to point to as an alternative. Let's take a closer look at that alternative. Limited resource farmers are simply unable to afford current premiums on private insurance. If they could afford it, they would certainly look in that direction for protection, for private insurance offers much more comprehensive coverage than its Federal counterpart. I have spoken with several private insurers in my district about the ramifications of losing Federal coverage. Without hesitation, they provided me with figures that indicate their premiums would increase nearly threefold, making private insurance even further out of reach financially for limited resource farmers. In addition, private insurers are in no way compelled to offer insurance to everyone who applies for it. The harsh truth is that even if limited resource farmers were to attempt to pull together enough capital to apply for private insurance, they would likely be denied. So don't listen to the falsehoods you are being told. Many tobacco farmers simply cannot go out and buy private insurance. No insurance means no loans. No loans means no tobacco crop. No crop means no income, no food, no future for their kids, no retirement. It means moving people from work to welfare—something I thought we were trying to get away from.

This is reality, not the big deception that proponents of the Lowey-DeGette amendment are trying to sell. The Lowey-DeGette

amendment will put farmers out of work, period. Mr. Chairman, this body has made great strides in recent years to reform out national welfare system. This body has passed legislation that thins the welfare roles by putting long-time recipients to work. My colleagues in the House, does it make sense, then, for this body to pass language that will reverse all of that excellent work? Does it make sense to pass language that will take people from work to welfare?

My friends, I urge a no vote on the Lowey-DeGette amendment. Similar language was rejected by the House of Representatives last year, and this very same amendment was defeated by the Appropriations Committee last week. It is a loser. And under it, farm families would lose as well. Families first? Not under this amendment. Families last and political agendas first—that is what this amendment is all about. Do the right thing for families, reject it again.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN], cosponsor of this amendment.

Mr. MEEHAN. Mr. Chairman, today it is time to bring our agricultural policy in line with our health policy. As the cochairman of the 83 member congressional task force on tobacco and health, we need to correct this serious disconnect in Federal policy. We cannot credibly discourage the use of tobacco as long as we are subsidizing the growing of tobacco. It is really that simple.

We may be able to come up with assistance to tobacco farmers, we should do that through the settlement that has been negotiated by the attorneys general. But it does not make any sense to take taxpayer money and subsidize the growth of tobacco in this country.

We have made enormous progress on this amendment over the last few years. In fact, we have made so much progress that last year it failed by only two votes. Surely in the last year we have gotten enough information about what tobacco companies knew about the dangers of their product, about decades of duplicity and lying that they have perpetrated upon American people. Now is the time to pass this amendment. This is extremely important.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, first of all I am proud to say I have never taken a dime from the tobacco companies and do not intend to now. I refuse all of their PAC checks. I have also been the proud sponsor of a lot of tough youth access legislation and hope to have that opportunity again. But this will hurt exactly the wrong people.

There are some people that love this legislation. They are the farmers from Malawi and Brazil and Argentina that can grow cheap tobacco and replace our tobacco grown in this country. What does that do? That ruins small poor communities all across Kentucky. They are the communities with the highest unemployment rate. They are the communities with the fewest resources. This is the crop that enables them to pay their taxes so that they can support our schools, our small communities, and help capitalize the changes they are trying to make in agriculture so that they can convert to other crops. They understand how threatened they are. They understand the cheap tobacco that is flooding the world market. They understand how short a lifeline they are on. They are trying to capitalize the changes to get into other crops. Please, do not ruin our smallest, poorest communities.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Chairman, we know that tobacco use is the most preventable cause of death, yet 400,000 Americans die each year from causes related to the use of tobacco. Our young people have grown up certain in the knowledge that tobacco causes cancer. Yet 3,000 American teenagers start smoking cigarettes every day. Hopefully the new FDA guidelines will help lower that number dramatically.

I believe we need consistency in our policy toward tobacco. If we do not offer Federal crop insurance for commodities that are not a serious public health risk, why should we offer insurance for tobacco? Last year the taxpayers footed the bill for about $80 million in net tobacco insurance costs. At the same time, we spent almost 177 million trying to discourage tobacco use. Now we must ask the question, should we spend money to promote tobacco use or to discourage tobacco use? That is the fundamental issue that we are discussing right now.

I do not believe the American people want us to continue having it both ways. After all the tough decisions we had in cutting spending, this is a simple one. It is time to stop giving special aid to tobacco. Instead of protecting the special interests, we must take the opportunity to help our families protect their children.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, in discussing this amendment we really need to discuss the morality of young people smoking or the mortality of those who may be chronic long smokers. In spite of the good intentions of the sponsors, we are not doing that. What we should be talking about is fairness and the appropriate remedy. Is it fair to deny vulnerable persons, deny them and be the only ones who are farmers not receiving the protection of our crop insurance? It would mean those farmers would not be able to get loans, not being able to get loans they would go out of business.

I can tell my colleagues, these are not big businesses. These are small farmers. These are small farmers who usually grow 10 or less acres of tobacco. I heard someone say how profitable it is. It is profitable. In order to make that same income, we would have to do 15 times as much cotton, almost 20 times as much corn, if we could find the land that would grow the corn, grow the wheat. This is not the right way. Yes, American policy has spoken. It says we should protect our youth. We should bring that in correlation with each other. This is the wrong way to do it. It is the wrong remedy.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

Mr. BUNNING. Mr. Chairman, I rise today in strong opposition to the Lowey amendment.

Mr. Chairman, I rise today in strong opposition to the Lowey amendment.

This is a mean-spirited attack on small farmers throughout the South.

We all know Mrs. LOWEY and her cosponsors don't like smoking, but this amendment will not stop one person from smoking. It will only hurt small tobacco farmers in my district and throughout the South.

The opponents of tobacco always imply that we should not pay farmers to grow tobacco. We do not. Let me repeat that. The Federal Government does not pay subsidies to farmers to grow tobacco.

Sure our Government offers to tobacco farmers some of the same programs like crop insurance that are offered to other farmers.

But we should offer them the same treatment other farmers receive. Tobacco farmers grow a legal crop.

These farmers are not outlaws. They should be treated the same as those who grow corn or raise dairy cattle or any other commodity. Tobacco farmers should be able to purchase the same services almost every other farmer is able to purchase.

What this amendment does is single out the small tobacco farmers who are the backbone of the agriculture industry in my State and all over the South.

Most of these farmers, including the 14,400 tobacco growers in my district own small family farms. They may have a couple or 5 or even 10 acres of tobacco that they use to offset their other costs in farming. Or maybe they use the extra income to send their children to college. So their children may have it just a little bit easier than they did. Where's the crime?

Tobacco is a legal product. We have no right to treat honest taxpaying, hard-working Americans like they are outlaws. They have committed no crime, yet this amendment singles them out and treats them like criminals.

This amendment will not do one thing to prevent smoking. It will not punish the big tobacco companies; it will not decrease the deficit. It will only treat small farmers like criminals.

It's bad policy—it's unfair and it's wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO], a member of the committee.

Ms. DELAURO. Mr. Chairman, this is a debate about saving lives. The deadly effects of tobacco cannot be denied, each year more than 400,000 Americans die of smoking-related illnesses. Each year the Federal Government pays and picks up the tab for many of these health care expenses. Yet our Government provides, pays for, subsidized crop insurance to tobacco growers, $34 million in taxpayers' dollars.

Other crops such as broccoli and cucumbers are not covered by crop insurance. Why tobacco? Some of my colleagues who oppose this amendment will talk about its impact on farmers. It is not that we are not sympathetic to small farmers. But what about the families whose loved ones die due to deadly smoking habits? What about fathers, mothers, grandparents who are among the 400,000 who die each year due to tobacco habits?

We are working at cross-purposes when we give tobacco subsidies with one hand and then we must spend health and education dollars to counteract tobacco's effects with the other. We have a clear and convincing evidence of tobacco's deadly impact. I urge my colleagues to support the Lowey amendment.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, some have chosen to target the tobacco farmer. The denial of crop insurance is another attempt to suffocate a legitimate industry. This amendment will have a devastating effect on the tobacco farmer and his family. All farmers work hard to put food on the table for their families. The tobacco farmer is no different. He is no different than a corn farmer in the Midwest or a cotton farmer in Alabama. All farmers, including the tobacco farmers, deserve crop insurance. For the sake of fairness, vote ''no'' on the Lowey amendment.

Some of my colleagues have chosen again to target the tobacco farmer. The denial of crop insurance to tobacco farmers and their family is simply another unfair and insensitive attempt to suffocate a legitimate industry.

Some Members believe this amendment will stop teenagers from smoking. That is absolutely wrong. It will stop one person from smoking; it won't even punish the industry. Instead it will have a devastating effect on the tobacco farmer and his family. The farmer will be left unprotected, unlike any other farmer who grows a legal producing crop.

All farmers work hard to make ends meet, to put food on the table for their families—the tobacco farmer is no different. He is no different than a corn farmer in the Midwest or a cotton farmer in Alabama. This amendment will blatantly discriminate against a legal commodity.

These hard-working farmers struggle every day to make ends meet. You will be dealing them a devastating blow to their ability to make a living. Insurance premiums will double, if not triple, if they are required to seek private insurance, which may not be available.

The economies of tobacco-producing States will be devastated by this amendment. Tobacco is a $7 billion industry for North Carolina—the State contributes $2.8 billion a year in Federal taxes. Schools, hospitals, community buildings, churches, and other community-based projects will not be built because of this revenue loss.

At the national level, tobacco contributes $22.6 billion a year in Federal tax revenue—this money does not just come from producing States. Even nongrowing States will also be hit economically.

New York, for example, could lose up to $4 billion if this amendment passes and as indicated it puts the tobacco farmer out of business. Even the State of California could lose up to $4 billion.

I question whether any State can afford this revenue loss. I would like to ask my colleague from New York who will replace this revenue. In my opinion, it will be on the back of the taxpayer.

I urge my colleagues to vote ''no'' on the Lowey amendment and not to discriminate against our farmers.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, I wish to rise in strong support of the Lowey amendment. I am a freshman who decided to come to Congress because I wanted to fight to cut Federal waste. We have promised the American people that we would restore balance and prudence to the Federal budget, and yet last year we spent nearly $80 million on Federal subsidies for tobacco crop insurance. We spent this money to ensure a crop that kills people. Let us not mince words on this point. Tobacco kills people.

Let us not as a nation spend $177 million to prevent tobacco abuse and then at the same time continue to pour taxpayer dollars into tobacco insurance subsidies.

Mr. Chairman, if we are serious about cutting wasteful, needless Federal programs, let us start here. How can we justify cutting other Federal programs but continue to spend taxpayer dollars to insure crops that have no safe level of use?

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, a lot of words have been bandied about, one being hypocrisy, one inconsistency. Let me talk about hypocrisy. This amendment, no matter what the rhetoric is, goes just to the farmer. It does not stop anybody from smoking. It does not provide any health care.

We keep on talking about the hypocrisy of the Federal Government. Let me talk about hypocrisy. On one side we want to cut the low man on the food chain, the farmer. On the other side we do not want to say a thing about the excise tax that these States collect from tobacco. New York, $674 million from tobacco excise tax. Are we stopping that? No. Hypocrisy. Colorado, $61 million from excise tax from cigarettes and tobacco alone; are we trying to stop that? No. Hypocrisy. Washington State, $257 million from tobacco excise tax; are we trying to cut that out? No. That is hypocrisy. Texas, $569 million of excise tax from tobacco. Are we going to cut that out? No. So when we speak of hypocrisy, Massachusetts, $230 million from excise tax, when we speak of hypocrisy, the hypocrisy is we want to take from the farmer but we want to stick it to the farmer at the same time.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

☐ 1345

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in very strong support of this amendment.

As has been pointed out here today, only 65 of our Nation's 1,600 crops enjoy Federal crop insurance subsidies. Peaches, as was pointed out, watermelon, squash, cucumbers, none of them get these subsidies at all. That is point No. 1.

Second, we have all become familiar with the large tobacco settlement. I do not know the exact amount, but it is in excess of $300 billion over a period of time. We are talking around $32 million here for this program that perhaps the tobacco companies would have to step in and do something about.

When we hear about the kind of money we are dealing with here, it is evident and clear to everybody in America that we do not need to continue to underwrite the insurance for the tobacco crops.

And then, and perhaps most importantly, the public probably wonders what are we doing here? We have all these antismoking advertisements, we have all manner and members of the administration who are out saying we should not smoke, and many of us believe people should not smoke, and on the other hand we are paying people, or at least paying for their crop insurance, for the growth of tobacco. That is a tremendous problem.

Tobacco does kill. We need to do something about it. We need to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in opposition to the Lowey amendment.

This is the same proposal we rejected last year and the year before that, that the Committee on Appropriations rejected 2 days ago and the other body rejected yesterday. Here it is again. Here we go again.

They rejected it because it has nothing to do with smoking, teenage smoking, or the hazards of smoking. This is about little tobacco. This is about small farms. This is not big tobacco. Big tobacco would love for us to pass this amendment so they could grow the tobacco overseas at one-third the cost,

lower the price of cigarettes and, in the meantime, encourage more smoking.

It attacks the most vulnerable people. Kentucky farmers grow tobacco because it is the only way they can raise their family, send their kids to school, and buy food and clothing. We will drive out the American farmer and the companies will buy their tobacco overseas at one-third the cost. They will get cheaper tobacco. Cigarettes will become cheaper and smoking will increase.

This is not a debate about smoking or how cigarettes are sold, or who buys them. We should do as we did last year. Reject this amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT], a cosponsor of the amendment.

Mr. DOGGETT. Mr. Chairman, the death subsidy must end. That is why I am a cosponsor of this amendment, because the taxpayer subsidy of the only agricultural product in this entire Nation, indeed in this world, when used precisely as directed by the producer, produces death, produces drug addiction, produces disease. Taxpayers do not want to subsidize that product.

If we are ever going to get serious about preventing more of our children from becoming addicted to nicotine, then what we have to do is to break the stranglehold of the tobacco lobby on this Congress. Indeed, they have been successful day after day because they have oiled the machines of government very well.

Only 65 of our Nation's 1,600 crops get the type of crop insurance we are talking about. When the watermelon farmers gather this summer at the Luling Watermelon Thump, and in McDade in central Texas, they will not get a dime of taxpayer subsidies.

Why should we subsidize tobacco? Indeed, why should we subsidize cyanide or arsenic? That is the better comparison. Taxpayers are wasting $34 million on this subsidy.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. BURR].

Mr. BURR of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, what is this about? This is about real people and real lives and real communities all over this country. It is about small tobacco farmers that are part of that community.

The sponsors of this bill would suggest to us that this will not affect the crop and it will not affect crop insurance. Secretary Glickman does not think that. He says that the Department of Agriculture opposes this amendment. He went on to say ''Crop insurance is an essential part of the producer's safety net envisioned by the administration's agricultural policy.'' The administration's agricultural policy.

Well, I have to tell my colleagues, crop insurance allows farmers that sense of security that they will not be financially devastated when there is a Hurricane Fran or a Hurricane Bertha. Most crops in North Carolina were destroyed during those two hurricanes.

What does the gentlewoman from Colorado [Ms. DEGETTE] and the gentlewoman from New York [Mrs. LOWEY] suggest we tell our tobacco farmers? Tough break? Well, that dog don't hunt.

We should vote ''no'' on the Lowey amendment.

Ms. KAPTUR. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I want to thank the gentlewoman for yielding me this time.

I oppose this amendment. It is mean, it is punitive, it is misdirected. It does not attack smoking nor does it attack tobacco companies, as proponents claim, but it does attack small American family farmers trying to protect their land against hurricanes, floods, tornadoes, disease, and drought.

We should not force family farmers to lose their homes and their lands because they cannot buy risk insurance. Help American farmers, not foreign farmers. Kill this amendment. It is bad.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I very strongly oppose the DeGette-Lowey amendment, which is terribly unfair to tobacco farmers.

I understand that there are many in this House who would like to make a political statement against smoking. But this is surely not the right way to go about it.

That's why Secretary of Agriculture Glickman has come out so strongly in opposition to this amendment. Even though this administration has promoted an unprecedented campaign against smoking, Secretary Glickman recognizes that taking away the safety net from small farmers has no place in that campaign.

This amendment will do nothing to stop smoking. It will not limit youth access to cigarettes. It will not restrict tobacco advertising. And it will not put a dent in the profit margins of cigarette manufacturers.

What is will do is inflict a lot of harm on tobacco farmers and the farming communities that depend on them. Many of these communities are located in my district.

This amendment singles out tobacco farmers for treatment we would never consider in any other circumstances. It would deny them the benefit of disaster assistance available to every other farmer. It would deny them Government-backed crop insurance available to every other farmer.

This is not only discrimination against tobacco farmers. It's also discrimination against tobacco farming communities. These communities are the ones who will pay the price if crops fail. They are the ones who depend on disaster assistance to help recover from natural calamities.

Mr. Chairman, this is scapegoating, pure and simple. The backers of this amendment are upset with tobacco companies. So they are taking out their frustrations on farmers, many of them small family farmers struggling just to get by.

I suggest they pick on someone their own size. Small farmers have enough troubles. They don't need to be treated like pariahs by this Congress. They deserve better than that.

I urge you to soundly reject this wrong-headed amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I hear what the problem is here, but I want to say to America that we have to oppose this amendment.

We have to oppose it because if the people who are proponents of this amendment want to cure this problem of tobacco, we all admit that it is very bad, let us make tobacco illegal. Let us make it illegal. That will cure all the things we have heard here today. It will stop it.

But I tell my colleagues what we need to keep going, and that is these small farmers that are farming tobacco. And I say this every time. My father was a tobacco farmer. Honest man. The only place he could get any work was on a tobacco farm. I will never forget that. I know that was an opportunity for him, just as it is an opportunity now for the small farmer.

It was an opportunity for the farmers when the hurricane that devastated farmers in my district had everything wiped out. If it were not for crop insurance, they could not have survived. If it were not for crop insurance, the orange growers in Florida would not have survived. We do not see those people. They are not here. They do not dress like we do. They do not talk like we do.

They need their insurance to keep their families fed. I say to my colleagues that we must oppose this amendment because of that, survival for the small farmer.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in opposition to the Lowey amendment because of its devastating impact on the family tobacco farmers in my district across Kentucky.

Those offering this amendment today think that they are attacking cigarettes, youth smoking and big tobacco. Those attacks, however, are hitting the tobacco farmers and hitting them hard, that small family tobacco farmer. Most of these farms in Kentucky in my district are small, often part-time. They are hard working farmers who are trying to make ends meet and providing a better life for their children.

Denying crop insurance to Kentucky tobacco farmers will have no effect on youth smoking, will have no effect on tobacco use, will have no effect on the big tobacco companies, will have no effect on the local retailers, and will have no effect on the supply of tobacco.

If we do not grow tobacco in the rural areas of Kentucky, then big tobacco will import it. In fact, big tobacco companies could then import cheap foreign tobacco and benefit, yes benefit from our vote in favor of the Lowey amendment.

The only folks hurt by the Lowey amendment will be the small family tobacco farmer, who deserves the right to participate in the same USDA crop insurance or noninsurance disaster assistance program offered to every other farmer in this country.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. ETHERIDGE].

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to this amendment on behalf of the small farmers of North Carolina.

Mr. Chairman, I oppose this attack on farmers. If not for insurance—floods in the Midwest would have devastated wheat farmers; cold would have destroyed Florida orange growers; droughts would have ruined western farmers; southern farmers would not have survived hurricanes in 1996. Yesterday, rain from Hurricane Danny flooded tobacco fields in North Carolina as farmers prepared to go to market. As adjusters survey the damage, farmers will count on crop insurance to pay the bills as they try to salvage what they can. Singling out these farmers is discriminatory and unfair.

This assault on farmers threatens their last safety net. Secretary Glickman opposes the amendment because insurance is a safety net, not a subsidy.

Proponents claim concern for public health and teen smoking. I understand that this amendment impacts neither. It will not stop teen smoking; will not hurt manufacturers profits; and will not reduce cigarette production. The demagoguery of this amendment is shameful. It threatens the balance reached in a tobacco settlement which includes the most extensive public health proposals on smoking in history. Eliminating insurance for tobacco will devastate victims of Hurricane Danny, hurt poor, minority farmers and do nothing for public health. Vote for fairness. Vote ''no'' on this amendment.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODE].

(Mr. GOODE asked and was given permission to revise and extend his remarks.)

Mr. GOODE. Mr. Chairman, on behalf of the Virginia tobacco growers I urge Members to defeat this amendment.

Mrs. LOWEY. Mr. Chairman, may I inquire of the remaining time?

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] has 2 minutes remaining; the gentleman from New Mexico [Mr. SKEEN] has 1 minute remaining, and has the right to close; and the gentlewoman from Ohio [Ms. KAPTUR] has 1½ minutes remaining.

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan [Mr. Upton].

Mr. UPTON. Mr. Chairman, it is time to stop this Federal subsidy of a crop that is both addictive and causes cancer.

The passage of this amendment does not stop small tobacco farmers from growing tobacco. It just says we will stop one of the subsidies, one of the incentives for them to do so.

Earlier today we read the debate on the Durbin amendment which bans smoking on airplanes from a couple of years ago. Many of the same folks that are arguing for a ''no'' vote were the same folks arguing ''no'' then.

Guess what? The Airline Flight Attendants Union has now filed a $5 billion suit against the airlines for allowing this to happen. Would it not have been nice if they had not been able to file this suit at all and had this Durbin amendment passed many years earlier?

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Chairman, those of us who oppose this amendment do not represent the tobacco lobby. We represent 142,000 farm families around this country who for generations have grown this product.

If we continue our efforts to destroy the tobacco farmers, we will have to come up with a new program to provide economic assistance to 142,000 farm families who have an average income of $13,000 a year. This is a supplemental income product.

Mr. Chairman, we do not require anyone to smoke. There still is such a thing as personal responsibility in America.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEFNER].

(Mr. HEFNER asked and was given permission to revise and extend his remarks.)

Mr. HEFNER. Mr. Chairman, we have heard the rhetoric and the people testifying and talking about tobacco and the ills of tobacco. If we want to vote to do away with tobacco, this is not the way to do it.

We will be called on in just a few minutes to take this little card and we will vote, and potentially the lives and the livelihoods of millions of people across this country will be affected.

But this is not going to stop one teenager, one child, nobody from smoking. We will say to these farmers that go out and mortgage their farms, mortgage their allotments and make commitments, we will say to them, OK, these other folks can get crop insurance, but we are sorry about that. These tobacco farmers cannot have crop insurance. If there is a hurricane or a severe storm or whatever, that is just tough, they will not get any insurance.

That is punitive, and it affects the lives of thousands and thousands of people that are on the small farms throughout all of this country in different places in this country. That is not fair.

And we do not affect the big tobacco companies. This will not have any impact on the big tobacco companies. Somebody said, oh, the big tobacco companies. This does not do anything to the big tobacco companies. All we will do is penalize that hard working family that is trying to send their kids to school and to make a decent living.

This is punitive, it is unfair, and I beg my colleagues when they put their cards in the slot to think of all the people they will be affecting across this country.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

(Mr. OLVER asked and was given permission to revise and extend his remarks.)

Mr. OLVER. Mr. Chairman, I rise in favor of the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mr. Chairman, I rise in support of the Lowey amendment to eliminate the Tobacco Crop Insurance Program.

Today, we provide crop insurance to 65 of the 1,600 crops grown in the United States. Nutrition-packed vegetables like broccoli and squash are not eligible for crop insurance. But we spend millions of dollars to insure the growth of tobacco.

Millions to promote a crop that is unlike any other covered by the Federal Crop Insurance Program. A crop that is neither food nor fiber. A crop that neither provides us with food for our table nor clothes for our backs.

This amendment eliminates the $34 million taxpayer subsidy for crop insurance for tobacco growing.

Tobacco—when used according to directions—harms and kills hundreds of thousands of Americans every year.

To combat this health threat, Mr. Chairman, America spends hundreds of millions of dollars each year to curtail tobacco use.

We spend billions of dollars each year to treat emphysema, lung cancer, and heart disease.

In my State, Massachusetts, over 10,000 people die each year from smoking-related illnesses. And the costs of treating those illnesses in my State alone totals more than $1 billion.

Across America, tobacco use is the single largest drain on the Medicare trust fund. Tobacco costs Medicare more than $10 billion and Medicaid more than $5 billion per year.

We now have irrefutable evidence of the damage tobacco use wreaks on our citizens and our Federal budget.

The proposed settlement between the State attorneys general and the tobacco industry requires a payout of $368 billion over 25 years. This legal settlement is a testament to the disasters of tobacco use. While far from perfect, it represents a step in the right direction for advancing public heath.

Clearly, in the case of tobacco, the time has come to bring our agricultural policy in line with our health policy.

My colleagues on the other side of the aisle are always eager to let the market provide for other sectors of our economy. They do not want to subsidize community service, education standards, economic development, or the arts.

I say to my colleagues, we should not be subsidizing the growth of tobacco.

Tobacco is a lucrative crop. It yields an average of $4,000 per acre; $4,000 compared with a yield of only $200 for an acre of wheat.

Despite the ability of tobacco growers to pay the cost of crop insurance, we continue to fund large portions of their premiums. So, not only do farmers see high profits, but they also have taxpayers footing the bill for their insurance.

Mr. Chairman, we should not subsidize tobacco. We should not promote the growth of a crop that kills. Support the Lowey amendment and let the market provide for tobacco plants.

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, we are not antifarmer or antiagriculture. We are prohealth care, we are prochildren. It is our goal to stop lung cancer in our lifetime.

The Government that gives a Surgeon General warning on the dangers of smoking should not be subsidizing insurance for the crop of tobacco.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard that this amendment is mean-spirited and that it will hurt tobacco growers. The simple fact is that tobacco is one of the most lucrative crops in America. Our amendment will not stop these farmers from growing tobacco. The amendment says they can continue to grow tobacco, but they will have to purchase crop insurance on their own.

☐ 1400

Now if that is a hardship, it is a hardship for all the small businesses in America that they manage to overcome. My colleagues on the other side of this debate will also say that this amendment will not end smoking. They are right. This amendment is not a cure-all, but it will bring us one step closer to a consistent Federal policy on tobacco.

Every year 400,000 Americans die from cancer. One of them was my dad. My father smoked three packs a day. At the age of 54, he died. I urge my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. CHAMBLISS].

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Chairman, I rise in strong opposition to this amendment. We have heard from the proponents of this amendment two things. First, we need to outlaw tobacco companies from producing tobacco that is harmful to Americans. Second, we need to keep children from smoking. This amendment has absolutely nothing to do with either one of those two issues.

I have 5,000 small family tobacco farmers in my district. This particular amendment penalizes those 5,000 farm families who work hard every day to produce a living for their family growing a legal crop. I urge a ''no'' vote on this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of this amendment to eliminate the Federal subsidy for tobacco crop insurance.

This amendment is consistent with Congress' effort to control Federal spending and target our dollars only to the most necessary and appropriate programs. In 1996, Federal taxpayers paid around $80 million in net tobacco crop insurance costs. The Congressional Budget Office estimates that adoption of this amendment will save $34 million in the coming fiscal year. Beyond that, eliminating this subsidy will go a long way toward lowering tobacco use and reducing the severe public health risks associated with its use.

Personally, I would prefer to see this $34 million applied to cancer research, or research into other diseases afflicting millions of Americans in this country.

According to the Centers for Disease Control and Prevention, cigarettes kill more Americans each year than AIDS, alcohol, car accidents, murders, suicides, drugs and fires combined. With the growing number of individuals suffering from health problems that are related to smoking, second-hand smoke, and tobacco use, it is in the public interest for Congress to remove taxpayer support for this type of crop which harms, and often kills its users.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-De-Gette-Hansen-Meehan-Smith amendment. This amendment would save $34 million by eliminating subsidized crop insurance for tobacco—$34 million in savings scored by CBO.

It is time that we confront the glaring and unforgivable inconsistency in our Federal tobacco policy. We currently spend over $177 million on programs to prevent tobacco use. Yet, USDA spent $80 million for Federal crop insurance subsidies in fiscal year 1996. How can we possibly continue to encourage the growth of tobacco?

Some of our colleagues will argue that jobs are at stake here. But passage of this amendment would not result in the loss of any jobs. The private insurance market can provide crop insurance to tobacco farmers who want it—just like it does for the overwhelming majority of crops, such as honey, broccoli, watermelon, cherries, and livestock.

This amendment simply ends one more Federal subsidy for a product that threatens the public health. This Nation can no longer close its eyes to a product that kills 400,000 Americans each year and brings into its deathly fold 3,000 children each day, more than 1 million new smokers each year. It is time to take the necessary steps to prevent another generation from becoming addicted to this deadly product. Ending subsidized crop insurance for tobacco is an important step in this process.

Vote tonight to get the Federal Government out of the tobacco business. Vote ''yes'' on the Lowey-DeGette-Hansen-Meehan-Smith amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 193, the Chair announces that proceedings will resume on the amendment offered by the gentleman from California [Mr. COX] immediately following disposition of the pending amendment. The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 9, as follows:

[Roll No. 310]

AYES—209

Ackerman	Goodling	Obey
Allen	Goss	Olver
Andrews	Greenwood	Owens
Bachus	Gutierrez	Pallone
Baldacci	Gutknecht	Pappas
Barrett (WI)	Hall (OH)	Pascrell
Bartlett	Hansen	Paul
Bass	Harman	Payne
Becerra	Hayworth	Pelosi
Bentsen	Hefley	Petri
Bereuter	Hill	Porter
Berman	Hinchey	Poshard
Bilbray	Hobson	Pryce (OH)
Blagojevich	Hoekstra	Quinn
Blumenauer	Holden	Ramstad
Borski	Hooley	Riggs
Boswell	Horn	Rivers
Brown (CA)	Jackson (IL)	Roemer
Brown (OH)	Jackson-Lee (TX)	Rohrabacher
Callahan	Johnson (CT)	Rothman
Campbell	Kanjorski	Roukema
Canady	Kasich	Roybal-Allard
Cannon	Kelly	Royce
Capps	Kennedy (MA)	Rush
Cardin	Kennedy (RI)	Ryun
Carson	Kennelly	Sabo
Castle	Kildee	Salmon
Chabot	Kind (WI)	Sanders
Christensen	King (NY)	Scarborough
Conyers	Kleczka	Schumer
Cook	Klug	Sensenbrenner
Cooksey	Kucinich	Serrano
Costello	LaFalce	Shaw
Cox	Lampson	Shays
Coyne	Lantos	Sherman
Cummings	Lazio	Shuster
Davis (IL)	Leach	Slaughter
DeFazio	Levin	Smith (NJ)
DeGette	Lewis (GA)	Smith (TX)
Delahunt	Lipinski	Smith, Adam
DeLauro	LoBiondo	Smith, Linda
Dellums	Lofgren	Snowbarger
Deutsch	Lowey	Snyder
Doggett	Luther	Souder
Doyle	Maloney (CT)	Stabenow
Duncan	Maloney (NY)	Stupak
Dunn	Manzullo	Sununu
Edwards	Markey	Talent
Ehlers	Mascara	Tauscher
Engel	McCarthy (NY)	Taylor (MS)
English	McDermott	Tiahrt
Ensign	McGovern	Tierney
Eshoo	McHale	Torres
Evans	McHugh	Traficant
Farr	McInnis	Upton
Fattah	McKeon	Velazquez
Fawell	McKinney	Vento
Filner	McNulty	Visclosky
Foglietta	Meehan	Wamp
Fox	Menendez	Waters
Frank (MA)	Metcalf	Waxman
Franks (NJ)	Miller (CA)	Weldon (FL)
Frelinghuysen	Miller (FL)	Weldon (PA)
Furse	Minge	Wexler
Ganske	Moakley	Weygand
Gejdenson	Moran (VA)	White
Gibbons	Morella	Wolf
Gilchrest	Nadler	Woolsey
Gillmor	Neal	Yates
Gilman		Young (FL)

NOES—216

Abercrombie	Barcia	Bliley
Aderholt	Barr	Boehlert
Archer	Barrett (NE)	Boehner
Armey	Bateman	Bonilla
Baesler	Berry	Bonior
Baker	Bilirakis	Bono
Ballenger	Bishop	Boucher

Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fazio
Flake
Foley
Forbes
Ford
Fowler
Frost
Gallegly
Gekas
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green
Hall (TX)
Hamilton
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hilleary
Hilliard
Hinojosa
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kilpatrick
Kim
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manton
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McIntosh
McIntyre
Meek
Mica
Millender-McDonald
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rodriguez
Rogers
Ros-Lehtinen
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Towns
Turner
Walsh
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Wise
Wynn

NOT VOTING—9

Barton
Blunt
Dingell
Molinari
Rangel
Rogan
Schiff
Stark
Young (AK)

☐ 1421

Mr. MATSUI changed his vote from ''aye'' to ''no.''

Mr. BEREUTER and Mr. GREENWOOD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BLUNT. Mr. Chairman, on rollcall No. 310, I was inadvertently detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Chairman, on rollcall No. 310, I was inadvertently detained. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. COX] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 16, as follows:

[Roll No. 311]

AYES—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—16

Barton
Blumenauer
Cannon
Coyne
DeGette
Dingell
Goode
Jenkins
Lewis (CA)
Molinari
Schiff
Stark
Taylor (NC)
Visclosky
Wise
Young (AK)

☐ 1429

Mr. CAMPBELL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

THE CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. MILLER of Florida:

Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture shall be used to pay the salaries and expenses of personnel who issue, under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), any nonrecourse loans to sugar beet or sugar cane processors.

The CHAIRMAN. Pursuant to House Resolution 193, the gentleman from Florida [Mr. MILLER] and a Member opposed will each control 15 minutes.

Who seeks to control the time in opposition?

Mr. EWING. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Ms. KAPTUR. Mr. Chairman, I ask the gentleman from Illinois [Mr. EWING] if he would yield one half of his time to me and that I be allowed to further yield time.

Mr. EWING. Mr. Chairman, I ask unanimous consent that one half of my time be yielded to the gentlewoman from Ohio [Ms. KAPTUR] and that she be allowed to further yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from New York [Mr. SCHUMER] for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will control 7½ minutes, the gentleman from Florida [Mr. MILLER] will control 7½ minutes, the gentleman from Illinois [Mr. EWING] will control 7½ minutes, and the gentlewoman from Ohio [Ms. KAPTUR] will control 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, the amendment we have before us today is for an incremental change to the sugar program. Last year the gentleman from New York [Mr. SCHUMER] and I introduced legislation for a total phaseout of the program, but this year the amendment only addresses the issue of nonrecourse loans. The sugar program is considered the sugar daddy of corporate welfare because the benefits go to a limited number of people; in fact, 42 percent of the benefits of the sugar program go to only 1 percent of the growers. The sugar program is an old command-and-control economic model that still exists, unfortunately, in this country, and it keeps the price of sugar at twice the world price.

The sugar program was not changed in the last year's farm bill, and that is unfortunate because last year's farm bill had very significant change in agriculture in this country. But, sadly, sugar was the one product or crop that was exempted, and this is what happened:

For example, last year in Time magazine, the week that President Clinton signed the legislation a full page article in Time did not talk about all the good things of that program, it talked about the fact that sugar sweetest deal, the landmark farm deal, left sugar subsidies standing, reformers wondering what went wrong. Agricultural socialism was supposed to end this week by the signing by President Clinton. But for America's sugar growers, how sweet it still is.

The fact is the sugar program continues to keep the price of sugar at twice the world price. My colleagues can look at the Wall Street Journal. There are two prices published for sugar, one for the United States and one for the rural price, and it makes it very difficult for us to compete when we have to pay twice as much for sugar. That is unnecessary.

Let me describe how the program works. We cannot grow enough sugar in the United States so we must import sugar, so farmers can produce all the sugar they can grow now but we still must import because the demand is so great. What the Federal Government does is it restricts the amount of sugar allowed to enter the United States, and by so restricting it, we force the price to twice the world price. The incentive for the Federal Government to do that, to maintain this high price, is the nonrecourse loan, because the nonrecourse loan is such that sugar processors, not farmers, these loans do not go to farmers by the way, they go to processors, big companies, and they get to borrow the money and put up the collateral sugar. They can pay back with sugar or money, cash.

But what they do is, the Federal Government does not want to get paid back in sugar, so since the Federal Government does not want to get paid back in sugar, they force the price up high. This is bad for the American consumer, this is bad for jobs in America, this is bad for the American taxpayer, and it is also bad for the environment in this country.

The consumer, according to the General Accounting Office, pays $1.4 billion more, and for people of lower incomes, when they pay a high percentage of their food, money goes into food cost. This is a very regressive cost to the American consumer.

It is bad for jobs. Refineries are closing. There is an editorial in the San Francisco Examiner today talking about how a refinery may close in San Francisco because there is not enough sugar to process. Then the jobs are also affected because the manufacturers that use a lot of sugar, whether it is candy or baked goods and such, cannot get enough sugar and so they have to pay more for it. They cannot compete with the Canadian companies.

Bob's Candies in Albany, GA, a candy cane company; how can they compete when they pay twice as much for sugar as the Canadian company? That is unfair, and we are penalizing our manufacturers in this country, and that is wrong.

And then the taxpayers get stuck with it, too. The taxpayers pay in several different ways. One area they pay is that we are major purchasers of food products in the United States, whether it is veterans hospitals or the military. GAO says it is costing the American taxpayer another $90 million there.

And then we have the Everglades issue. In Florida, my home State, the Everglades, one of the most important natural resources we have in my home State, it is being damaged, the Everglades, by the sugar program because the sugar program encourages overproduction of sugar on marginal lands and it is damaging the Everglades.

And then what we have to do to solve the sugar program is pay additional for the cost of land. We are inflating the price of land because of the sugar program.

The sugar program is a bad program. It is time to start phasing out. This is only a limited change. I urge my colleagues to support this.

Mr. Chairman, I reserve the balance of my time.

Mr. EWING. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the intent of the Miller-Schumer amendment is to kill an efficient U.S. sugar industry and send those jobs overseas. The sugar program was reformed in the 1996 farm bill. The sugar program retained only protection at the border from the other hundred countries in this world who produce sugar and want the American market to dump their sugar on. It would only hurt those people in the sugar industry and raise costs to the consumer if we were to adopt this amendment.

There are more changes coming in the sugar program. The sugar program must move with the changes in the GATT agreement, and I support that, and most people in this body do for bringing the sugar program into competition in world market.

We cannot change alone. We cannot tie one hand behind us and expect the rest of the world to respect our program.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank my friend from New York for yielding me this time, and I rise in strong support of the amendment.

Our current sugar program is costing us money and it is costing us jobs. It restricts the amount of sugar that can come into this country by having an arbitrarily high price for sugar. That means American consumers are paying twice what they should for the cost of sugar. That is corporate welfare. That is not what it should be.

Talk about costing jobs. In my district, Domino Sugar Refinery has a plant. Seven times within a year they

had to close because they could not get enough sugar at a competitive price in order to refine that sugar. There are 800 jobs there. That is jobs for this country.

So whether my colleagues are interested in the American consumer or they are interested in American jobs, they cannot justify our current sugar program.

The nonrecourse loan program allows sugar production here to guarantee a certain price. As the gentleman from Florida explained, the government does not want to get the sugar for the debt. Therefore the price of sugar is kept at an arbitrarily high level.

For the sake of our consumers, for the sake of jobs, for the sake of fairness, support the Miller-Schumer amendment. It is in the interests of our constituents.

Mr. SCHUMER. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding time to me.

If the Miller-Schumer amendment were to pass today, it would mean virtually the end of the domestic sugar production here in this country, and it would forfeit over 400,000 jobs, about 6,000 in my district.

I come from an agricultural part of Hawaii. We are very proud of the contributions that the sugar industry has made not only to the State but to the country.

The only people that are going to benefit from the Miller-Schumer amendment are the mega-international food cartels because it is in their interests to be able to buy cheap sugar. They are not interested in the American jobs that are dependent upon the sugar program, and contrary to what the gentleman said in offering this amendment, last year in the farm bill there were major revisions made to the sugar program and those revisions were agreed to by those of us who support this program.

So I urge my colleagues, in the interests of saving U.S. jobs, protecting the farmers, understanding the commitment we made for 7 years to this program, I urge them to defeat this amendment.

Mr. Chairman, throughout this sugar debate you have and will continue to hear opponents refer to a 1993 General Accounting Office [GAO] and a subsequent 1997 GAO report that argue for the elimination of the American sugar program. The U.S. Department of Agriculture [USDA] responded to the 1993 GAO report that it was flawed.

In a correspondence I received from the USDA Under Secretary, they found that the GAO used incorrect data and ignored integral components of the sugar program in generating their conclusions. In fact, the USDA found that even using the GAO's flawed methods, it could still show hundreds of million of dollars in benefits to consumers depending upon which years were studied. The letter I received from the USDA stated that had the GAO looked at 1973–75, rather than 1989–91, the analysis would have showed an annual savings to domestic users and consumers of $350 to $400 million, contrary to the opponents claim that the program was costing taxpayers over $1.4 billion. In fact, the GAO later conceded that the $1.4 billion was simply unsubstantiated.

The USDA analysis not only revealed the deficiencies of the 1993 GAO report, but it reinforced the fact that America's sugar growers do not receive subsidies and that it is operated at no cost to the Government, as is required by law. The USDA analysis supports the sugar program's proponents assertions that the our Nation's sugar policy benefits consumers by providing a stable supply of sugar at prices 32 percent below other developing countries. In reality, the reason for this price differential is because foreign countries subsidize their sugar industry. On the average, retail price for a pound of sugar in America is 0.41 cents. Compare that to the 0.92 retail cost of sugar in Japan or Norway and you can see that American consumers do not pay the astronomical cost for sugar as opponents contend.

Mr. Chairman, I will submit for the RECORD a letter from USDA Under Secretary Eugene Moos dated October 24, 1995, refuting the April 1993 GAO report.

To recover from last year's embarrassment, adversaries of the U.S. sugar program asked the GAO to conduct another study of the sugar program. Mr. Chairman, Congress reformed the U.S. sugar program just last year. The request for an additional study was a waste of taxpayers money. In fact, to no one's surprise, the subsequent 1997 GAO report used the same flawed methodology as in the 1993 report. Similarly, the USDA found the same errors in the 1997 GAO report and refuted its contentions.

I urge my colleagues to reject these false arguments against the sugar program. It more than pays for itself. It benefits taxpayers, benefits consumers, and provides thousands of American jobs.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 24, 1995.

Hon. PATSY T. MINK,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MINK: Thank you for your letter of July 26, 1995, concerning the General Accounting Office (GAO) report that stated that the U.S. sugar program costs domestic users and consumers an average of $1.4 billion annually and GAO's July 1995 analysis that the sugar program cost the Government an additional $90 million in 1994 for its food purchase and food assistance programs.

In my opinion, GAO's April 1993 report was flawed in its estimates. Some data were used incorrectly and important data and sugar market issues were not considered. Based on GAO's methodology, but by selecting prices in different time periods, the results are more ambiguous. Depending on the timeframe, one may contend that the domestic sugar program either costs or benefits U.S. users and consumers.

GAO's estimate of $1.4 billion annually was based on an assumption of a long-run equilibrium world price of 15.0 cents per pound of raw sugar if all countries liberalized sugar trade. GAO added a transportation cost of 1.5 cents per pound of raw sugar to derive a landed U.S. price (elsewhere in the report GAO stated that the transportation cost adjustment should be 2.0 cents per pound.) To derive a world price of refined sugar of 20.5 cents per pound, GAO added a refining spread of 4.0 cents per pound.

GAO compared its constructed U.S. sweetener price with its derived world price. However, GAO constructed the U.S. price for the 1989–1991 period during which 1989 and 1990 were unusually high price years for U.S. refined sugar. This exaggerated the difference between the so-called world derived price and the U.S. sweetener price. By selecting a period of world price spikes, such as 1973–1975, GAO's analysis would show an annual savings to domestic users and consumers of $350 to $400 million.

Clearly, the expected world price of raw sugar with global liberalization is critical to any analyses of the effects of the U.S. sugar program. In 1993, the Australian Bureau of Agricultural and Resource Economics (ABARE) estimated that sugar trade liberalization in the United States, European Union, and Japan alone would result in an average world price of 17.6 cents per pound of raw sugar—2.6 cents per pound higher than GAO's derived world price.

Based on the ABARE analysis and using a transportation cost of 1.75 cents per pound, which more accurately reflects global transportation costs to the United States, plus a refining spread of 4.27 cents per pound (Landell Mills Commodities Studies, Incorporated), a world price of refined sugar is estimated at 23.6 cents per pound. Based on this world price estimate and an average U.S. sweetener price of 1992–1994, a more normal price period, it can be shown using GAO's methodology, that there are no costs to domestic users and consumers.

The estimated effects of the U.S. sugar program are highly sensitive to expected world prices if global sugar trade is liberalized. GAO's analysis, in my judgement, does not adequately consider the complexities and dynamics of the U.S. and global sugar markets.

With respect to the effects of the U.S. sugar program on Government costs of its food purchase and assistance programs, an independent analysis by the Economic Research Service (ERS) estimates the cost at $84 million based on the difference between U.S. world refined sugar prices in 1994. However, just as for the GAO analysis, different effects could be estimated by using other time periods when the price gap between U.S. and world prices was smaller. Moreover, with global liberalization, the price gap would narrow because of the dynamics of adjustment which were not considered in the ERS analysis.

Sincerely,

EUGENE MOOS,
Under Secretary for Farm and Foreign Agricultural Services.

Mr. Chairman, the U.S. Sugar Program was significantly reformed in the farm bill passed last Congress. We cannot renege on our 7-year commitment made only a year ago to America's sugar growers and producers. The elimination of the nonrecourse loan provisions will lead to the destruction of the support structure for America's sugar farmers and drive them and their families to joblessness and unemployment. The nonrecourse loan is an integral element of America's sugar program. Without these loans, the sugar operations in my district, with the exception of a refinery owned facility, would probably close. That could mean a loss of a 6,000 jobs directly and indirectly in an already weakened Hawaii economy.

Nonrecourse loans work by allowing the harvested sugar to be used as a collateral in exchange for a loan from the Community Credit Corporation [CCC]. In addition, these loans support sugar prices and ensure that America's sugar growers have the ability to make a profit and repay their obligations with interest. Last year, Congress reformed the sugar program by stipulating that nonrecourse loans, and the guarantee of a minimum raw sugar price, would be available only when imports are high. Furthermore, it imposed a 1 cent per pound penalty on any processor who forfeits sugar to the CCC.

Opponents claim that last year's reforms were inadequate and contributes to higher food prices. Nothing could be further from the truth. Compared with other developed countries, the U.S. price for sugar is about 32 percent below what consumers in other countries pay. The cost for sugar-added products, like cookies, cakes, candy, ice cream, and cereal have all risen 1 to 3.4 percent when the price for raw sugar has fallen.

It's obvious that the very ones making the argument to eliminate the safety net for American farmers and consumers, are generating record profits for themselves. It's shear greed without regard to our American producers. This amendment promoted by the mega-food corporations is to allow them to buy cheap foreign subsidized sugar and reap bigger profits on the backs of hardworking Americans.

If you vote for this amendment you are allowing greedy candy manufacturers and their allies to gain access to foreign subsidized sugar. Mr. Chair, America's sugar farmers need our help. From September 1996 to May of this year, raw sugar prices have plummeted 3 percent to 0.21 cents per pound. This drop is significant for sugar growers because this determines whether or not they make a menial profit or file for bankruptcy. If this amendment passes it would mean the end of thousands of America's small farmers. This action betrays last year's agreement and is a slap in the face of America's hardworking sugar farmers. I strongly urge my colleagues to keep our promise to America's farmers and vote ''no'' on this amendment.

Mr. EWING. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. SMITH], chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, my colleagues in the 104th Congress passed a contract with agriculture. Over 300 of them voted for it, and it was a contract which I am sure even the proponents of this bill will support, and that means that all subsidies and all support systems are gone in 7 years, now 6 years.

□ 1445

It was a commitment made by Congress with farmers. It allowed farmers to free up their planning, but it also said it is the end in 7 years.

Now, if Members pass this amendment, they break the contract with farmers. They not only break it with sugar, they break it for the rest of the farmers. Why not wheat? Why not soybeans? Why are we not talking about these as well? How about dairy?

We made a contract with the farmers. They depend upon it. They have borrowed money on the basis of 7 years. The CoBank, the largest agriculture bank in the country, said if we pass this amendment it jeopardizes $1 billion worth of loans to farmers.

Please, I ask the Members not to jeopardize the farm bill they passed.

Mr. Chairman, I include for the RECORD a letter from Mr. Jack Cassidy to Chairman LIVINGSTON.

The letter referred to is as follows:

COBANK,
Denver, CO, July 2, 1997.

Hon. ROBERT L. LIVINGSTON,
Chairman, Appropriations Committee, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I'm writing to express CoBank's opposition to H.R. 1387, legislation that would effectively end the federal sugar policy.

With $18 billion in assets, CoBank is the largest bank in the Farm Credit System. We provide financing to about 2,000 customers, including agricultural cooperatives, rural utility systems, and to support the export of agricultural products. At present, CoBank has 25 farmer-owned cooperative customers involved in the sugar or sweetener industry, with loans from CoBank totaling about $996 million.

CoBank's customers, their farmer members, and CoBank itself have made numerous business decisions and financial commitments based on the seven-year farm bill passed by Congress in 1996. As you know, that legislation included provisions vital to the U.S. sugar industry at no cost to U.S. taxpayers. Great hardship would result to sugar farmers and their cooperatives if Congress fails to live up to the commitments made just last year as part of the farm bill.

For these reasons, we urge you to support the existing farm bill provisions and oppose any proposals that would undermine the existing sugar policy.

Please call me if you or your staff have any questions.

Sincerely,

JACK CASSIDY,
Senior Vice President.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. BONIOR], our distinguished leader.

Mr. BONIOR. Mr. Chairman, the gentleman from Oregon [Mr. SMITH] who just spoke, the chairman, is absolutely right. Last year this House made a promise to America's sugar farmers. We promised that we would stand by them, by their families, in case of a natural or an economic disaster. We made this commitment for 7 years. We made it in good faith.

The amendment that we now discuss would break that promise. It would strip these farmers of the security we gave them in last year's farm bill. In my State alone, in Michigan, we have 2,800 sugar beet farmers. They employ, with other ancillary businesses, about 23,000 people in our State.

The modest safety net at issue here simply makes it possible for these families to plan their future with some sense of peace of mind. What we are talking about is enabling hard-working families to weather a tough season without going broke. It is in everybody's interest for the farmers to continue to do what they do best, and that is to farm. One bum crop could put them in the poorhouse. It would not help anybody: Not them, not the Government, and not the public.

So, contrary to some assertions today, this safety net we are talking about is not a handout. It was a handshake. It was a promise. It was a commitment that we made on the floor of this House when we passed the farm bill. Breaking this promise would be bad policy. Breaking this promise would demonstrate bad faith. So I urge my colleagues to support these farmers and oppose this amendment.

Mr. EWING. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I would say to the members of the committee, there is no more sacred obligation of this House when it makes a promise to citizens of this country than to keep those promises.

The previous speakers are exactly right. In the 1996 bill we set the course for the farm communities of America for the next 7 years. The sugar program was the only one where we said nonrecourse loans would not be available to farmers once import levels exceeded 1.5 million tons. We made that commitment in that agreement in 1996. I urge Members to keep that agreement.

If they adopt this amendment, they are saying to American sugar farmers that one bad season means the Government comes and takes their farm, takes their equipment, and they are out of business. That is not the way this Government ought to work. It certainly is not a thing this Congress ought to do.

The bill we passed with over 3,300 votes last year sets the stage for the farm communities for the next 7 years. We ought to keep our word, keep our promise, defeat this Miller-Schumer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, the Miller-Schumer amendment has very strong bipartisan support. It would delete sugar price supports and laws that keep sugar prices artificially high. Eleven out of 22 sugar refineries in the United States have closed. Domino Sugar, which operates a plant in my district and employs almost 1,000 people in New York State, has closed three plants.

How can anyone look at this record and say the sugar program is a success? Instead of the sugar program providing American jobs, it is taking good, solid jobs away from the refining industry and giving them to a privileged few sugar growers.

This year Domino has suspended production in my district because it could not purchase enough imported sugar to maintain its profit margin. Deregulating sugar prices would keep sugar refiners like Domino up and running. It

also would lower sugar prices and food prices for consumers. American consumers pay twice as much for sugar as the rest of the world.

The American people deserve better. They deserve cheaper sugar and they deserve to keep their jobs. Vote for this amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, my grandparents were farmers. I represent farmers in east Tennessee. Those same farmers continue to support me even though I voted against the farm bill last year. Why? Because I do not think we can really have reform until we eliminate price supports and subsidies.

These farmers that support me are not in favor of price supports or subsidies. They are in favor of being left alone to do their work, whether it is peanuts, sugar, tobacco. I agree, why not all of them? Why do we not eliminate all the subsidies? It does not make any sense.

After all, the people of Eastern Europe and the Soviet Union were willing to risk their lives to have what we not only take for granted but abuse, and that is the free market. We cannot continue to beat up on the free market with price supports and subsidies and have consumers pay higher prices for things because the Government is involved where the Government should not be involved. A pure pro-farm vote is leave the farmers alone and pull the government out of the farm business.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding time to me. Our sugar policy was reformed in the 1996 farm bill, Mr. Chairman, which many speakers have mentioned. But I know our opponents also say that they rely on this discredited GAO report claiming that U.S. sugar is overpriced. They constantly cite this 1993 report.

The authors of this flawed report based their entire analysis on a faulty assumption. They assumed that without a sugar policy, U.S. consumers could pay an outrageously low world price of 14 cents a pound for sugar. They failed to mention that the world price was a dump price, the price sugar-exporting countries get for dumping their highly-subsidized sugar on world markets.

The world dump price for sugar is hopelessly flawed and cannot be used as a gauge for measuring sugar's cost. Even the USDA says the GAO report was ''* * * flawed in its estimates, and important data and market issues were not considered.'' The USDA also said, ''Using different world price estimates, it can be shown using GAO's methodology that there are no costs to domestic users and consumers.''

Oppose the Miller-Schumer amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. This is all we have to see right here, Mr. Chairman. Do Members want to hear about jobs? We all have people that work hard, and I understand the tradition of this country is if you work hard, you are supposed to be rewarded. Our sugar growers are the most productive people on the face of the Earth, and they are up against wage slavery.

If Members want to vote for wage slavery, do it, but do not do it on the backs of American working people. If Members want to blame corporations and tax them, go ahead and tax them for the profits they are making.

But I would like to bring this forward to Members for their consideration. Do Members think for an instant if they kill the sugar program that Coca-Cola is going to cost us any less because it is Diet Coca-Cola? They pocket those profits right now, and if Members kill the sugar program they are inviting Coca-Cola and everybody else to take even more profits, laugh all the way to the bank, and hurt the American working man and woman.

Stand up for the American working man and the American working woman, and fight off the big corporate profits that will be made if Members pass this amendment today. I rest my case.

Mr. MILLER of Florida. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, no sugar is used in Coca-Cola. It is corn syrup. They priced themselves out of the market. There is no sugar in Coca-Cola.

Mr. EWING. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. SMITH]

Mr. SMITH of Michigan. Mr. Chairman, there is a misconception about bringing the sugar prices down by doing away with this program. I served for 4 years as the Deputy Administrator for Farm Programs in USDA. I assure you that today's agricultural policy is developed based on the priorities of having an abundant supply of food and fiber at a reasonable price for the American consumer.

Consumers are paying less for sugar in this country than most of the major countries of the world. It makes no sense to compare a dumping price for sugar from another country against the current domestic price. Consider our vulnerability and what we are going to have to pay for sugar if we do away with our sugar producers in this country, it is ridiculous. Our price for sugar is one of the cheapest in the world. Do not compare it to the dump price of sugar. Keep producing quality sugar in this country. Keep this program.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER], who is going to yield a minute of my time.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I rise in support of the amendment offered by my friends, the gentleman from Florida [Mr. DAN MILLER] and the gentleman from New York, Mr. SCHUMER. This amendment prohibits the use of any funds in the bill to carry out the nonrecourse loan portion of the sugar program. It only affects nonrecourse loans. We are losing sight of that fact. It leaves in place recourse loans for processors and the sugar tariff rate quota. I think that is an important distinction.

The sugar industry obviously is a very particular concern in my home State of Florida for economic and environmental reasons. The delegation, frankly, is split. The sugar industry has contributed great benefit to the economy in Florida, but it has also contributed to some of the problems in the Florida Everglades, and I hope that the industry will continue to pitch in to help with the cleanup efforts and future preventative activity.

But the critical issue here today, I believe, is the great majority of the people I represent in Florida believe that the time for deep Government involvement in agricultural markets has ended. It actually ended a long time ago. So on their behalf I am pleased to support the Miller-Schumer amendment, and I commend them for their efforts.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment. It is a choice between farmers and candy. Vote for farmers.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BARCIA].

(Mr. BARCIA asked and was given permission to revise and extend his remarks.)

Mr. BARCIA. Mr. Chairman, I also register my strong opposition to the Miller-Schumer amendment.

Mr. Chairman, I rise in strong opposition to the Miller-Schumer amendment. It is an amendment that should not even be considered on an appropriations bill because it is clear from statements made in ''Dear Colleagues'' by our two colleagues that their intention is to change the sugar program, a legislative action if I ever saw one.

I join my colleagues who say that this battle has been fought and is over until the next farm bill. Remember last year when our opponents resorted to fairy tale characters to try to undermine the zero-cost and well-intended sugar program. Well, in the words of a former President, there they go again. Now they are looking for the big bad wolf to keep huffing

and puffing until he can find a house to blow down.

I represent some of the hardest working, most efficient farmers in this country. They have worked their entire lives to bring the best quality food supply to our consumers at the most reasonable prices in the world. We made a 7-year deal with them last year, and it is wrong for us to change it after they have made their plans based upon our holding out a multiyear program to them.

Mr. Chairman, those who want to end the sugar program any way they can have resorted to using false information to denigrate the program. We have heard them claim that the Food and Agricultural Policy Research Institute has a study that was kept secret that says damage to our domestic sugar industry would be minimal if we changed the program.

That's an old story. The facts now are that FAPRI's 1995 report was not buried, but rather was publicly released, provided to congressional staff, and available on the FAPRI website for several months. FAPRI, in fact, found that the harm to U.S. sugar producers would be substantial if our sugar policy was lost, not minimal as the opponents to the sugar program claim. And FAPRI has acknowledged that it probably understated the probable damage to American sugar growers, and that because of errors on FAPRI's part on U.S. costs of production, if the study were updated, FAPRI would likely demonstrate even larger declines in domestic production.

Mr. Chairman, it is a bad thing to change a good program when it is working. It is even worse to change a good program based on misleading and discredited information. I urge a "no" vote on Miller-Schumer.

Ms. KAPTUR. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the family farmers that work in their fields in the Red River Valley that I represent must be watching this debate with utter amazement. After all, U.S. sugar prices are 32 percent below developed countries. U.S. retail prices are the third lowest in the developed world. U.S. spending on sugar is the lowest in the world per capita.

Last year we reformed the sugar program, addressing many of the concerns raised by the opponents. We gave them a straight up-or-down vote on whether this program should be continued.

Now all North Dakota farmers, like farmers everywhere, ask for is that this body maintain the commitment made in last year's farm bill that there will be some price safety net on this product as they deal with the vagaries of weather and other external circumstances that make farming such a high-risk, low-profit business. Do not pull the rug out on America's farmers. This country has a good deal with the sugar program. It should be continued.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

□ 1500

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Miller-Schumer amendment. I have people in my district who are working hard to support their families. What we are seeing is that this anticompetitive program costs consumers over $1 billion per year in higher prices. Because of this program, it is threatening jobs in my district. We see it at Refined Sugars in Yonkers. At Domino's in Brooklyn. It is so critical that we reform the program. I rise in strong support of the Miller-Schumer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise in support of this amendment because there has been much talk about commitment. Yet what I think we need to ultimately be committed to is to the simple theme of common sense. What we have with our sugar subsidy program is a system that does not make common sense. I say that because here we have a program that costs American consumers an additional $1.4 billion a year in the form of higher sugar price. All that benefit is handed to in essence the hands of a very few, for instance the Fanjul family that live down in Palm Beach and get $65 million a year of personal benefit. They have got yachts and helicopters and planes. They are on the Forbes 400 list.

So what I have got are people that live in my home district, living in trailers subsidizing the lifestyles of the rich and famous. To me that does not make common sense. I urge adoption of this amendment.

Mr. EWING. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding the time to me.

I do rise in opposition to the amendment. The U.S. sugar program is not about corporate welfare. It is not about lower prices for consumers. It is not about environmental protection. The amendment is about eliminating a self-financing, substantially reformed and positive program for American sugar growers and producers and taxpayers.

I think it is important to keep in mind that the sugar program is almost a new program. The 1996 farm bill created a free domestic sugar market, froze the support price at 1995 levels. It required that the USDA impose a penalty on producers who forfeit their crops instead of repaying their marketing loans, and it increased imports.

Do not doubt these reforms have a significant impact on all sugar producers. Sugar producers in my district and all across the country have accepted it and generally welcome the opportunity to work in the new program, an opportunity for them to succeed.

I am proud to represent our sugar beet growers, and I would urge my colleagues to oppose this misguided amendment and support American sugar producers.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, this issue is about American jobs, not about highfalutin Congress speak. I live where these people grow this sugar. I live with the pain of those who think for a moment that they may not have a job at some point in time. We stand around here and talk about jobs in my districts and your district. Let me tell my colleagues about the 44,000 jobs that are produced by the American sugar industry. I can assure my colleagues of this, the argument about who makes profits, do we penalize Bill Gates for owning Microsoft? Hell no. What we do is we support those efforts of manufacturers and businesses and so does the sugar industry. If you do not get it here, you are going to get it there. And if you get it there, it is going to cost more and it is going to cost more in American jobs.

Please know that this is an important program not just to Members but to people and to hospitals in these rural areas and to the little bitty stores and to the little bitty businesses that crop up as a result of this.

Completely defeat this amendment.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO].

(Mr. CRAPO asked and was given permission to revise and extend his remarks.)

Mr. CRAPO. Mr. Chairman, I rise in opposition to the amendment.

Ms. KAPTUR. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana [Mr. JOHN].

Mr. JOHN. Mr. Chairman, I would like to thank the gentlewoman from Ohio for yielding me the time.

Let us be very honest about what we are doing here. This amendment has nothing to do with saving taxpayers' dollars. It has nothing to do with protecting American consumers. In fact this amendment has everything to do with bad public policy. It is about doing through the appropriations process what could not be done in the 1996 farm bill.

In the gentleman's own words, the gentleman from Florida said we tried to totally eliminate this program last year and we could not do it. So please, I urge my colleagues, do not go along with this amendment. This is a back-door approach to try to wreck the American farmers and not the big farmers but the small farmers.

The CHAIRMAN pro tempore [Mr. QUINN]. The Chair announces that the gentleman from Florida [Mr. MILLER] has 2 minutes and 10 seconds remaining, the gentleman from Illinois [Mr. EWING] has 2 minutes remaining, the gentleman from New York [Mr. SCHUMER] has 1½ minutes remaining, and the gentlewoman from Ohio [Ms. KAPTUR] has 2¾ minutes remaining.

For the purposes of closing the debate, the Chair announces that the

gentleman from Florida [Mr. MILLER] will close. The gentlewoman from Ohio [Ms. KAPTUR] will go third to last. The gentleman from New York [Mr. SCHUMER] will finish his time first, and the gentleman from Illinois [Mr. EWING] will go second to last.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, something was mentioned today on the floor about the environment. The Miami Herald, an environmental newspaper located in Miami, FL: Congress weighs sugar policy. Dismantling the U.S. sugar program will not save the Everglades. Sugarcane, the plant, is still the most benign crop grown in the Everglades agricultural area, requiring less water than rice, releasing fewer polluting nutrients than vegetables or cattle pastures. Studies show that the crops that might supplant sugarcane would pose a greater threat to the environment and, if the land became fallow, it would be quickly overtaken by melaleuca and Brazilian pepper.

We heard about price. Let me show my colleagues what the farm bill did last near. Raw sugar prices down 3.4 percent. Wholesale refined sugar down 5.2 percent; cereal up 1; ice cream up 1.8; 2 percent for candy; 2.1 for retail refined sugar; and cookies and cakes up 3.4 percent.

Reducing the price of sugar as the amendment would suggest will not create a consumer benefit. Reject this amendment. It is about jobs, as the gentleman from Florida [Mr. HASTINGS] said. It is about a bill that was fairly negotiated on this floor. They lost. They should accept their defeat. Protect the program. Defeat Miller-Schumer.

Ms. KAPTUR. Mr. Chairman, I yield 45 seconds to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I would first of all like to correct my good friend from Florida in his original statement. He said a couple of things that are just flat wrong. First of all, we changed the sugar program in the last Congress, and that needs to be understood. Second of all, this does not just affect processors. This affects farmers because in my district the plants are owned by the farmers. These are people that have 500, 600 acres. They have a cooperative. They own this plant. They have put tremendous investments into these plants. We have made a commitment with them in this farm bill last year that we were going to leave this alone for 7 years. It is not fair to do what they are doing to these farmers.

I just wish that we would be honest about what we are doing here. What we are trying to do, legislate on an appropriations bill. We are trying to do what could not be done last time. It is not fair to the farmers in my district and the farmers of this country. We need to defeat the Miller-Schumer amendment.

Mr. SCHUMER. Mr. Chairman, I yield myself the balance of my time.

Let me thank the gentleman from Florida [Mr. MILLER], my coauthor on this amendment. We have heard a lot of passion on the floor. We have not heard too many facts. I would like to rebut a few.

People say the sugar program was reformed in 1995. That is not true. Wheat was reformed, corn was reformed. Sorghum was reformed; soybeans was reformed. All of you reformed your programs. Sugar and peanuts refused to be reformed. Right now the average subsidy per acre of sugar is $480. No other industry farm or farmer otherwise gets that. The average subsidy for wheat is $35. The average subsidy for corn $45. No wonder the gentleman from Florida [Mr. FOLEY] says, do not change it. If you were making $480 per acre, you would not want to change it either. We all pay for it.

Second, it emasculates the poor sugar farmers. Do you know who the money goes to? The refiners. The farmers did not get a nickel from this program. And in fact the program is so skewed to the top that the 1 percent wealthiest, including the Fanjuls, my friend from California said this is farmers versus candy, this is the American people versus the Fanjuls, plain and simple.

One percent of the subsidy, 1 percent of the people get 56 percent of the subsidy, the top 1 percent of those subsidized get 56 percent. This is a rich man's benefit.

Finally, the environment, every day, my colleagues, another 5 acres of the Everglades is destroyed; 500,000 acres of precious Florida wetlands are destroyed. Is it no wonder that free market think tanks, environmental groups, consumer groups all are together in eliminating the program? Let us be honest. There are jobs on the sugar side. There are jobs on the refiner side. Jobs are being lost. We argue net jobs are being lost. But why do we give such a huge subsidy to this one program?

The gentleman in the well said, Bill Gates, Bill Gates prospered. Yes, my colleagues, he prospered without a Federal subsidy. If the Fanjuls can prosper without a Federal subsidy, God bless them. If they were American citizens, I would say God bless America.

But they do not. They prosper to subsidize. That is why they are here with everything they are giving to everybody. That is why they can afford to buy refiners and offer to buy my refinery. That is why they can afford to spread all their money around because of all the money we make, and it comes from the average hard-working American who nickel by nickel pays for that. End this subsidy once and for all.

Mr. EWING. Mr. Chairman, I yield myself the balance of my time.

There has been a lot of conversation about reform of the sugar program. Those of us who have studied it know that it was reformed and reformed as much as any agricultural program. Now, right now this amendment, who is interested in this amendment? It is not the little guy that you are worried about. It is not the senior citizen. It is the big consumer of sugar, the manufacturers who want to destroy the sugar price in America.

The sugar price in America as compared around the world, we are less than the developed world. What is at risk here is opening the doors because all that is left is border protection to dumping of foreign sugar on America's sugar industry and destroying it. Then we will put out of business those who create jobs in the sugar industries and those farmers who pursue a livelihood there. Vote no on this amendment.

□ 1515

Ms. KAPTUR. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. STENHOLM], the distinguished ranking member of the authorizing Committee on Agriculture.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, quickly, fact: The sugar program has not cost the U.S. Treasury 1 cent since 1985. Fact: We will reduce the deficit by $288 million over the life of the farm bill that some said was not reformed.

Now I want to talk about M&M candy. I like M&M candy. They include sugar in M&M candy. They also have less than 1 percent corn starch in M&M candy.

This reference that the consumer is going to pay a billion dollars more is laughable. There is 25 grams of sugar in this package. The market price is 22 cents. That makes 1.23 cents worth of sugar in this candy.

If we lowered it to the world prices, as the authors of this amendment want us to do, it will lower it to 8 cents a pound. That will make 0.78 cents per pound worth of sugar in this candy. We can buy this in the Capitol from the vending machines for 55 cents. Do we believe for a moment that there will be a new price at 54.217 cents on that vending machine if we pass this amendment?

Vote ''no'' on this amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield myself the balance of my time.

I want to correct some of the information stated today. First of all, there was no significant change in the sugar program last year. It only lost by a handful of votes. Five votes made a difference. As Time magazine said, ''The landmark farm bill left sugar subsidies standing.'' They did not get changed last year.

We just have to look at the price of sugar. Five years ago the price of sugar was 22, 23 cents a pound. Today it is 22, 23 cents a pound in the United States. And under this farm bill it will stay at

that same price for the next 5 years. But look at the world price. In Canada it is about 11 or 12 cents a pound. That is the world price of sugar.

What will happen to those candy companies is that they are going to ship their jobs to Canada. It is happening now. It is not right for the jobs in this country.

When we talk about subsidized sugar, France has subsidized sugar. There are laws on the books to keep that sugar out of the United States. I agree with that. When countries like France are not allowed to ship it in, that is what I agree with. But a country like Australia, the largest exporter of sugar in the nation, they are allowed to ship and sell it anywhere in the world at 11, 12 cents. We can compete with Australia.

Now, last year, we did not pass a total reform. What we want to do now is just a modest change, which is a nonrecourse loan. Veterans do not get nonrecourse loans. Students do not get nonrecourse loans. Businesses around this country do not get nonrecourse loans. So why should sugar farmers get nonrecourse loans?

Now, to my Republican colleagues, 55 percent of the Republicans last year voted with me for total repeal. This is just an incremental change and there is no reason why they should not be able to come along with me this time. It is pro-jobs, it is pro-consumer, it saves taxpayers money, and it is a good environmental vote.

This will be a scored vote by environmental groups, and the free market, the think tanks all say, hey, if we believe in the free enterprise system, this is a bad program with sugar so we should support this amendment.

To my colleagues on the other side of the aisle that are concerned about the environment, this is a big environmental vote, and it is bad for consumers and for lower income people who pay so much for their food. It does impact the cost of their food.

So I encourage all my colleagues to say let us begin the process. This is one step in the direction of reforming sugar which did not get reformed last year. This is the right thing to do for the American consumer and the American taxpayer.

Mr. HILL. Mr. Chairman, I rise today to strongly oppose the Miller-Schumer amendment. This ill-conceived measure breaks the market-oriented contract made with the hard-working sugar farmers around the country and in my home State of Montana and undermines the viability of our rural communities.

This amendment flies in the face of common sense. Montana's sugar producers and their families have made investments based upon the Federal Government's word in the 1995 farm bill. In this planting year alone, farmers are counting on these promises for a fair return on their investment. Yet, this amendment would place America's sugar producers at great risk by eliminating the safety net they were promised in the farm bill.

For example, Montana's sugar producers are counting on getting up to 70 percent of their net returns from the nearby processors in December of this year. These net returns are ultimately based upon what was supposed to be a 7-year Federal sugar policy commitment. The Miller-Schumer amendment ignores that commitment and compromises the financial investments made by our Nation's producers. Mr. Speaker, Montana's farmers can't unplant what has been planted and can't recover their investments if Congress erases those investments.

Mr. Chairman, I urge my colleagues to defeat this amendment. This dangerous amendment puts our farmers and communities at great and unfair risk and forgets our word to the people. It's time to assure our agriculture community that the promises made by the Federal Government are promises kept.

Mr. CRAPO. Mr. Chairman, I rise in opposition to the Miller-Schumer amendment to eliminate the nonrecourse portion of the U.S. sugar program. As you know, during consideration of last year's historic farm bill, significant reforms were made to the U.S. sugar program. Among the changes were the elimination of all domestic production controls, an increase in the marketing assessments sugar farmers must pay to reduce the Federal deficit, and new penalties to further discourage loan forfeitures and maintain the now 12-year-old no-cost operation of sugar policy.

Our domestic sugarbeet and sugarcane growers provide taxpayers with almost $300 million in Federal revenues through the collection of assessments. In fact, because our domestic growers have been so successful in providing U.S. consumers with stable, high-quality supplies of sugar at a retail price well below the developed country average, our farmers were willing last year to contribute their fair share in the overall goal of reforming Federal farm support programs.

But while our sugar industry has been successful, it does face stiff competition from subsidized sugar growers throughout the world. GATT mandated no reduction in the price support for sugar in the European Union. Thus, while U.S. growers operate under a strict loan program, European farmers receive subsidies to artificially lower the market cost on their sugar sales.

Recognizing the threat that dumping sugar by foreign countries could have on the United States, sugar growers have one remaining safety net, the nonrecourse loan guarantee. While some of my colleagues here have attempted to portray this as a gimmick to raid the Federal Treasury, in actuality, this program would only come into effect when at least 1.5 million tons of foreign imports begin to flood our markets.

I believe this safety net is important to keep our domestic sugarbeet and sugarcane industry viable. Without this small measure of protection from the vagaries of foreign subsidized sugar, a critical sector of our farm economy could collapse. Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, today, I rise in support of the Miller-Schumer amendment to the fiscal year 1998 agriculture appropriations bill which would prohibit the U.S. Department of Agriculture from spending Federal funds to implement the nonrecourse loan program for sugar producers.

This amendment takes another step forward in our continued efforts to phase out the Federal Government's out-dated sugar price subsidy. The USDA's complex program of loan subsidies, price supports, and good old-fashioned protectionism benefits only a handful of farmers at the expense of American consumers.

I think the American people would be appalled to learn that more than 30 farmers and corporations receive in excess of $1 million annually in USDA sugar subsidies. Meanwhile, consumers pay $1.4 billion a year in higher prices on sugar products and hundreds of consumer items that use sugar.

Last year, Congress passed landmark agriculture legislation, known as the FAIR Act, which opened up most American farmers to the free market and new agricultural opportunities. There is no reason why these same free market principles should not apply to sugar farmers. If passed, this amendment would also have the benefit of opening up new opportunities to sugar farmers while still providing them refuge from foreign dumping and unfair trade barriers in markets overseas.

Mr. Chairman, I want to commend Mr. MILLER and Mr. SCHUMER for their collaborative work on this issue and I urge all my colleagues to support their amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 253, answered ''present'' 1, not voting 5, as follows:

[Roll No. 312]

AYES—175

Allen	English	Kolbe
Andrews	Ensign	Kucinich
Archer	Eshoo	LaFalce
Armey	Fawell	Lantos
Barr	Forbes	Largent
Barrett (WI)	Fox	LaTourette
Bartlett	Frank (MA)	Lazio
Bass	Franks (NJ)	Lewis (GA)
Berman	Frelinghuysen	Linder
Bilbray	Gallegly	LoBiondo
Bilirakis	Gejdenson	Lowey
Blagojevich	Gekas	Luther
Blumenauer	Gibbons	Maloney (CT)
Boehlert	Gilchrest	Maloney (NY)
Borski	Goodlatte	Manzullo
Brown (OH)	Goodling	Markey
Campbell	Gordon	Mascara
Capps	Goss	McCarthy (MO)
Cardin	Greenwood	McCarthy (NY)
Castle	Hall (OH)	McDade
Chabot	Hansen	McDermott
Clement	Hayworth	McGovern
Collins	Hilleary	McHale
Conyers	Hinchey	McHugh
Cook	Hobson	McKinney
Cox	Hoekstra	McNulty
Crane	Horn	Meehan
Cummings	Hostettler	Miller (CA)
Davis (IL)	Hoyer	Miller (FL)
Davis (VA)	Hutchinson	Moakley
DeFazio	Inglis	Moran (KS)
DeGette	Jackson (IL)	Moran (VA)
DeLauro	Johnson (CT)	Morella
DeLay	Kanjorski	Nadler
Deutsch	Kasich	Neal
Dickey	Kelly	Neumann
Doggett	Kennedy (MA)	Ney
Doyle	Kennedy (RI)	Northup
Dreier	Kennelly	Olver
Duncan	Kim	Pallone
Dunn	Kind (WI)	Pappas
Ehrlich	Kingston	Pascrell
Engel	Klug	Paul

Paxon
Payne
Petri
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Slaughter
Smith (NJ)
Smith, Linda
Snowbarger
Souder
Sununu
Tauscher
Tierney
Upton
Velazquez
Visclosky
Wamp
Waxman
Weldon (PA)
White
Wolf
Yates
Young (FL)

NOES—253

Abercrombie
Ackerman
Aderholt
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berry
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Carson
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Deal
Delahunt
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Edwards
Ehlers
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frost
Furse
Ganske
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilliard
Hinojosa
Holden
Hooley
Houghton
Hulshof
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
LaHood
Lampson
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lucas
Manton
Martinez
Matsui
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Mollohan
Murtha
Myrick
Nethercutt
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Ryun
Sabo
Sanchez
Sandlin
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Vento
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn

ANSWERED ''PRESENT''—1

Sisisky

NOT VOTING—5

Barton
Molinari
Schiff
Stark
Young (AK)

□ 1538

Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. ORTIZ, and Mr. OWENS changed their vote from ''aye'' to ''no.''

Messrs. SAXTON, COOK, VISCLOSKY, and EHRLICH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. SLAUGHTER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentlewoman from New York [Ms. SLAUGHTER].

The question was taken; and the Chairman pro tempore [Mr. QUINN] announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 265, not voting 11, as follows:

[Roll No 313]

AYES—158

Abercrombie
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Levin
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—265

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOT VOTING—11

Ackerman	Meek	Schiff
Barton	Molinari	Stark
Gonzalez	Reyes	Young (AK)
Lewis (GA)	Sanford	

□ 1600

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. NEUMANN

Mr. NEUMANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. NEUMANN:

Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to carry out, or to pay the salaries and expenses of personnel of the Department of Agriculture who carry out, a nonrecourse loan program for the 1998 crop of quota peanuts with a national average loan rate in excess of $550 per ton.

The CHAIRMAN pro tempore. Pursuant to House Resolution 193, the gentleman from Wisconsin [Mr. NEUMANN] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I ask unanimous consent to yield half of my time, or 7½ minutes, to the gentleman from Pennsylvania [Mr. KANJORSKI] for purposes of control.

The CHAIRMAN pro tempore. Without objection, the gentleman from Pennsylvania [Mr. KANJORSKI] will control 7½ minutes.

There was no objection.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Georgia [Mr. KINGSTON] will control 15 minutes.

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent that half of the time, 7½ minutes, be yielded to the gentlewoman from Ohio [Ms. KAPTUR] the ranking member, for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I yield myself 2 minutes.

First, I would like to thank my very competent staff for bringing this issue to my attention and getting me fully informed on the details of this particular program. It is a very interesting program. It is a program in which the United States Government controls the amount of peanuts that can be produced in the United States under a system called a quota system. By limiting the amount of peanuts that are available for sale in the United States of America, a very interesting thing happens and it is not unexpected; by controlling the availability of peanuts that limits the supply, naturally with a limited supply the price of peanuts goes up. And the fact is when a hardworking family walks into a store to buy a jar of peanut butter, they literally wind up paying 30 cents a jar extra for no other reason than that the U.S. Government is in the middle of the program.

Let me give my colleagues some of the numbers here that lead to the 30-cent increase in the cost of making peanut butter and jelly sandwiches for lunches in many of the hardworking families across America. In the world market, peanuts sell for $350 a ton, but because the U.S. Government is involved in this quota system, peanuts in the United States of America sell for $650 a ton, almost double the world price on peanuts. As a matter of fact, our Government has this loan guarantee program in place where they guarantee a loan at $610 per ton.

Now an interesting fact came to light in our research. In fact, our American farmers produced peanuts that are sold in the world markets. That is to say they are producing roughly 300,000 tons of peanuts that are sold in the world markets at $350 a ton. So why is it that here in the United States of America, we are asking our consumers to pay all this extra money every time they want to make a peanut butter and jelly sandwich for their kids' lunch when they head them off to wherever it is, whether it be a job or to school or whatever?

Another interesting fact came to light when we started studying who owns these quotas, who has got this limited right to raise peanuts in the United States of America. A lot of people were saying, ''Well, it helps the farmers, and therefore you should allow it to continue.''

Sixty-eight percent of the quotas are owned by nonfarmers in the United States of America. It is time for this program to end.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. SMITH), the distinguished chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding this time to me.

Again, in the last Congress they passed a couple of bills. One was, of course, the Freedom to Farm which eliminated all subsidies in 7 years, and prior to that they changed the peanut program. It is no longer a Government-subsidized program. In fact, by the year 2002, $434 million will be saved. That is what they did.

But I am sure many of my colleagues do not like the peanut program. They may not, but they signed a contract, the contract with farmers, the Government with farmers. They signed the contract for 7 years. For 7 years there will be no peanut subsidy or no peanut program.

So remember this: It is a contract, it is a commitment, it is a Government promise, the Government-farmer agreement. Do not violate the agreement. Vote against this amendment.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment which implements the first step in the Shays-Lowey peanut program elimination bill.

The peanut program epitomizes wasteful, inefficient Government spending. It supports peanut quota holders at the expense of 250 million Americans, consumers and taxpayers.

The GAO has estimated that this program passes on $500 million per year in higher peanut costs to the consumers. What does this mean to average American families? Well, as a mom who sent her three kids to school with peanut butter and jelly sandwiches for years, I find it unacceptable that this program forces American families to pay an average of 33 cents more for an 18-ounce jar of peanut butter. Now that is not peanuts.

I urge my colleagues to stand up for American consumers and support this amendment. It is good fiscal and consumer policy.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. RODRIGUEZ].

(Mr. RODRIGUEZ asked and was given permission to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Chairman, I rise today to defend the peanut farmers in my district and throughout the Nation. Once again we see the multicorporations trying to come in and be able to take the profits. When we look at it, the family farmer is less than 100 acres, and so we are looking at a situation where less than 100 acres for the average family farmer in this country. These farmers must compete with multicultural corporations in dealing with them. They had, last time around they had, and it was cut from 678 to 610; now they are coming back for more.

My colleagues, before you is a Snickers. I paid 60 cents for it. It has gone up 5 cents. Have my colleagues seen a cut on it? No.

In addition to that, the peanuts that are in this Snickers is approximately 2 cents. Do my colleagues foresee that there will be a cut of 58 cents? I will attest to my colleagues that that is not going to occur.

What we see before us is an attempt by the multicorporate corporations to be able to get some additional moneys. I thank my colleagues, and I ask them to vote no on the amendment.

Mr. NEUMANN. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, in 1934 the Great Depression led Congress to establish the Federal peanut program to protect the peanut producers

and to control the domestic supply. Well, the peanut program is now 63 years old. That is 63 years of price controls, 63 years of higher prices for consumers and 63 years of centrally-planned economics.

I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN] which compels the USDA to be fair to consumers when establishing a loan level for the peanut quota.

Mr. Chairman I grew up on a family farm, a small family farm in Arkansas, and this is not about farming but this is about Government and Government quotas. The peanut program combines production quotas, price support, loans and import restrictions which stifle the U.S. peanut industry and endanger trade for other agricultural commodities.

This is a program which benefits only the elite few. The GAO reports that 68 percent of quota owners do not actually participate in farming. They rent their Government quotas for a profit. If a farmer does not sell his crop, he can forfeit to the Government and receive $610 per ton.

The world market price is only $350 per ton; that is more than what is necessary. That is an additional $500 million a year in inflated prices for American consumers. It is time we stop this arcane Government program. I urge my colleagues to support the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS of Oklahoma. Mr. Chairman, the amendment that is the pending business before the House should be entitled the ''How Many Rural Economies Can We Wreck in 1997 Amendment''. Simply put, the Neumann amendment will devastate rural economies throughout the South. Last year's farm bill contained significant reforms for the Nation's peanut program. Further reductions in the support price will cause the economic ruin of thousands of family farms, rural banks and country towns that they support. Contrary to the claims of many, this amendment will not give consumers cheaper candy bars or peanut butter. It is anti-farmer, and it should be defeated.

Mr. Chairman, let us let the 1996 farm bill work. I repeat. Let us let the 1996 farm bill work.

I would urge my colleagues in joining me to vote against this amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I oppose this amendment. Peanut farmers are the backbone of the economy in the poorest counties in the South. They agreed to the reforms in the program just last year. Loan rates were reduced, quotas were reduced, programs were opened to new producers, out-of-State quota holders were eliminated. In return they have been given a farm bill, a 7-year promise of stability.

Mr. Chairman, peanut farms face many obstacles without having to worry about whether or not they can pay their bills. Too much rain gives soggy peanuts, drought turns them to dust. Peanut farmers are hardworking people. They need stability. They do not need to face this problem.

Proponents claim they are fighting for consumers. Hogwash. Candy manufacturers have said they will not pass on any of the savings to consumers. Savings will be passed on to a few of the multibillion-dollar companies, and the price of candy bars will not go down.

If there is any integrity left in this Congress, we will live up to the commitment that was made last year to the peanut farmers and defeat this amendment.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE] the former Governor.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in strong support of the Neumann-Kanjorski amendment.

Mr. Chairman, the Federal peanut program is completely antiquated, and only those who believe in Peter Pan could believe that the program works well. Over the last 2 years USDA announced the national peanut quota production level of 100,000 tons below expected demand. What does this mean? USDA basically created an artificial government-induced shortage of peanuts which, in short, means peanut-loving taxpayers get Jiffed; I mean gypped. At a time when we are reviewing every program for savings in order to balance the budget, it is simply nuts to spend taxpayer dollars on a program that refuses to adopt commonsense reforms to achieve real savings.

Mr. Chairman, the Neumann-Kanjorski amendment is a positive step toward true reform of the peanut program. I believe it does help to protect consumers from Government price fixing, create a more competitive peanut economy and lower prices on peanut products. I ask all of my colleagues, Republicans, Democrats, crunchy peanut butter lovers and creamy peanut butter lovers, to support the Neumann-Kanjorski amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. SISISKY].

□ 1615

Mr. SISISKY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, it is interesting, I have been doing this a pretty long time. I used to be in the packaging business. To say that you would save 18 cents with peanut butter and jelly is a nice little symbol, but let me just tell the Members something. For the last I think 5 years peanut paste from China has been coming through Canada into the United States like at 25 percent cheaper. Members will see in a few moments a chart showing the rise in peanut butter prices. Oddly enough, oddly enough, the price of peanut butter in Canada is more than the price in the United States.

There are many reasons to vote against this amendment, but I would like to focus on another one. Many Members may not know it, but we have already voted to enact annual cuts in the effective support price for peanuts. Along with a long list of reforms, last year's farm bill contained a 10-percent price cut in the support price for peanuts, but it also froze that price for 7 years with no adjustment for inflation. The freeze amounts to an automatic annual cut in the support price, and each year, as Members know, expenses go up.

If my colleagues really want to cut the real support price for peanuts, there is one alternative to this amendment: Leave the farm bill alone and vote against this amendment.

Mr. Chairman, I rise in strong opposition to the Neumann-Kanjorski amendment, which would devastate peanut farmers in the State of Virginia.

This controversy is not new. Almost every year we consider yet another proposal to cut the peanut support price. I'm afraid many Members may be forgetting that last year's farm bill already cut the support price by 10 percent.

The farm bill contained a long list of reforms that transformed the peanut program. From the perspective of Congress, the most important of these reforms may have been doing away with all cost to the taxpayer. The program actually gives back $83 million to the Treasury that goes toward reducing the deficit.

For most peanut farmers, however, the most important change was losing 10 percent of their support price. A close runner-up was having their support price frozen for 7 years—with no adjustment for inflation.

Many farmers in my district were not happy with this deal. The 10 percent cut was a bitter pill to swallow. A price freeze over 7 years, with expenses cutting into revenue more and more every year, was even tougher.

But it was a deal, and farmers accepted it. What we're talking about today is reneging on that deal. This amendment would effectively gut the peanut program before we've had a chance to determine the effects of last year's reforms.

We still don't know how farmers will adapt to all the changes in the farm bill. The 10 percent cut in the support price has already taken most of the profit out of peanut farming in Virginia.

Fortunately, though, farmers have not felt the full effects of that cut. That's because prices for other commodities have been high, and farmers have not had to rely on peanuts to keep them in the black.

But believe me, that will change. Already, bad weather has taken its toll on farmers in Virginia. With only an inch of rain since planting, many farmers won't be able to harvest enough cotton to make a profit. Prices on other commodities have also fallen.

And what about 6 years from now? We don't know how farmers are going to adjust to a support price frozen at a level 10-percent lower than before. Remember, this freeze

amounts to an automatic annual cut in their support price. Every year, their support is reduced by the amount of inflation.

In fact, if the U.S. support price drops below $610, many farmers in Virginia are not going to be growing peanuts anymore. At $550, they simply won't be able to get financing. Rural communities will lose the bread and butter of their economies, on which so many other businesses depend.

Now, we've all heard about how the world price for peanuts is supposedly half the U.S. support price. But this argument dissolves on closer inspection. The so-called world price is simply not comparable.

It generally applies to an inedible, poor quality peanut used mainly for oil. We might as well be talking about the world price for oranges. If the U.S. price were at the so-called world level, there wouldn't by many American peanut farmers left.

If my colleagues really want to cut the support price for peanuts, there is an alternative.

Do nothing.

The price freeze in last year's farm bill amounts to an automatic annual price cut. Let the freeze take effect over the full term of the farm bill. Let's see the real-world effects of what we've already done.

In the meantime, I urge my colleagues not to renege on last year's deal. We should not be making it impossible for peanut farmers to make a living at a time when Mother Nature is making it hard enough.

Mr. Chairman, I strongly urge a ''no'' vote on the Neumann/Kanjorski amendment.

Mr. KINGSTON. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Augusta, Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I will tell the Members quick what is nuts. What is nuts is people from Delaware and people from Wisconsin getting up here and talking about something they do not know the first thing about. My good friend, the gentleman from Wisconsin [Mr. NEUMANN] actually saw a peanut plant one time.

Mr. Chairman, I have lived in a family who grew peanuts. They hated the Government regulations. They wanted to get away from them, but we made them do it. Now give them a chance over the next 7 years to live with this no-cost program to the taxpayers, and undo what we have done to them for the last 50 years. Get off the back of the peanut farmer.

Mr. NEUMANN. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise in support of this amendment, because leaving aside the good and the bad of what we have heard about the peanut program, I think what we need to consider is the fact that if Members look at the peanut program as it is now configured, Members would look straight back to the Dark Ages. In the Dark Ages there was a feudal system wherein if you were lucky and drew the long end of the straw you were lord of the manor, and if you were unlucky you were a serf out there toiling on the land.

In 1997, with our peanut program the way it is configured, if you draw the long end of the stick you have a quota from the Government and can sell your peanuts for about $600 a ton, and if you draw the short end of the stick you can sell them for about half that, the same peanuts. To make matters worse, about two-thirds of the quota owners, and again we are not talking about farmers here, are people that live in Los Angeles and New York and Miami.

So I would simply make the observation that we need to move from the Dark Ages and into the light ages of a market-based system. I urge the adoption of this amendment.

Mr. KINGSTON. Mr. Chairman, I yield 90 seconds to the gentleman from Alabama [Mr. EVERETT].

(Mr. Everett asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Chairman, I rise in opposition to this amendment which is based on false information. It is poor from a policy standpoint and unworkable from a practical standpoint.

We reformed the peanut program last year extensively. We, the Committee on Agriculture, and the House and the Senate and the President authorized a reform program at no cost to taxpayers, and yes, at no additional cost to families who buy peanut products.

Opponents claim that the peanut program costs families additional money. That is not true. What they do not tell us is in one of the reports they used when they quote from, the GAO identifies consumers as those corporations who first purchased the peanut from the farmer; again, not the housewife but the corporations.

As far as passing along lower prices to the housewife, that is a joke. The only person who would believe that would be somebody who does believe in Peter Pan. Since the peanut farmer received the cuts for their peanuts that were slashed last year, the price of peanut products has increased, not been passed on. Not one penny of the money taken from farmers has been passed on to the families, not one penny.

Also, studies show thousands of jobs in farm-related industries, such as manufacturing of farm equipment and those supplying farmers, will be lost if this flawed amendment passes. This issue was fully considered last year. Now let the program work. This Congress, both House and Senate, and the administration made a commitment to our farmers. We should honor it, and stop this silly and flawed business of trying to rewrite the farm bill every year.

Mr. Chairman, I rise in strong opposition to the Newmann-Kanjorski amendment which is based on false information, is poor from a policy standpoint and unworkable from a practical standpoint.

The appropriation bill is not the appropriate place to consider this issue. This is nothing more than an attempt to rewrite the farm bill in a way that is punitive to farmers.

I could stand up here all day long and discuss the merits of the peanut program, the reforms we made in the 1996 farm bill, and the financial situation of the peanut farmers. But Mr. Chairman, this is not the time or the place to do it. You see, we did that last year * * * extensively, and we, the Agricultural Committee, and subsequently the House, Senate, and President, authorized a reformed program that benefits all Americans and at absolutely no cost to taxpayers, or, and please hear this—at no cost to families who buy peanut butter and other peanut products.

We have been fighting this fight for many years. The fight, however, is not about reform, we have done that, this effort is about corporate greed, pure and simple. These multinational corporations have been lining the Halls of Congress with money for years claiming that the Peanut Program cost families additional money. That is simply not true. The GAO report you will hear quoted does not say the program cost the housewife and families one thin dime. In the report, the GAO identifies ''consumers'' as those multinational corporations who first purchase the peanut from the farmer. Again, not the buying public, but these corporations who are trying to increase their profits by taking money out of the pockets of already struggling farmers.

As a matter of fact, since the peanut program was reformed last year, the price farmers received for their peanuts has been slashed, their profits greatly reduced, and, consequently many farmers have stopped farming. But guess what, the price of that candy bar has increased, the cost of that jar of peanut butter is still the same, but the profits of these manufacturers have increased. Not one penny of the money taken from farmers was passed on to families. Not one penny. This amendment is purely about corporate greed and it is a sad thing to hear these members say it cost families money when what they are really doing is siding with greedy corporations against working farmers. Members who do that do a serious disservice to both working farmers and working families while they increase the profit margins of these corporations.

And, should this flawed amendment carry the day, it will not be only farmers who lose jobs. Studies show many more thousands of jobs in farm related industries such as the manufacturing of farm equipment and those supplying farmers will be lost. We saw it happen a few years ago when thousands of farm equipment employees lost their jobs. That's real jobs lost, not the pie in the sky stuff you'll hear today. If these members are successful today, they will continue to attack all other farm programs and the jobs lost in farm related industries will occur in the tens of thousands.

This issue was fully considered last year, now let the program work. This Congress, both the House and the Senate and this administration made a commitment to our farmers—we should honor it and stop this silly nonsense of trying to rewrite the farm bill every year.

Mr. KANJORSKI. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I come from Pennsylvania, and I understand the pleas of all my friends from the agricultural

States, the arguments that they make, and they are credible arguments. I heard the gentleman from Georgia argue about how we are getting into the key commodity and economic activity of the State of Georgia. I understand that. Then I watch my friend, the gentleman from Virginia, a very good friend of mine. I had the occasion to talk to him. This does affect and impact his district.

We are not trying to completely end the peanut subsidy program here today, because I think that would be unfair. We are merely trying to set in the appropriation bill a 10-percent reduction, from $610 a ton to $550 a ton. Furthermore, it is only effective through the next year, the life of this appropriation bill.

Mr. Chairman, we do this in this way and support this amendment because we are sensitive to economies that need help, and to sectors of economies that need help. But I know as an addict of nicotine that, regardless of how many pledges you make, you invariably will go back to smoking until you find a substitute or you find a way to wean yourself from your addiction.

Now we have a price support addiction. It is a pathetic addiction. If we were arguing that these quotas were farmers' quotas alone and all the profit went to the farmer, the person who worked in the field, that would be one thing. But when we read the statistics: over 68 percent of these quotas are traded as securities by very wealthy people in this country who are buying and selling quotas, and then renting those quotas out to little old farmers who are really their tenant farmers. The major part of the peanut profit goes to these speculative investors. Sixty-three years of that support system.

When this program started, I have no doubt that in 1934 the State of Virginia, the State of North Carolina, the State of Georgia, the State of Alabama, needed that help. I would have been one of the Members of Congress who would have argued for this program or any other that would have supported the peanut farmer at the time or the family farmer.

But suddenly we grandfathered this provision. You now inherit a quota from the U.S. Government because your grandaddy had one. You can go out and buy it speculatively in the market and trade it and negotiate it and sell it. We have created Government-supported securities here that are being readily traded in the market, all with the idea that we are saving the economies of these peanut-producing States.

I say, if Virginia, North Carolina, Georgia, and Alabama need economic development money, I will be the first one up here to vote for it. But we will not have it grandfathered and we will not have it in speculators' hands and it should not exist for 65 years. There has to be a time that you wean off Federal support.

I am speaking to many Members on my side because I think we sometimes have a hard time getting away from subsidies, but I want to talk to my conservative friends on the Republican side that are always telling me about the great nature of the free enterprise system: ''Let the market work. Do not vote and create favoritism.''

What are we doing, after 63 years, is continuing this favoritism. And what States are we now supporting? I know there are rural areas of Georgia that need help, but there is no more dynamic economy in the United States than Georgia today, with a 2-percent unemployment rate. I urge my colleagues to start the process of weaning us off peanut quotas by supporting this amendment.

Ms. KAPTUR. Mr. Chairman, I yield 45 seconds to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I want to rise in opposition to this. I want to address the subject that the gentleman from Pennsylvania [Mr. KANJORSKI] brought up, and also my friend, the gentleman from South Carolina [Mr. SANFORD].

Mr. Chairman, last year this Congress changed the peanut program. It fixed the abuses that those gentlemen are talking about, whereby people who live not on the farm and are not active producers are no longer able to own those peanut allotments, and that is the reason they are being sold and put in the hands of people who actually farm. I want to make sure that we get that straight.

I would urge Members to defeat this well-intentioned but poorly thought-out amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if we look at the guts of the farm bill, it is, indeed, as complicated as the inside of the Pathfinder. As the Pathfinder trudges and scrutinizes the surface of Mars, the American public and Members of Congress are scrutinizing the inside of the farm bill. Anyone who looks at it looks at it in pure disbelief, not knowing what components mean what, and so forth.

It is true, the peanut program under the new reforms is a no-net-cost program that contributes $83 million to deficit reduction, it supports about 30,000 jobs, and there is a phaseout of the program in under 7 years.

But if we take a step back and shut the hood and look at the total picture, Americans have an abundant food supply at cheap prices year around. We spend 11 cents on the dollar on food. The farm bill is working, Mr. Chairman. I urge my colleagues to let it work, and do not do reforms on a piecemeal basis, which is what this amendment would do. I urge a ''no'' vote.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP].

(Mr. BISHOP asked and was given permission to revise and extend his remarks.)

Mr. BISHOP. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I have the largest peanut-growing district in the country. A lot of people in our area depend upon peanuts. It is the economic foundation of our area. But I have to say that those people came together well before the farm bill last year and put their heads together and worked with people of good will to address the critics of this program, and to address the issues that were raised, such as those raised by the gentleman from Pennsylvania [Mr. KANJORSKI].

We addressed that in the farm bill last year. We created a no-net-cost program to the taxpayers. It is a market-oriented program, but yet it still provides a safety net for the farmers. We enacted a contract, a 7-year contract, for this farm bill by which we promised that this is what we would operate our farm policy on for 7 years. Our people mortgaged property, they made loans, they bought equipment on time and installments with that in mind.

Now we want to pull the rug out from under them and renege on that commitment. Let us defeat this amendment. Let us stand up for the farm bill we passed last year.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I rise today in support of the Neumann amendment because something really simple happens when we mess with prices. That is, the cost of the peanut butter sandwich for the kid goes up.

☐ 1630

That is what we are seeing today. But greater than that, we hear that it is for a small number of farmers. The reality is only one-third of the quota holders are actually farmers. The rest are people who inherited the quotas or purchased them and who lease them to the real farmers who then get less than the quota floor price.

I think it is important that we realize that is a subsidy. But really what is greater, it just raises the cost to the consumer. We need to stop doing this. We need to get in line with what is really happening in the world market and stop this practice. I really do support the Neumann amendment and encourage the rest of the Members to take a look at who really benefits from this system.

Mr. NEUMANN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it is real important, as we wrap up my portion of this debate, that we really understand what this program is all about. This program is about, because of the rules and regulations of the U.S. Government, people that go into the store and buy peanut butter or peanut related products pay more money than they otherwise would. Of course somebody benefits because other people are overpaying for a product. Of course there

are people that benefit from that sort of practice.

Why is it that the U.S. Government should have these quotas out there that limit the production of peanuts and by limiting the production of peanuts keep the price of peanuts higher than they otherwise should be? What is there that would tell the people in Washington that they ought to be in the middle of developing these quotas.

I think the kicker in this whole argument is who owns the quotas, these quotas that have been passed down from generation to generation. These quotas limit the amount of peanuts that can be grown and tell the peanut owners, they literally tell the peanut owner how high the price is going to be because the more they limit the number of pounds of peanuts that are grown, the higher the price goes. So by limiting the price, they have kicked the price all the way up to $650 a ton in the United States, where in other countries we find and in the world markets we find the price is actually $350 a ton.

I heard some arguments today like, well, the Freedom to Farm Act was passed last year. I think every Representative in this House understands that the peanut program was virtually untouched in that compared to other farm programs that were weaned off of these subsidy. And the reason for that, of course, was that vote was very close, and in order to provide the votes necessary to pass the bill, peanuts were left alone, along with the sugar products.

I heard another argument, the other argument went like this, that person held up a product, and they said, look, even if the price of peanuts comes down, these companies are not going to lower the price to the consumer. I have to tell you, I am a home builder. I come out of the home building business. I find that argument to be borderline ridiculous because, if somebody said to me in the home building business, well, starting tomorrow you get the siding for these houses free, would that mean that I am going to charge the same price to my consumer even if I did not have to pay for some of the products going into the house? Of course not. We would have been able to produce the houses at a lower cost if the siding would not have cost us anything as a company or if the siding would have been free.

The argument that somehow, if the price of peanuts comes down, the price of this jar of peanut butter will not be affected just does not add up in a free market society and the kind of society that we live in today. I cannot put much credence in that particular argument.

I think, to wrap it up, we should talk about what this is really all about. It is not really all about the U.S. Government and quotas and these regulations. It is about hard-working families in this great Nation of ours that work very hard to earn their money. And typically they get up every morning of the week and go to work but before they go to work they pack lunches either for themselves or the kids. Many times these lunches include peanut butter or candy or other peanut related products.

What this is really all about is asking these hard-working families that go to work five days a week when they pack those lunches in the morning to pay more than they otherwise should be asked to pay because of regulations of the U.S. Government.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in opposition to this amendment. My home State of North Carolina ranks third nationally in the production of peanuts. I want to appeal to my colleagues' sense of justice, fairness and equity as we toy with the livelihood of many of my constituents who do not think they are on charity but feel they are working every day. This amendment does nothing to lower the consumer prices. Today's peanut prices are lower, not higher than they have been for the last 10 years.

Remember too that the farm price of the peanut, that the real price of the peanut as it goes to the farmers is only 26 percent of the total price, 26 percent. Where does that other 74 percent go? Yet you are picking on those people who are contributing less than one-fourth, not much more than one-fourth of the total price. Again, we did reform. We did reform, contrary to what has been said. Perhaps not the reform we wanted, but there was reform to the peanut program. We lowered the price of the peanut farmer. We lowered the amount of the quota; therefore, it should not have been, as you say, that we did nothing. Those pounds were reduced and therefore the family farmer expected that you will live toward that commitment.

I urge a ''no'' vote on this amendment.

Ms. KAPTUR. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. STENHOLM], ranking member of the Committee on Agriculture.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, in regard to whether or not what we did last year had any effect on farmers, I would like to insert into the RECORD a letter from the Stevenville Production Credit Association that stated if we did the 10-percent reduction last year in the support we would lose 36.1 percent of our farmers. We lost 34.42.

Also when we talk about prices to consumers, is it not interesting that in Mexico and in Canada, they pay $2.55 in Mexico, $2.72 for an 18 ounce equivalent jar of peanut butter. In the United States, our consumers get at $2.10. Yet our consumers pay this outlandish price to producers for peanuts.

Let us talk about the M&Ms again. When we start talking about the consumer, there are 25 grams of peanuts in this. The price support is 30.1 cents per pound. That is 1⅔ cents cost in this peanut. If you reduce it by 10 cents, you are correct. Those who have argued the consumer will benefit, the cost will go down by .168 percent. That would reduce this price in the vending machine in this Capitol building to 54.832 cents. I will introduce legislation to mint a 54.832 cent coin to make sure that the consumer gets the benefit of the gentleman's amendment. Vote no on the amendment.

Mr. KANJORSKI. Mr. Chairman, I yield myself the balance of my time. I think the debate shows what is going to happen. There are those interests in the House that still want to hold on to the peanut support system.

I hope that this amendment serves one good purpose. Which is to point out that we can no longer afford to continue to do business in this institution as it has always been done. If we are really going to go to a supply and demand free enterprise economy, we have got to wean ourselves from the subsidy systems of the last 63 years. I urge my colleagues to vote ''yes'' on the Neumann-Kanjorski amendment.

Mr. KINGSTON. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. CHAMBLISS], in the heart of peanut country.

Mr. CHAMBLISS. Mr. Chairman, let me just very quickly respond to my good friend from Wisconsin who I agree with on so many issues but on this one I must disagree with him very vehemently.

I look at the jar of peanut butter that you hold up and you say that the peanut program adds 33 cents to the cost of that peanut butter jar. Let me tell you that the amount of peanuts that goes to the farmer that is in that jar of peanuts is 43 cents. So if your amendment reduces the amount of money by 33 cents, then the farmer is going to get 10 cents out of that peanut jar. So somewhere along the way the figures have been skewed.

Mr. Chairman, I yield to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding to me.

I just want us to also recognize and ask the American consumer to recognize, do you want Mexican peanuts or do you want American peanuts? None of us disagree totally with some of the things they are saying. I say to my friend from Pennsylvania, we do not want your derned subsidy. But you should have done that in 1950. You forced this program on us for 60 years. Give them a chance to get out from under it. That is all they are asking to do.

Vote against this silly amendment.

Mr. CHAMBLISS. Mr. Chairman, my friend from Texas held up his M&Ms awhile ago. We share a very favorite candy here and a hope folks eat a lot of it because it contains good American

peanuts. I went back and bought this bag of candy a minute ago in the cloakroom. I did not get as good a deal as my friend from Texas. I paid 75 cents for this. But I asked Helen back there, I said, Helen, we reduced the price of peanuts 10 percent last year. Has the price of candy gone down any to you from last year? She said absolutely not. It is the same price. But here we are arguing again that this support price program inflates the cost of products to consumers.

It is just not true, Mr. Chairman. The average peanut farm in Georgia is 98 acres. That is not the big corporate farm, the big rich farmer that lives out of State that my friend from Pennsylvania has reference to. In fact, in last year's farm bill, we produced a no net cost program, a program that is more market oriented because we eliminated all those out-of-State quota holders. They are no longer going to be eligible to participate in the program.

At the same time we provided a safety net for our farmers, the small farmers in my area which number about 7,500 plus the other small farmers throughout the South that depend upon the peanut program. We made a deal. We made a deal in April 1996 with the 1996 farm bill. It expires in 7 years. Let us let it work.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to support the Neumann/Kanjorski amendment to establish a maximum market price for peanut sales of $550 per ton.

Mr. Chairman, this amendment attempts to keep our promise to the American people to reform the peanut program, one of a number of inappropriate and outdated subsidies.

While last year's Farm Act, better known as the "Fair Act" gave farmers of agricultural commodities greatly expanded flexibility, removed the heavy hand of government, and reduced government payments to farmers; the peanut program continues to waste taxpayer's dollars.

The sole beneficial peanut provision for consumers in the farm bill—the 10 percent price reduction, sold to Congress as reform, has been severely undercut by the Department of Agriculture's deliberate reduction in the national marketing quota for peanuts. As implemented, the peanut program completely ignores the needs of consumers for more reasonable peanut prices.

Under the current system it is up to the USDA to project what the domestic consumption of peanuts will be and set a marketing quota. In the past the USDA has under estimated the quota creating an artificial shortage of peanuts and thus raising the price. By creating an artificial shortage, USDA has effectively denied the promised reduction in the price of peanuts under the reform provision contained in the farm bill.

This amendment follows through with our commitment to reform the peanut program. It will ensure that the Secretary of Agriculture provides the small measure of reform that was promised in the Farm bill.

I urge all my colleagues to support this important amendment.

Mrs. MORELLA. Mr. Chairman, I want to urge my colleagues to vote for this amendment, not only because it is a sound economic decision, but also because it will ensure that consumers will have the opportunity to buy peanuts at a more reasonable price. Let me explain:

By reducing the load rate from $610 per ton to $550 per ton, the amendment forces the Secretary of Agriculture to provide a measure of the reform that was promised in the 1996 Farm bill.

Just as was then predicted, the USDA has administered the peanut program so as to create an artificial shortage of peanuts by reducing the national production of quota peanuts.

A limited national supply of peanuts has ensured that the so-called price reduction is rendered meaningless.

The General Accounting Office has determined that the peanut program inflates the price that consumers pay for peanuts and peanut products by as much as one half billion dollars every year, which is $3 billion over the 6 remaining years of the farm bill.

The artificial government price inflation translates to an extra 33 cents per 18-ounce jar of peanut butter. This extra cost can be especially significant for low-income families that would otherwise substitute peanuts for more expensive sources of protein.

While some proponents of the current peanut program argue that manufacturers will keep any savings from a reduction in the loan level, what seems to happen is that the retail price of peanut butter closely tracks the movement of peanut prices. Between 1991 and 1993, for example, when the price of shelled peanuts dropped three cents per pound, the retail price of peanut butter dropped from $2.15 to $1.79.

If you are concerned about consumers and this includes virtually all the parents of young children, the U.S. peanut industry, and good government, I encourage you to vote for this peanut program amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEUMANN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 242, not voting 7, as follows:

[Roll No. 314]

AYES—185

Allen
Andrews
Archer
Armey
Barr
Barrett (WI)
Bass
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Boehner
Borski
Brown (CA)
Brown (OH)
Burton
Callahan
Campbell
Cannon
Capps
Cardin
Castle
Chabot
Christensen
Clay
Clement
Collins
Conyers
Cook
Cox
Coyne
Crane
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dickey
Doggett
Dooley
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Fattah
Fawell
Foglietta
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodling
Goss
Greenwood
Gutierrez
Hall (OH)
Hayworth
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hutchinson
Inglis
Jackson (IL)
Johnson (CT)
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
Kind (WI)
King (NY)
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lantos
LaTourette
Lazio
Levin
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntosh
McNulty
Meehan
Menendez
Miller (FL)
Moakley
Moran (KS)
Morella
Murtha
Nadler
Neal
Neumann
Northup
Obey
Olver
Pallone
Pappas
Pascrell
Paul
Payne
Petri
Pitts
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shuster
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Strickland
Sununu
Tauscher
Taylor (MS)
Tiahrt
Tierney
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Waxman
Weldon (PA)
Weygand
White
Wolf

NOES—242

Abercrombie
Ackerman
Aderholt
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Buyer
Calvert
Camp
Canady
Carson
Chambliss
Chenoweth
Clayton
Clyburn
Coble
Coburn
Combest
Condit
Cooksey
Costello
Cramer
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Dunn
Edwards
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Flake
Foley
Ford
Fowler
Frost
Furse
Gephardt
Gilchrest
Goode
Goodlatte
Gordon
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hooley
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kingston
Kleczka
Klink
LaHood
Lampson
Largent
Latham
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manton
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McInnis
McIntyre
McKeon
McKinney
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard

Price (NC)	Shimkus	Thornberry
Radanovich	Sisisky	Thune
Rahall	Skeen	Thurman
Rangel	Skelton	Torres
Redmond	Smith (MI)	Towns
Reyes	Smith (OR)	Traficant
Riggs	Smith (TX)	Turner
Riley	Snyder	Walsh
Rodriguez	Solomon	Watkins
Rogan	Spence	Watt (NC)
Rogers	Spratt	Watts (OK)
Rothman	Stabenow	Weldon (FL)
Roybal-Allard	Stearns	Weller
Sabo	Stenholm	Wexler
Sanchez	Stokes	Whitfield
Sandlin	Stump	Wicker
Saxton	Stupak	Wise
Scarborough	Talent	Woolsey
Schaefer, Dan	Tanner	Wynn
Schaffer, Bob	Tauzin	Yates
Scott	Taylor (NC)	Young (FL)
Serrano	Thomas	
Sessions	Thompson	

NOT VOTING—7

Barton	Molinari	Young (AK)
Gejdenson	Schiff	
Gonzalez	Stark	

□ 1701

Mrs. CHENOWETH and Mr. CUMMINGS changed their vote from ''aye'' to ''no.''

Mrs. KELLY, Mr. RYUN, and Mr. CHRISTENSEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I take this time simply to talk about something that has not at all been addressed today. I want to talk about something I intended to talk about but have been precluded from doing so under the rule.

Rural Members will already know what I am talking about, but I really would ask urban Members to listen for a moment to understand what it is I am going to say. We are debating an agriculture appropriation bill which can provide some help to rural communities. But, in fact, we are operating under the handicap of national farm policy.

We have, I believe, for a number of administrations, the previous two and this one, which are essentially anti-rural and which are driving farmers to the wall. And I want to bring to the attention of my colleagues what I think is a very important study done by an Oklahoma University scientist.

I have an article here by a reporter by the name of Joel Dyer called ''Harvest of Rage: How the Rural Crisis Fuels the Anti-Government Movement.'' I would just like to talk with my colleagues for a moment about some of the points that are raised by this article.

This article points out that suicide is by far the leading cause of death on American family farms and that those suicides are a direct result of economic distress. This article points out a number of things, as follows: It says, for instance, ''Many debt-ridden farm families will become more suspicious of government as their self-worth, their sense of belonging, their hope for the future deteriorate. These families are torn by divorce, domestic violence, and alcoholism. There is a loss of relationship of these communities to the State and the Federal Government. We have communities that are made up now of collectively depressed individuals, and the symptoms of that community depression are similar to what you would find in someone that has a long-term chronic depression.''

The article then goes on to point out that ''The United States has lost more than 700,000 small to medium-sized family farms since 1980 and that this loss is a greater crisis than was even the Great Depression, if you live in rural America.''

It then goes on to say, ''By the tens of thousands, some of these same farmers are being recruited by the antigovernment militia movement. Some are being enlisted by the Freeman and Christian identity groups that compromise the most violent components of this revolution in the heartland.''

It then goes on to say, ''The main cause for the growth of these violent and anti-government groups is economic, and the best example of this is the farm crisis. Men and women who were once the backbone of our culture have declared war on the government, which they blame for their pain and suffering, and not without some cause.''

Then the article goes on and says the following: ''Losing a farm does not happen overnight. It can often take 4 to 6 years. By the end, these families are victims of chronic long-term stress. Once a person is to that point, there are only a few things they can do.''

It then goes on to point out the following: ''To lose a farm is to lose part of one's own identity. There is probably no other occupation that has the potential for defining one's self so completely. Those who have gone through the loss of a family farm compare their grief to a death in the family, one of the hardest experiences in life.''

And then it goes on to say that ''Because of those economic stresses, it is no wonder that many in rural America are falling prey to some of the outlandish theories of some of these anti-government groups.''

I simply take the time in quoting a few paragraphs from this story, which I am going to insert in the RECORD in full, to ask Members, especially from urban areas, to understand that we have an incredible crisis in rural America which is not just affecting farmers, it is affecting whole communities, it is affecting a whole way of life. And, with all due respect to the leadership of both parties, if we do not adopt a farm policy which is substantially different than that being followed by any of the past three administrations, we run the risk of seeing this despair grow deeper, we run the risk of seeing this despair in turn create even more potential for violence. And I do not think any of us on either side of the aisle want to see that happen.

I would simply ask that after this bill is passed, my colleagues understand that until far greater changes are made in American farm programs, we will be complicit in the growth of these anti-government and sometimes violent movements in America.

I urge us to recognize the need to do everything we can to turn that trend in the other direction.

HARVEST OF RAGE

(By Joel Dyer)

It's two in the morning when the telephone rings waking Oklahoma City psychologist Glen Wallace. The farmer on the other end of the line has been drinking and is holding a loaded gun to his head. The distressed man tells Wallace that his farm is to be sold at auction within a few days. He goes on to explain that he can't bear the shame he has brought to his family and that the only way out is to kill himself.

Within hours Wallace is at the farm. This time the farmer agrees to go into counseling; this time no one dies. Unfortunately, that's not always the case. Wallace has handled hundreds of these calls through AG–LINK, a farm crisis hotline, and many times the suicide attempts are successful. According to Mona Lee Brock, another former AG–LINK counselor, therapists in Oklahoma alone make more than 150 on-site suicide interventions with farmers each year. And Oklahoma has only the third highest number of farm suicides in the nation, trailing both Montana and Wisconsin.

A study conducted in 1989 at Oklahoma State University determined suicide is by far the leading cause of death on America's family farms, and that they are the direct result of economic stress.

As heartwrenching as those statistics are, they also are related to a much broader issue. Those who have watched the previously strong family farm communities wither have seen radical, anti-government groups and militias step in all across the country, and especially in the Midwest.

As far back as 1989, Wallace—then director of Rural Mental Health for Oklahoma—was beginning to see the birth pangs of today's heartland revolt. In his testimony before a U.S. congressional committee examining rural development, Wallace warned that farm-dependent rural areas were falling under a ''community psychosis:''

''Many debt-ridden farm families will become more suspicious of government, as their self-worth, their sense of belonging, their hope for the future deteriorates. . . . These families are torn by divorce, domestic violence, alcoholism. There is a loss of relationships of these communities to the state and federal government.

''We have communities that are made up now of collectively depressed individuals, and the symptoms of that community depression are similar to what you would find in someone that has a long term chronic depression.''

Wallace went on to tell the committee that if the rural economic system remained fragile, which it has, the community depression could turn into a decade's long social and cultural psychosis, which he described as ''delayed stress syndrome.''

In 1989, Wallace could only guess how this community psychosis would eventually express itself. He believes this transition is now a reality.

''We knew the anti-government backlash was just around the corner, but we didn't know exactly what form it would take. You can't treat human beings in a society the way farmers have been treated without them organizing and fighting back. It was just a matter of time.''

THE RURAL SICKNESS

''I don't even know if I should say this,'' says Wallace regarding the explosion that destroyed the Alfred P. Murrah building killing 168 people, ''but the minute that bomb went off, I suspected it as because of the farm crisis. These people (farmers) have suffered so much.'' Wallace, who has spent much of his professional life counseling depressed farmers, could only hope he was wrong.

The United States has lost more than 700,000 small- to medium-size family farms since 1980. For the 2 percent of America that makes its living from the land, this loss is a crisis that surpasses even the Great Depression. For the other 98 percent—those who gauge the health of the farm industry by the amount of food on our supermarket shelves—the farm crisis is a vaguely remembered headline from the last decade.

But not for long. The farms are gone, yet the farmers remain. They've been transformed into a harvest of rage, fueled by the grief of their loss and blown by the winds of conspiracy and hate-filled rhetoric.

By the tens of thousands they are being recruited by the anti-government militia movement. Some are being enlisted by the Freemen and Christian Identity groups that comprise the most violent components of this revolution of the heartland.

Detractors of these violent groups such as Morris Dees of the Southern Poverty Law Center blame them for everything from the Oklahoma City bombing to the formation of militia organizations to influencing Pat Buchanan's rhetoric. They may be right.

But, the real question remains unanswered. Why has a religious and political ideology that has existed in sparse numbers since the 1940s, suddenly—within the last 15 years—become the driving force in the rapidly growing anti-government movement which Dees estimates has five million participants ranging from tax protesters to armed militia members?

The main cause for the growth of these violent anti-government groups is economic, and the best example of this is the farm crisis. What was for two decades a war of economic policy has become a war of guns and bombs and arson.

At the center of this storm is the ''Justice'' movement, a radical vigilante court system, a spin-off of central Wisconsin's Posse Commitatus system of the 1980s, and which will likely affect all our lives on some level in the future. It may have touched us already in the form of the Oklahoma City bombing.

Freeman/Identity common-law courts are being convened in back rooms all across America, and sentences are being delivered. Trials are being held on subjects ranging from the Bureau of Alcohol, Tobacco and Firearms' handling of Waco to a person's sexual preference or race. And the sentences are all the same—death.

We may never prove the Oklahoma City bombing was the result of a secret common-law court, but we can show it was the result of some kind of sickness, a ''madness'' in the rural parts of our nation. Unless we move quickly to address the economic problems which spawned this ''madness,'' we are likely entering the most violent time on American soil since the Civil War.

Men and women who were once the backbone of our culture have declared war on the government they blame for their pain and suffering—and not without some cause.

THE ECONOMICS OF HATE

The 1989 rural study showed that farmers took their own lives five times more often than they were killed by equipment accidents which, until the study, were considered to be the leading cause of death.

''These figures are probably very conservative,'' says Pat Lewis who directed the research. ''We've been provided with information from counselors and mental health workers that suggests that many of the accidental deaths are, in reality, suicides.''

Wallace, who was one of those mental health workers, agrees. ''The known suicides are just a drop in the bucket. We have farmers crawling into their equipment and being killed so their families can collect insurance money and pay off the farm debt. They're dying in order to stop a foreclosure.''

This economic stress has been caused by 20 years of government refusal to enforce the anti-trust laws which once protected the small farmer. Now, with only six to eight multi-national corporations controlling the American food supply, farmers and ranchers have no choice but to sell their products to these monopolies, often for less than their production costs. In 1917, wheat was $2.14 a bushel. In the last five years prices have dipped as low as $2.17 a bushel, yet costs are a hundred times higher now than then.

As if monopolies weren't enough of a problem, the federal government is allowed to increase the interest rates on its loans to troubled farmers to ridiculous figures, sometimes reaching more than 15 percent. And, as many bitter farmers will tell you, the only reason many of these loans exist is that the government's Farm Home Administration (FMHA) agents sought farmers out in the 70s encouraging them to take out loans. The government agents told them that the value of their farms was inflating faster than the current interest rates and that to turn down a loan was a poor business decision. During this time, FMHA lenders received bonuses and trips based on how much money they lent. But when land values tumbled in the 80s, the notes were called and the farms foreclosed. Ironically, bonuses are now awarded based on an agent's ability to clean up the books by foreclosing on bad loans.

In Oklahoma, the government is foreclosing on Josh Powers, a farmer who took out a $98,000 loan at 8 percent in 1969. That same loan today has an interest rate of 15 percent—almost twice as high as when the note was first issued. The angry farmer claims that he's paid back more than $150,000 against the loan, yet he still owes $53,000 on the note. Says Powers, ''They'll spend millions to get me, a little guy, off the land—while Neil Bush just walks away from the savings and loan scandal.''

The 1987 Farm Bill allowed for loans such as this to be ''written down,'' allowing farmers to bring their debt load back in line with the diminished value of their farm. The purpose of the bill was to keep financially strapped farmers on the land. But in a rarely equaled display of government bungling, this debt forgiveness process was left to the whims of county bureaucrats with little or no banking experience.

As Wallace points out, ''Imagine the frustration when a small farmer sees the buddy or family member of one of these county agents getting a $5 million write-down at the same time the agent is foreclosing on them (the small farmer) for a measly $20,000. It happens all the time. When these little farmers complain, they're given this telephone number in Washington. It's become a big joke in farm country. I've even tried to call it for years. You get this recording and nobody ever calls you back.

''These farmers are literally at the mercy of these county bureaucrats and some of them are just horrible people . . . We've had to intervene several times to keep farmers from killing them.''

Most Americans are unaware that the farm crisis isn't over. According to counselor Brock, things are as bad now for the family farmer as they were in the 80s. She notes that recent USDA figures that show the economic health of farms improving are, in fact, skewed by the inclusion of large farming cooperatives and corporate farms. Brock also says that ''state hotlines are busier than ever as the small family farmer is being pushed off the land.''

According to Wallace thousands of people have died as a result of the farm crisis, but not just from suicides. The psychologist says the number of men and women who have died of heart attacks and other illnesses—directly as a result of stress brought on by foreclosure—dwarfs the suicide numbers.

These deaths are often viewed as murder in farm country.

This spring, I went to western Oklahoma and met with a group of farmers who have become involved in the Freeman/Identity movement. This meeting demonstrated not only their belief that the government is to blame for their loss, but also the politics that evolve from that belief.

''They murdered her,'' says Sam Conners (not his real name) referring to the government. The room goes silent as the gray haired 60-year-old stares out the window of his soon-to-be-foreclosed farmhouse. In his left hand he holds a photograph of his wife who died of a heart attack in 1990. ''She fought 'em as long as she could,'' he continues, ''but she finally gave out. Even when she was lying there is a coma and I was visiting her every day—bringing my nine-year-old boy to see his mamma everyday—they wouldn't cut me no slack. All they cared about was getting me off my land so they could take it. But I tell you now, I'm never gonna' give up. They'll have to carry me off feet first and they probably will.''

The other men in the room sit quietly as they listen to Conners' story, their eyes alternating between their dirty work boots and the angry farmer. The conversation comes to a sudden halt with a ''click'' from a nearby tape recorder. Conners looks clumsy as he tries to change the small tape in the micro-cassette recorder. His thick earth-stained fingers seem poorly designed for the delicate task. ''I apologize for recording you,'' he says to this reporter. ''We just have to be careful.''

With their low-tech safeguard back in place, one of the other men begins to speak. Tim, a California farmer who looks to be in his early 30's, describes his plight: another farm, another foreclosure, more anti-government sentiment. Only this time, the story is filled with the unmistakable religious overtones of the Christian Identity movement; one world government, Satan's Jewish bankers, the federal reserve, a fabricated Holocaust, a coming holy war. ''This kind of injustice is going on all over the country,'' says Tim. ''It's what happened to the folks in Montana (referring to the Freemen) and it's what happened to me. That's why LeRoy (Schweltzer, the leader of the Justus Township Freeman) was arrested. He was teaching people how to keep their farms and ranches. He was showing them that the government isn't constitutional. They foreclose on us so they can control the food supply. What they want to do is control the Christians.''

THE MIND OF THE FARMER

Losing a farm doesn't happen overnight. It can often take four to six years from the time a farm family first gets into financial

trouble. By the end, says Wallace, these families are victims of chronic long term stress. ''Once a person is to that point,'' he explains, ''there are only a few things that can happen.

''There are basically four escape hatches for chronic long term stress. One, a person seeks help—usually through a church or the medical community. Two, they can't take the pain and they commit suicide. They hurt themselves. Three, they become psychotic. They lose touch with reality. They basically go crazy. And last, they become psychotic and turn their anger outward. They decide that since they hurt, they're going to make others hurt. These are the people that wind up threatening or even killing their lenders of FMHA agents. They're also the ones that are most susceptible to a violent anti-government message.''

Unfortunately, psychotic personalities looking for support can find it in the wrong places. ''Any group,'' says Wallace, ''can fill the need for support. Not just good ones. Identity, militias or any anti-government group can come along and fill that role. Add their influence to a personality that is already violent towards others and you have an extremely dangerous individual.''

No one knows how many members of the 700,000 farm families who have already lost their land or the additional hundreds of thousands that are still holding on to their farms under extreme duress have fallen prey to this violet psychosis, but those who have watched this situation develop agree the number is growing.

Wallace says that most people don't understand the mind set of farmers. ''They ask, why don't farmers just get a new job or why does losing a farm cause someone to kill themselves or someone else?'' Another rural psychologist, Val Farmer, has written often on this subject. In an article in the *Iowa Farmer Today*, he explained why farm loss affects its victims so powerfully.

''To lose a farm is to lose part of one's own identity. There is probably no other occupation that has the potential for defining one's self so completely. Those who have gone through the loss of a family farm compare their grief to a death in the family, one of the hardest experiences in life.

''Like some deaths, the loss may have been preventable. If a farmer blames himself, the reaction is guilt. Guilt can stem from a violation of family trust. By failing to keep the farm in the family, he loses that for which others had sacrificed greatly. The loss of the farm also affects the loss of the opportunity to pass on the farm to a child. Guilt can also arise from failing to anticipate the conditions that eventually placed the farm at risk: government policy, trade policies, world economy, prices, weather.

''On the other hand, if the loss is perceived to have been caused by the actions and negligence of others, then the farmer is racked with feelings of anger, bitterness and betrayal. This feeling extends to lenders, government, the urban public or the specific actions of a particular individual or institution.''

''The stress intensifies with each new setback: failure to cash flow, inability to meet obligations, loan refusal, foreclosure notices, court appearances and farm auctions.'' Farmer concludes that ''these people start grasping at straws—anything to stave off the inevitable.''

PREYING ON THE SICK

Wallace agrees with Farmer and believes the anti-government message is one such straw. ''When you reach the point where you're willing to kill yourself, anything sounds good. When these groups come along and tell a farmer that it's not his fault, it's the government's fault or the bank's fault, they're more than ready to listen. These groups are preying on sick individuals.''

It's no wonder that groups like the Freemen, We the People and Christian Identity have found such enthusiastic support. They preach a message of hope for desperate men and women.

The Freemen offer their converts a chance to save the farm through a quagmire of constitutional loopholes and their complicated interpretations of the Uniform Commercial Code. Their legal voodoo may seem nuts to a suburban dweller, but to a desperate farmer they offer a last hope to hang on to the land their grandfather homesteaded, a trust they intended to pass on to their children.

And just how crazy their rhetoric is remains to be seen. Not all in the legal community scoff at the Freemen's claims. Famed attorney Gerry Spence—who represented Randy Weaver, a survivor of Ruby Ridge—has stated that at least some of their interpretations of constitutional law are accurate. It will be years before the court system manages to sort out the truth from the myth, and only then provided it desires to scrutinize itself—something it historically has shown little stomach for.

Organizers of We the People told farmers they could receive windfalls of $20 million or more from the federal government. They explained to their audiences—which sometimes reached more than 500—that they had won a Supreme Court judgment against the feds for allowing the country to go off the gold standard. They claimed that for a $300 filing fee the desperate farmers could share in the riches.

The media has repeatedly described the exploits of Freeman/We the People members: millions in hot checks, false liens, refusal to leave land that has been foreclosed by the bank and sold at auction and plans to kidnap and possibly kill judges.

Members of the press, including the alternative press, have commented on the fact that what all these people seem to have in common is that they are unwilling to pay their bills.

The *Daily Oklahoman* quoted an official describing these anti-government groups as saying, ''We are talking about people who are trying to legitimize being deadbeats and thugs by denying their responsibilities.''

But that analysis is at best partially true and at worst dead wrong.

What most of these radical anti-government people have in common—and what most government officials refuse to acknowledge—is that they were, first and foremost, *unable* to pay their bills. It was only after being unable to pay that they took up the notion of being unwilling to pay.

These farmers are the canaries in the coal mine of America's economy. They are in effect monitoring the fallout from the ever widening ''gap'' between the classes. The canaries are dying and that bodes poorly for the rest of us in the mine.

Both Farmer and Wallace agree that, as a rule, farmers have an extremely strong and perhaps unhealthy sense of morality when it comes to paying their bills. They suffer from deep humiliation and shame when they can't fulfill their financial obligations.

Wallace says, ''It's only natural that they would embrace an ideology that comes along and says they are not only not bad for failing to pay their debts but rather are morally and politically correct to not pay their debts. It's a message that provides instant relief from the guilt that's making them sick.''

In much the same way, only more dangerous, Christian Identity offers a way out for stressed farm families. Identity teaches that Whites and native Americans are God's chosen people and that Jews are the seed of Satan. Identity believers see a conspiracy of ''Satan's army of Jews'' taking control of banks, governments, media and most major corporations and destroying the family farm in order to control the food supply. They believe that we are at the beginning of a holy war where Identity followers must battle these international forces of evil and establish a new and ''just'' government based on the principles of the Bible's Old Testament as they interpret it. They become a soldier in a holy war under orders to not give up their land or money to the Jewish enemy.

AND JUSTICE FOR SOME

The renegade legal system known as the ''Justice'' movement is now estimated to be in more than 40 states. It seems to have as many variations as the fractional anti-government movement that created it. Some mainstream Patriots hold common-law courts at venues where the press and those accused of crimes are invited to attend. Sentences from these publicly held trials usually result in lawsuits, arrest warrants, judgments and liens being filed against public officials.

In Colorado, Attorney General Gail Norton has been just one of the targets of these courts. She's had millions of dollars worth of bogus liens filed against her. Across the nation, thousands of public officials including governors, judges, county commissioners and legislatures have been the targets of this new ''paper terrorism.'' In most cases they are found guilty of cavorting with the enemy: the federal government.

Ironically, arresting those involved in this mainstream common law court revolution isn't easy. It's not because they can't be found; it's because they may not be doing anything illegal. Last month, Richard Wintory, the chief deputy of the Oklahoma attorney general's office, told the Daily Oklahoman that he could not say whether common-law court organizers had broken any laws.

The debate as to whether or not citizens have a constitutional right to convene grand juries and hold public trials will eventually be resolved. It's only one of the fascinating legal issues being raised by the heartland revolt. But there is a darker side to this vigilante court system, one that deals out death sentences in its quest to deliver justice and create a new and holy government.

In his book Gathering Storm, Dees describes Identity this way: ''There is nothing 'goody, goody' or 'tender' about Identity. It is a religion, a form of Christianity, that few churchgoers would recognize as that of Jesus, son of a loving God. It is a religion on steroids. It is a religion whose god commands the death of race traitors, homosexuals, and other so-called children of Satan.''

It is for this reason that the common law courts convened by those groups influenced by the Identity belief system are by far the most dangerous. Death sentences can be doled out for almost any conceivable transgression.

In the remote western Oklahoma farmhouse, Freeman/Identity farmers discussed the Justice movement. One man who had recently lost his farm to foreclosure explained their court system. ''What you're seeing right now is just the beginning of taking back our country, the true Israel. The Bible says that we're to be a just people. Where is justice in this country? Our judges turn loose rapists and murderers and put farmers in jail. We're about justice. Why would anyone be afraid of that?

''We're holding courts right now in every part of this land. We're finding people guilty and we're keeping records so we can carry out the sentences. It's the citizen's duty and

right to hold common law courts. It's the militia's job to carry out the sentences.''

The farmer goes on to explain that Identity doesn't believe in prisons. He says that nearly all serious offenses are dealt with by capital punishment and that this punishment system is based on the Bible, the first 10 amendments to the Constitution and the Magna Carta. When asked how these death sentences would be carried out, he says, ''There's a part of the militia that's getting ready to start working on that (death sentences). I think they're ready to go now. You'll start seeing it soon.''

Perhaps we already have. Was the Oklahoma City bombing only the largest and most recent example? When asked, the men in the room state emphatically that they have no first hand knowledge of the bombing—even though some of them were questioned by the FBI within days of the deadly explosion. They say they don't condone it because so many innocent people died. But they agree that it may well have been the result of a secret court sentence. The court could have found the ATF guilty for any number of actions—including Waco and Ruby Ridge—and the militia foot soldiers, in this case McVeigh and Nichols, may have simply followed orders to carry out the sentence.

Whatever the case in Oklahoma City, it seems likely that this new and radical system of vigilante justice can't help but produce similar catastrophes.

The process that gave us that bomb was likely the result of the same stress-induced illness that is tearing our country apart one pipe bomb or burned-down church at a time. Comprehending and healing that illness is our only hope for creating a future free of more bombs, more death and destruction.

Mr. SKEEN. Mr. Chairman, I rise in opposition to this motion. It is another delaying tactic. I urge a ''no'' vote on the motion

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 300, not voting 9, as follows:

[Roll No. 315]

AYES—125

Abercrombie	Dellums	Kanjorski
Ackerman	Deutsch	Kennedy (MA)
Allen	Dicks	Kennelly
Andrews	Dingell	Kildee
Baldacci	Dixon	Kilpatrick
Barrett (WI)	Doggett	Kind (WI)
Becerra	Edwards	Kleczka
Berman	Engel	Klink
Blagojevich	Eshoo	Kucinich
Blumenauer	Evans	LaFalce
Bonior	Fattah	Lantos
Borski	Fazio	Levin
Boucher	Filner	Lewis (GA)
Brown (CA)	Flake	Lofgren
Brown (FL)	Foglietta	Lowey
Brown (OH)	Frank (MA)	Maloney (NY)
Clay	Frost	Manton
Clayton	Furse	Markey
Conyers	Gutierrez	Mascara
Coyne	Hastings (FL)	Matsui
Cummings	Hilliard	McCarthy (MO)
Davis (FL)	Hinchey	McCarthy (NY)
Davis (IL)	Holden	McDermott
DeFazio	Hoyer	McGovern
DeGette	Jackson (IL)	McHale
Delahunt	Jefferson	McKinney
DeLauro	Johnson (WI)	McNulty
Meehan	Pastor	Spratt
Millender-McDonald	Paul	Stokes
Miller (CA)	Payne	Stupak
Mink	Pelosi	Tauscher
Moakley	Pomeroy	Tierney
Moran (VA)	Rangel	Torres
Nadler	Rodriguez	Towns
Neal	Rush	Velazquez
Oberstar	Sabo	Vento
Obey	Sanders	Visclosky
Olver	Sandlin	Waxman
Owens	Sawyer	Wexler
Pallone	Schumer	Weygand
Pascrell	Serrano	Woolsey
	Slaughter	Yates

NOES—300

Aderholt	Ewing	Livingston
Archer	Farr	LoBiondo
Armey	Fawell	Lucas
Bachus	Foley	Luther
Baesler	Forbes	Maloney (CT)
Baker	Ford	Manzullo
Ballenger	Fowler	Martinez
Barcia	Fox	McCollum
Barr	Franks (NJ)	McCrery
Barrett (NE)	Frelinghuysen	McDade
Bartlett	Gallegly	McHugh
Bass	Ganske	McInnis
Bateman	Gejdenson	McIntosh
Bentsen	Gekas	McIntyre
Bereuter	Gibbons	McKeon
Berry	Gilchrest	Meek
Bilbray	Gillmor	Menendez
Bilirakis	Gilman	Metcalf
Bishop	Goode	Mica
Bliley	Goodlatte	Miller (FL)
Blunt	Goodling	Minge
Boehlert	Gordon	Mollohan
Boehner	Goss	Moran (KS)
Bonilla	Graham	Morella
Bono	Granger	Murtha
Boswell	Green	Myrick
Boyd	Greenwood	Nethercutt
Brady	Gutknecht	Neumann
Bryant	Hall (OH)	Ney
Bunning	Hall (TX)	Northup
Burr	Hamilton	Norwood
Burton	Hansen	Nussle
Buyer	Harman	Ortiz
Callahan	Hastert	Oxley
Calvert	Hastings (WA)	Packard
Camp	Hayworth	Pappas
Campbell	Hefley	Parker
Canady	Hefner	Paxon
Cannon	Herger	Pease
Capps	Hill	Peterson (MN)
Cardin	Hilleary	Peterson (PA)
Carson	Hinojosa	Petri
Castle	Hobson	Pickering
Chabot	Hoekstra	Pickett
Chambliss	Hooley	Pitts
Chenoweth	Horn	Pombo
Christensen	Hostettler	Porter
Clement	Houghton	Portman
Clyburn	Hulshof	Poshard
Coble	Hunter	Price (NC)
Coburn	Hutchinson	Pryce (OH)
Collins	Hyde	Quinn
Combest	Inglis	Radanovich
Condit	Istook	Rahall
Cook	Jackson-Lee (TX)	Ramstad
Cooksey	Jenkins	Redmond
Costello	John	Regula
Cox	Johnson (CT)	Reyes
Cramer	Johnson, E. B.	Riggs
Crane	Johnson, Sam	Riley
Crapo	Jones	Rivers
Cubin	Kaptur	Roemer
Cunningham	Kasich	Rogan
Danner	Kelly	Rogers
Davis (VA)	Kim	Rohrabacher
Deal	King (NY)	Ros-Lehtinen
DeLay	Kingston	Rothman
Diaz-Balart	Klug	Roukema
Dickey	Knollenberg	Roybal-Allard
Dooley	Kolbe	Royce
Doolittle	LaHood	Ryun
Doyle	Lampson	Salmon
Dreier	Largent	Sanchez
Duncan	Latham	Sanford
Dunn	LaTourette	Saxton
Ehlers	Lazio	Scarborough
Ehrlich	Leach	Schaefer, Dan
Emerson	Lewis (CA)	Schaffer, Bob
English	Lewis (KY)	Scott
Ensign	Linder	Sensenbrenner
Etheridge	Lipinski	Sessions
Everett	Shaw	Shadegg
	Shays	Spence
	Sherman	Stabenow
	Shimkus	Stearns
	Shuster	Stenholm
	Sisisky	Strickland
	Skaggs	Stump
	Skeen	Sununu
	Skelton	Talent
	Smith (MI)	Tanner
	Smith (NJ)	Tauzin
	Smith (OR)	Taylor (MS)
	Smith (TX)	Taylor (NC)
	Smith, Adam	Thomas
	Smith, Linda	Thompson
	Snowbarger	Thornberry
	Snyder	Thune
	Solomon	Thurman
	Souder	Tiahrt
		Traficant
		Turner
		Upton
		Walsh
		Wamp
		Watkins
		Watt (NC)
		Watts (OK)
		Weldon (FL)
		Weldon (PA)
		Weller
		White
		Whitfield
		Wicker
		Wise
		Wolf
		Wynn
		Young (FL)

NOT VOTING—9

Barton	Kennedy (RI)	Stark
Gephardt	Molinari	Waters
Gonzalez	Schiff	Young (AK)

☐ 1730

Mr. FARR of California changed his vote from ''aye'' to ''no.''

Mr. SCHUMER changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. CHABOT:

Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. CHABOT] will be recognized for 5 minutes on behalf of his motion and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, in the last Congress, in historic legislation, we overhauled the welfare system as it applied to poor people in this country. I think it was good legislation, we are working on it now, but it affected poor people.

There is one type of welfare that we have hardly touched in that Congress or this Congress and that is something called corporate welfare. Now corporate welfare affects the powerful, it affects the wealthy. We have hardly touched it.

One particularly egregious type of corporate welfare in my opinion is something called the market access program. Now some of the folks on the other side on this issue will argue that it was reformed. This is a program where we spend $90 million a year in taxpayer money to advertise products overseas for trade associations and essentially for corporations.

Now the folks who favor this will say, well, we reformed it already, and

basically what was done is we changed the name of it from the market promotion program to the market access program. Big deal. That is essentially the reform that we did in the last Congress.

I mean, should corporations advertise their products overseas to promote trade? Of course they should. But who should pay for it; the taxpayers or the corporations and the trade associations that benefit? I would argue not the taxpayers, but the people who benefit, the corporations themselves, ought to pay for this. If they were using their own money, they would be very careful.

There is all kinds of examples where the money has been wasted. A good example was in the case where my colleagues probably remember the Marvin Gay song, and I think Gladys Knight and the Pips had it also: ''I Heard It Through The Grapevine,'' the California raisins commercial. Well, money from this program was used to advertise for raisins over in Japan.

Now the problem is they did some surveys on this afterwards, and it turns out that they did absolutely no good at all. In fact, a lot of the people that saw the commercials, rather than think they were raisins, they thought they were potatoes. They actually scared small children.

Now would the corporations who would have benefited from this program, if they were using their own money, would they have done a little research so that they did not waste this money? Of course they would. But since they are using taxpayer money, the research was not done, the dollars were wasted.

They will argue, those who favor this program will say it creates jobs, but the real jobs it creates are government jobs or the bureaucrats in the department.

So let us end this program.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CHABOT] but I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

(Mr. RIGGS asked and was given permission to revise and extend his remarks.)

Mr. RIGGS. Mr. Chairman, I just want to point out we can export our products or we can export our jobs, and I rise in strong opposition to this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I simply rise in strong opposition to this amendment to cut a program which has been very successful in fighting subsidies that continue to be provided by our international trading competitors in agriculture. We have literally transformed this bill through debates on this floor over the last several years. This program was at one time authorized at $350 million. It is now down to 90 million.

We are concentrating on small business. Of the 564 companies that are participating in this program, putting up equal amounts to match the Federal dollars, we now have 417 of them, small businesses as defined by the SBA.

We are doing away with the branded marketing concept. I regret that, frankly, but it had critics here and we did away with it.

But the GAO tells us that we need to do more of this, that we are being taken advantage of in the international market. Despite the fact that our ag exports have grown by 50 percent since 1990, we continue to find, in crop after crop, that foreign subsidies push our farmers out of markets.

We should not adopt this amendment.

I rise in opposition to the amendment and in support of this program.

There is probably no more important tool for export promotion than MAP throughout the United States and particularly in California.

I would ask the gentleman what his point is in offering this amendment.

Does he think we spend too much on MAP?

MAP was funded at $200 million as recently as 5 years ago, and was authorized at one time for $350 million.

I believe that was some recognition of the importance of market promotion to the American economy—a viewpoint buttressed not just by USDA but by the GAO who reported we should be doing far more of it in the face of enormous subsidies by our competitors.

Now it's down to a barebones $90 million.

Does the gentleman want MAP funds to go to small companies? FAS says that 417 of the 564 companies participating in MAP qualify as small by the SBA definition.

Is the gentleman against branded product promotion by large companies?

FAS has reduced funding for brand promotion by large companies by 35 percent in 1996, 45 percent in 1997, and will eliminate it altogether in 1998.

Does the gentleman want to make sure that MAP funds don't just substitute for marketing efforts the company would have undertaken anyway?

It is a requirement of the program, and every dollar has to be matched by the company's own funds as well.

But in the gentleman's zeal to oppose so-called corporate welfare, he completely ignores the value of this program to our economy.

Agriculture exports climbed again last year, fiscal year 1996, to $59.8 billion—up some $19 billion or close to 50 percent since 1990.

In an average week this past year, U.S. producers, processors, and exporters shipped more than 1.1 billion dollars' worth of food and farm products to foreign markets, compared with about $775 million per week at the start of this decade.

The overall export gains raised the fiscal year 1996 agricultural trade surplus to a new record of $27.4 billion.

In the most recent comparisons among 11 major industries, agriculture ranked No. 1 as the leading positive contributor to the U.S. merchandise trade balance.

As domestic farm supports are reduced, export markets become even more critical for the economic well-being of our farmers and rural communities, let alone the suburban and urban areas that depend upon the employment generated from increased trade.

Agriculture exports strengthen farm income.

Agriculture exports provide jobs for nearly a million Americans.

Agriculture exports generate nearly $100 billion in related economic activity.

Agriculture exports produce a positive trade balance of nearly $30 billion.

MAP is critical to U.S. agriculture's ability to develop, maintain, and expand export markets in the new post-GATT environment, and MAP is a proven success.

In California, MAP has been tremendously successful in helping promote exports of California citrus, raisins, walnuts, prunes, almonds, peaches, and other specialty crops.

We have to remember that an increase in agriculture exports means jobs: A 10-percent increase in agricultural exports creates over 13,000 new jobs in agriculture and related industries like manufacturing, processing, marketing, and distribution.

Where do those increased agriculture exports come from?

For every $1 we invest in MAP, we reap a $16 return in additional agriculture exports.

In short, the Market Promotion Program is a program that performs for American taxpayers.

I urge my colleagues to support American agriculture and oppose the gentleman's amendment.

Mr. CHABOT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say that this program is really a waste and a travesty and a giveaway; my colleagues can pick whatever word they want. It should have been killed years ago, but MAP has more incarnations than Vishnu. In the congressional equivalent of the witness protection program, MAP performs so abysmally we had to change its name, not once, but twice, in order to hide the program from the taxpayer. When I got here it was called TEA, then MPP, and after three excoriating GAO reports and billions in corporate welfare giveaways, it became MAP. If my colleagues do not like the name, we can change it again, but what we should do is get rid of the program.

MAP and its forefathers have given 70 million to Sunkist, 40 million to Blue Diamond, 20 million to Sunsweet, 60 million to Gallo. We are figuring out ways to cut the budget and cannot cut this kind of corporate welfare? Of course, we can. One million dollars to McDonald's.

And then this. We are giving $1 million to McDonald's to advertise overseas. Are there not better needs for our money than that?

And finally, as the gentleman from Ohio [Mr. CHABOT] mentioned, and my colleagues ought to listen to this one, it is one of the best they will hear, the California Raisin Advisory Board won a grant to introduce raisins to Japan. What a fiasco, using taxpayer funds, the ad ''I heard it through the grapevine'' claymation raisin campaign that won many awards in the United States.

But there will be no awards in Japan. First it turns out that these claymation raisins were not bilingual, so in Japan they were singing only in their native English. Second, Marvin Gay is unknown in Japan so the audience did not understand the song or get the pun. Third, since the Japanese have never seen raisins, it is not a product in Japan, they were baffled by these gargantuan vaudevillian dangerous dancing raisins. They thought they were dancing potatoes. And finally, the raisins had four fingers, which apparently is a bad omen in Japan. They frighten children.

Perhaps the raisin board would have done a little bit of market research if they were using their own money instead of the taxpayers'. Let us end this program once and for all.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

(Mr. SKELTON asked and was given permission to revise and extend his remarks.)

Mr. SKELTON. Mr. Chairman, I rise in strong opposition to this amendment and in favor of the market access program that is being so very important to exports in America.

The Market Access Program is a $90 million USDA cost-share program aimed at helping maintain, develop, and expand U.S. agriculture export markets.

The program was substantially reformed in the 1996 farm bill:

Participants contribute up to 50 percent or more toward program cost.

MAP is targeted toward small businesses, farmer cooperatives, and trade associations.

Requires funds to be used only to promote American grown and produced commodities and related products.

MAP is a key part of the new 7-year farm bill, which gradually reduces direct income support to farmers. Expanding exports is extremely important—exports now account for as much as one-third of domestic production. Export markets are extremely competitive, especially since other nations and the European Union greatly outspend U.S. promotion efforts.

In 1996, Missouri exported approximately 1.3 billion dollars' worth of agricultural products—soybeans, feedgrains, wheat, cotton, poultry, animals/meats—which sustained more than 22,000 jobs.

MAP has helped the agriculture sector become the largest positive contributor to the U.S. trade balance.

PROMOTING MISSOURI EXPORTS AND PROTECTING JOBS

USDA'S MARKET ACCESS PROGRAM [MAP]

USDA's Market Access Program (MAP) has been a tremendous success in helping promote U.S. and Missouri agriculture. It has also helped protect jobs, counter subsidized foreign competition, and contribute to economic growth and an expanding tax base. As a cost-share program providing assistance to farmers and ranchers through their associations and cooperatives, and to related small businesses, MAP continues to be of critical importance.

MAP IS IMPORTANT TO MISSOURI AGRICULTURE, ECONOMY AND JOBS

Number of jobs: Nearly 1 in 6 Missouri Jobs Depend on Agriculture.

Number of farms: 105,000.

Value of agriculture production: Over $4.5 billion.

Value of agriculture exports: More than $1.2 billion.

Export-related jobs: Approximately 20,000.

MAP IS IMPORTANT TO U.S. AGRICULTURE, ECONOMY AND JOBS

Agriculture largest single U.S. industry: Accounts for 16 percent gross domestic product.

Exports key to continued economic growth.

Value of U.S. agriculture exports: Record $60 billion in 1996.

U.S. agriculture trade surplus: Record $30 billion in 1996.

U.S. agriculture export-related jobs: Over 1 million American jobs.

MAP HELPS MEET SUBSIDIZED FOREIGN COMPETITION

The global marketplace is still characterized by subsidized foreign competition. The European Union (EU) maintains a 10 to 1 advantage over the U.S. in terms of export subsidies. Many other countries and the EU also support industry market development and promotion efforts to encourage exports. MAP is one of the few programs allowed under the Uruguay Round Agreement to help U.S. agriculture and American workers meet such foreign competition.

MAP IS A SUCCESSFUL PARTNERSHIP WITH BROAD PUBLIC SUPPORT

Serves as ''Buy American'' Program by promoting only American-grown and produced agricultural commodities and related products.

Strongly supported by 75 percent of American public based on 1996 national election day exit poll conducted by Penn & Schoen Associates, Inc.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to this amendment. It would be foolish and negligent of us to cut one of our most successful programs that provides Americans with needed jobs, increases American earnings and significantly stimulates our national and local economies. For every dollar spent on value-added products under the market access program, our Nation receives a return of $7.61. This means we are receiving a 761 percent return on our MAP investment. This program is a major success. Remember, the purpose of the market access program is not to subsidize but to open markets for American small businesses.

Mr. Chairman, this program works, and it works well. I urge my colleagues to support the market access program and vote ''no'' on the Chabot-Schumer amendment.

Mr. CHABOT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support to eliminate this program which uses taxpayers' dollars to subsidize the overseas advertising budget of major corporations.

Since 1986 this program has spent several billion dollars in this way and, incredibly, has even supported advertising by foreign-owned corporations, including some in Tokyo and in Paris. Studies from several government offices and groups across the political spectrum have blasted the MAP. A U.S. General Accounting Office study reported that MAP funding goes to corporations that have no need for taxpayer funds to support their products.

I urge an ''aye'' vote.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

(Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Chairman, I rise in strong support of the market access program and against the Chabot amendment.

Mr. Chairman, I rise in opposition to the amendment to eliminate funding for USDA's Market Access Program.

The Market Access Program, or MAP, has been a tremendous success in maintaining and expanding U.S. agriculture exports, competing with foreign subsidized agriculture, and protecting American jobs.

This is true across the country as well as in my home state of Mississippi. With the help of MAP, Mississippi agriculture exports—including cotton, soybeans, poultry, rice, livestock, and animal products—reached nearly a billion dollars last year. It helped provide nearly 14,000 jobs statewide. This not only strengthened farm income, it provided a significant economic boost to many local communities.

The program helped promote record U.S. agricultural exports of nearly $60 billion last year, contributing to a record trade surplus of almost $30 billion, and providing jobs for over one million Americans. Every billion dollars in exports helps create as many as 17,000 new jobs.

MAP is a cost-share program. Participants are required to contribute as much as 50 percent of their own resources to be eligible for the program. In addition, the program remains a key part of the 1996 farm bill and its 7-year commitment to our farmers and ranchers. The program remains critical to our effort to open up foreign markets and to combat subsidized foreign competition. According to the U.S. Trade Representative, more than 46 countries continue to use trade barriers which limit or restrict U.S. agriculture exports. For example, the European Union spent nearly $10 billion on export subsidies last year, while the U.S. spent less than $150 million. Eliminating MAP would hurt our farmers and ranchers, as well as American workers whose jobs depend on agricultural exports.

The choice is simple. We can either export our products or we can export our jobs.

I encourage my colleagues to vote against this amendment.

□ 1745

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I say to the Members, hey, wake up and smell the coffee. What do Members think this program is all about?

Members sit there and watch television, where Juan Valdez is wandering around the supermarket selling Colombian coffee, where the Greeks are selling olive oil, where the French are selling wine. Where do Members think those countries are paying for those products to get into our markets?

How are we going to do world trade unless we can reach out and sell our products? Agriculture has the best balance of trade, $30 billion in surplus. Support this program. Members are foolish to cut us off and shoot us in the feet and not allow American products to be sold abroad. Smell the coffee. Defeat this amendment.

Mr. Chairman, the Market Access Program [MAP] is critical to the future health of our Nation's agriculture. If we cut MAP, we will pull the rug out from underneath American farmers.

First, the Market Access Program benefits American agriculture. Every dollar spent by M.A.P. provides several dollars in export sales. For fruits and vegetables alone, each dollar of MAP creates $5 dollars in export sales. MAP benefits all American agriculture: grains, livestock, fruits and vegetables, cotton—all benefit from MAP.

Thanks in part to MAP, U.S. agriculture exports are the single largest positive contributor to the U.S. trade balance. Despite years of trade deficits, agricultural trade continues to run a surplus—$27 billion this year alone. This year alone the United States will export 457 billion in agricultural goods—that's double the size of exports when the program started in 1985.

Second, MAP is very small in comparison to what other countries spend on export promotion. Europe alone spends $350 million a year on export promotion programs—over three times the amount we spend in our country. Fourteen other countries—including Australia, Brazil, Canada, Japan, and Norway—spend a total of $400 million per year on export promotion programs. When you buy Juan Valdez coffee, Greek olive oil, or French wine, you're buying a product that profited from foreign export promotion.

Third, some say MAP is a subsidy—but that just isn't true. MAP gives first priority of funding to small businesses, cooperatives, and trade associations. No MAP funding may supplement or replace private sector funding; it can only be in addition to private-sector funding. MAP funding is matched by up to 50 percent, or sometimes more, by participants. MAP funding has been steadily reduced, from $300 million in 1985 to less than $100 million today.

American agriculture depends more on exports than ever before—don't kill a program that works. Vote against this amendment.

Mr. CHABOT. Mr. Chairman, I yield 30 seconds to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, with all due respect, I think companies such as Sunkist, Dole, Gallo, and M&M Mars are capable of smelling the coffee themselves. If there ever was a program that defines welfare for corporations, this is it, $90 million annually for corporations to conduct advertising abroad.

Mr. Chairman, if we ever wanted to cast a vote to end corporate welfare, this is it. I urge an ''aye'' vote on the pending amendment.

The CHAIRMAN. All time has expired on the proponents' side of the amendment offered by the gentleman from Ohio [Mr. CHABOT].

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. WALSH].

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Chairman, I rise in strong opposition to this amendment. This program helps American farmers to find markets in a very competitive global environment marketplace. We are not supporting our farmers nearly to the degree Europe is. I would also like to suggest to the proponents of this amendment that they get some new material. That California raisin story is getting very, very old.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to the Chabot amendment.

Mr. Chairman, I have stood before you many times over the years to praise the achievements of America's farmers and ranchers. And, up until now, I have been somewhat restrained, which is not always easy for a Texan.

In past years I have told you that agriculture was the No. 2 contributor to U.S. trade, behind the aerospace industry—not bad when you consider that airplanes are priced in the millions, and wheat is a few dollars a bushel.

Well, agriculture is no longer No. 2. This year, agriculture is the No. 1 contributor the positive side of our trade balance. Believe me, I am from Texas, and I know big. And our exports of agricultural products in the past year have been big—$60 billion.

Critics claim that the Market Access Program, or MAP, has been ineffective—that it has not played an important role in the success story of American agriculture. But the experts at the Foreign Agricultural Service disagree. In a detailed 1995 report, they concluded that export promotion activities under MAP and its predecessor programs have been the leading factor in the 200 percent increase in U.S. high-value consumer food exports since 1986.

The University of Arizona's National Food and Agricultural Policy Project agrees. The project analyzed export values, quantities and prices; measures of foreign income, prices, populations, and exchange rates; and export promotion expenditures by commodity, country and year. They concluded that not only does each promotion dollar return multiple dollars to the commodity being promoted, there is also a halo effect.

This halo effect refers to the contribution that promotion of one product contributes to sales of other U.S. products. The Arizona project concludes that MAP ultimately serves as a ''Buy USA'' campaign, with broader application than the products it specifically promotes.

Cornell University's National Institute for Commodity Promotion Research & Evaluation has extensively studied the effectiveness of agricultural promotion programs. The institute concluded that export promotion programs are highly effective in increasing private sector investment in export promotion, and that USDA's programs have stimulated promotion expenditures in both the domestic and the export market.

Why have U.S. agricultural exports doubled in the last 10 years? Because American agriculture, long recognized as the most productive in the world, have increased their focus on world markets. They are producing more sophisticated products that cater to the tastes of foreign consumers. And, thanks to MAP, they are marketing those products more effectively.

Last year we voted to phase out subsidies over a period of 7 years. Farmers and ranchers lost their safety net, and were told to look to foreign markets to make up the difference. MAP was an integral part of last year's farm bill.

How important is the program to those farmers who lost the safety net? The Foreign Agricultural Service concluded that in 1992, export promotion boosted net farm income by $642 million. By the year 2000, the level of net farm income supported by the Market Access Program is expected to exceed $1 billion. That translates into 124,000 jobs, including 80,000 nonfarm jobs, in trade, transportation, services, food processing, and manufacturing.

Not only does MAP create jobs for farmers and nonfarmers alike, it also contributes to the U.S. Treasury. By the year 2000, annual tax receipts to the Treasury from economic activity generated by the program are expected to reach $250 million.

Our competitors continue to outspend us in every area of agricultural export promotion—from direct subsidies to market promotion. The EU spends about $10 billion annually on subsidies and $500 million on market promotion. USDA research indicates doubling the MAP program level would support 40,000 additional U.S. jobs by the year 2000.

In the competitive world in which we live, we shouldn't be here today talking about eliminating a program that gives us a fighting chance in export markets. We should be here talking about what else we need to do to build markets we can depend on to stay competitive in the years to come.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. Mr. Chairman, the question here is, do we want to advertise our products worldwide or do we not?

We know that the return and the leverage on this Market Access Program is 10 to 1. Sometimes it is 20 to 1. We

are getting huge, huge opportunities from this program. It is one of the few programs we have in our quiver to attack what is happening around the world. If we withdraw unilaterally, we hurt the United States of America. We have built up a $26 billion trade surplus in this program.

Here is what is happening in Europe: $45 billion for domestic and export subsidies. We are at $5 billion, and as I mentioned many times, phasing out at the end of 6 years. Are we going to eliminate our one opportunity here to sell abroad? I think not. It is foolish. It is foolish of us to withdraw from this program. This is no time to withdraw from international trade.

By the way, those of the Members in business, it is the very best business decision you will ever make. Vote against this amendment.

Mr. RIGGS. Mr. Chairman, I rise in strong support of the Market Access Program [MAP]. Once again, the opponents of the MAP have their facts wrong and I would like to take this opportunity to correct the rhetoric and misinformation espoused by the opponents of this invaluable program.

Mr. Chairman, as you know, the congressional district I represent includes the Napa Valley, widely regarded as the prime growing region of the U.S. wine industry. The U.S. wine industry produces an award-winning, high-value product that competes with the best in the world.

However, the agriculture sector in the United States, and specifically wine, continues to face unfair trading practices by foreign competitors. Domestic agriculture industries must compete with the lower wages and the heavily subsidized industries of Europe, East Asia, and other emerging global regions. The European Union alone subsidizes its wine industry by over $2 billion.

Mr. Chairman, opponents of the MAP label the program as just another form of corporate welfare, claiming the program benefits only large corporations. Nothing could be further from the truth. The MAP is an invaluable resource for American agriculture to compete against massively subsidized foreign agriculture exports. What is more, it is a resource that allows America's small farmers to compete in highly restrictive foreign markets. Simply, the MAP is pro-trade, pro-growth and pro-jobs.

Opponents of the program continue to ignore the fact that in 1995, the Agriculture Appropriations Subcommittee reformed the MAP to restrict branded promotions to trade associations, grower cooperatives, and small businesses. Additionally, Secretary of Agriculture Dan Glickman, in March this year, announced that large companies will no longer be able to participate in the branded program. The primary emphasis of the MAP is toward the small family farmer. A sizable number of the so-called large corporations receiving MAP moneys are actually grower cooperatives.

The purpose of the MAP is simple: Move high-value American-grown agriculture products overseas, knock down trade barriers, and create and protect American jobs. A recent study by the University of Arizona showed that for every dollar of MAP funds spent overseas promoting American wine there was a return of $7.44; for table grapes, a return of $5.04; and for apples, a return of $18.19.

In the world marketplace, competition is fierce. Every year, American jobs become more dependent on foreign trade. Efforts to dismantle our leading export promotion program are penny-wise and pound-foolish. To retreat in the international marketplace is shortsighted and counterintuitive. We must actively engage our trading partners and open up emerging markets to our agriculture goods.

Don't be fooled by the rhetoric. Do what is right for America by supporting American jobs and American exports. I urge my colleagues to support the Market Access Program. Thank you, Mr. Chairman.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to this shortsighted amendment which would have a devastating impact on the people I represent in Sonoma and Marin Counties, CA.

The wine and winegrapes from my district are famous worldwide, but vintners have to fight to enter and complete in the world market.

The Market Access Program helps the small wine producers in my district compete with heavily subsidized foreign producers who still dominate the global agricultural marketplace.

The European Union export subsidies amounted to approximately $10 billion last year. In fact, the European Union spends more on export promotion for wine than the United States does for all of our agriculture programs combined.

We need only look at last year to see this unfair disparity in action—market promotion funds for the American wine industry totaled approximately $5 million, whereas the heavily subsidized European wine industries received $1½ billion.

The money we spend to increase the markets for American agricultural products is money well spent. Because of assistance from the market access program, U.S. wine exports had their 12th consecutive record-breaking year in 1996, reaching $320 million. This level is an $85 million increase in 1 year, which means that each Market Access Program dollar being spent generated a $17 increase in exports. In the last 10 years, an additional 7,500 full-time jobs and 5,000 part-time jobs have been created by exporting wine. This is not only good for the American balance of trade—it's good for the American economy.

Mr. Chairman, we should help export U.S. products, not U.S. jobs. Oppose the Schumer-Chabot-Royce amendment.

Mr. POMEROY. Mr. Chairman, I rise in strong support of the Market Access Program [MAP] and oppose any attempt to further weaken the program's ability to assist in the promotional activities for U.S. agricultural products. The Market Access Program is good for agriculture, international trade, and promotes small business and American-made products. MAP simply helps develop foreign markets for U.S. exports. The MAP provides cost-share funds to nearly 800 U.S. businesses, cooperatives, and non-profit trade associations to promote their products overseas. Additionally, funds allocated under the MAP are limited to U.S. entities.

In a time when America's farmers and agricultural sector are just beginning to adjust to Freedom to Farm, a way of operating Government farm programs without the assurance of price supports or safety-nets, it makes no sense to take away other underlying support programs like the MAP. I have said the same thing about research funding and funding for adequate revenue and crop insurance. Congress promised America's farmers certain fundamental things as we moved to Freedom to Farm. Although producers no longer can rely on the Government to come through and pick up the tab when commodity prices are lower than certain target prices, they should be able to rely on certain supplemental programs run by the Department of Agriculture that keep producers' heads above an already narrow margin.

In my State of North Dakota, the MAP contributes to the promotion of $1.7 billion in exports, and 29,300 jobs. I might add that in Ohio, the home State of the proponent of this amendment, agricultural interests receive support for $1.6 billion worth of exports related to 27,400 jobs. Source: USDA, Bureau of Census—1996.

Rural income depends on—and is at the mercy of—many variables. Weather and domestic supply are examples. But the ability to export overseas and compete with foreign markets is another integral piece to maintaining rural income. The MAP offers one small opportunity to help American agricultural interests compete with international markets—during a time when farm income is now more dependent than ever on exports and maintaining access to foreign markets. The elimination of MAP would represent unilateral disarmament—shooting oneself in the foot actually—in the face of continued subsidized foreign competition.

Don't take away a great tool from our agricultural sector that has the potential to help even the playing field with foreign market interests.

Mr. BARRETT of Nebraska. Mr. Chairman, I strongly oppose the amendment offered by Representatives CHABOT and SCHUMER, that would eliminate the Market Access Program.

The sponsors of this amendment suggest that the Market Access Program subsidizes large agribusinesses' export promotion activities, and that it is a waste of taxpayers' money.

Nothing could be further from the truth. The 1996 farm bill substantially reformed this program, by targeting it toward small producers, trade associations, and cooperatives, to promote home-grown U.S. agricultural products. In addition, the farm bill requires Federal funds to be matched by the programs beneficiaries.

In reality, the Market Access Program has been a highly effective tool to promote U.S. exports. And as the Federal Government becomes less and less involved in the everyday decisions of farming, it is even more important that the Government take the initiative to increase our share of the world market.

I urge my colleagues to oppose this amendment. I yield back the remainder of my time.

Mr. DOOLEY. Mr. Chairman, I rise to express my opposition to the amendment offered by the gentleman from New York [Mr. SCHUMER]. This amendment would eliminate funding for one of the most successful Federal programs that we have. It is unfortunate that the overwhelming support that this program has received over the years illustrates its importance.

Think about this: The European Union's 1996 budget allowed for export subsidies for grains and grain products of $1.3 billion, for sugar of $1.9 billion, for fresh fruits and vegetables of $125 million, for processed fruits and

vegetables of $18 million, for wine of $72 million, for dairy products of $2.5 billion, for meats and meat products of $2.4 billion and for other processed food of $752 million. This compares to a total for the United States of less than $150 million.

The EU spends nearly $500 million on market promotion specifically. We are debating the fate of a $90 million program that provides the only market promotion funding available to agricultural producers in the United States. Since 1985, the MAP has provided cost-share funds to nearly 800 U.S. companies, cooperatives, and trade associations to promote their products overseas. In that period, total U.S. agricultural exports have more than doubled, from $26.3 billion to a projected $60 billion in 1996. During those same years, exports of U.S. high-value products have more than tripled, and now account for 34 percent of all U.S. agricultural exports, up from 12 percent in 1980. In addition, the U.S. share of world trade in these products has risen from 10 percent to 17 percent.

Over the years the MAP and its predecessor programs MPP and TEA have been criticized for many perceived shortfalls. All of these concerns have been addressed either legislatively or through regulations. The 1996 farm bill made permanent program changes that address these concerns. First, participants are required to contribute up to 50 percent or more toward programs costs. Second, for-profit corporations that are not recognized as small businesses are no longer allowed to participate in the program. Third, funds can be used to promote only American grown and produced commodities and related products. Fourth, participants are required to undergo review, certification and a 5-year graduation from the program.

Mr. Chairman, last year we undertook the greatest rewrite of Federal farm programs in nearly 60 years. The changes that we made make it imperative that the U.S. remain a strong force in the international market. The continued health of the U.S. agriculture sector is reliant on continued exports and future export markets. Our competitors have made a financial commitment to export subsidies and export promotion. We need to ensure that we continue our commitment to our Nation's farmers.

I urge my colleagues to continue their support.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 193, further proceedings on the amendment offered by the gentleman from Ohio [Mr. CHABOT] will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SMITH of Michigan:

Insert before the short title the following new section:

SEC. . None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel who work at a regional office of the Natural Resources Conservation Service or to provide a support service for a regional office of the Natural Resources Conservation Service.

Mr. SMITH of Michigan. Mr. Chairman, I rise to make a statement, and to have a colloquy with the ranking member and the chairman of the Committee on Appropriations, and the chairman of the Committee on Agriculture.

Mr. Chairman, I will make a brief statement and proceed into the colloquy. In the last year the National Conservation Service has created a new regional bureaucracy. NRCS has local, State, and national offices. That is what they had before. Now they have put a new tier of bureaucracy between the State offices and the national offices.

There was a situation in Congress in 1994, partially in 1995, when the Democrats and Republicans said that Washington is too top-heavy in USDA. So what happened? There was no firing of personnel, but all of those top-ranking, high-grade executives in the Department of Agriculture, as part of that reorganization, those personnel were not fired or pink-slipped but they were transferred to regional offices, a new tier of six regional offices for our conservation service.

Mr. Chairman, I would urge my colleagues that are concerned with conservation, concerned about the service to farmers and ranchers in this country, to call their conservationists in their area and ask them about the slow-down of paperwork, the slow-down of personnel.

We have $22 million in this budget for these regional offices. This, Mr. Chairman, is the first year that these six regional offices existed. I think it is important that we not allow those to be entrenched.

Mr. Chairman, new bureaucracy makes no sense in the era of ''reinvented government'' and budget cuts. As we phase out payments to producers and scale back agricultural programs, it is unreasonable to add new layers of bureaucracy.

I urge my colleagues to join this effort to cut back unnecessary bureaucracy at NRCS. If we go to conference with this amendment, we can talk out this problem and reach a solution.

Mr. Chairman, I would like to call on the chairman of the Committee on Appropriations in a colloquy.

Mr. Chairman, I would ask the gentleman from New Mexico [Mr. SKEEN], would he review this issue and the spending of $22 million for these new regional offices in the conference committee, and work to include such report language to ensure that these six new regional offices will not continue if they are an unnecessary level of bureaucracy?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I am also concerned about these new conservation offices using $22 million of our taxpayers' money. I assure the gentleman that our committee will review this issue. I have no intention of spending $22 million if it is not a constructive addition to our conservation system.

Mr. SMITH of Michigan. If it is a new level of bureaucracy, it makes no sense.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I appreciate the gentleman's constructive work in trying to assure that these regional offices actually serve a useful purpose, and would add my support to the gentleman's request for an inquiry to make sure that the offices themselves are not new nor unnecessary levels of bureaucracy which could complicate our efforts to assist farmers and meet our goals of conservation.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentlewoman.

I would like to address the question to the chairman of the standing Committee on Agriculture. Mr. Chairman, can we pursue this question in the gentleman's committee?

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I would say to my colleague from Michigan that I appreciate his concern on the matter, that our committee will pursue an inquiry and review the new regional offices. I think it is obvious that we need to assure ourselves and the American agriculture community that this is indeed an effective and proper use of funds.

Mr. SMITH of Michigan. I thank my colleagues, Mr. Chairman. Let us remind ourselves, this is the first year of these six new regional offices. If we let them be entrenched, then we go for 2 and 3 and 4 years. It is going to be that much more difficult. It is a cost of $22 million that could be much better spent at our local county offices, in our State offices. That is where the action is. That is where farmers and ranchers need their help.

Mr. Chairman, I want to make a comment on the general amendments that we have had today. Look, the reason we have farm programs in this country is to assure an adequate supply of food and fiber. Let me tell the Members what these farm programs have done. It does not go into the pockets of farmers. It is not subsidizing.

We have ended up with a farm program that has created the most efficient industry in the world as far as agricultural production. That is why the American people eat and spend only 11

percent of their take-home pay on food, the cheapest, highest quality food in the world.

So when we talk about knocking down these amendments for export enhancement programs, for programs that allow farmers to buy the kind of insurance that is going to move ahead with our Freedom to Farm bill, putting farmers on an even keel with the rest of the world, that is the challenge we have. When other countries are subsidizing their crops and subsidizing their exports into this country, we need to do something to make sure we have a strong industry.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. SMITH].

Mr. Chairman, the gentleman has proposed and seems to have indicated he might be satisfied with a study, and he has gained the support of the ranking member and the chairman of the appropriations subcommittee and the chairman of the authorizing committee. But I would like to put additional facts on the record at this point.

We have heard a little comment or two about these issues. They are all fairly negative by the gentleman from Michigan. But I would like to point out to my colleagues that the staff to form the regional offices came from several former organizational levels, including the national headquarters, national technical centers, of which there were four, and State offices. In fact, only 25 percent of the regional office employees came from positions in the national headquarters.

The regional offices have provided essential and successful managerial and oversight functions for the restructured NRCS by bringing managerial authority closer to the field and the actual work and customers. Previously the NRCS assistant chiefs who held some of the current regional managerial authorities were actually located in this city. They were too far removed from local needs to be effective.

Given the funding realities of the last several years, we have been able to keep significant staff in the field largely by making as many cuts above the field level as possible. Without the regional offices, the move toward them, I would say that some of this would have been impossible.

The NRCS regional conservationists hold full authority for funding within their regions. This has put funding decisions closer to the field and to the customer, the client. Regional conservationists, I would suggest, based upon input I receive, are better able to address priority issues in a timely manner than previously when funds and decisions were held here in the Nation's Capitol.

If the various requirements in the GAO asking for strengthening oversight activities alone were not being handled by the regional offices, we would be forced to assign those responsibilities to the State office level in the organization. This approach would hinder the ability to put additional staff at the field level, cause the State operations to be more focused on administrative duties, and reduce the amount of technical backup the State offices are now providing the field, which has directly improved customer service.

Mr. Chairman, I think this approach allows the agency to recognize the different parts of the country and the fact that they have very different natural resource needs, different agricultural systems, and different customers. The old system forced our policy to approach solutions which were national in scope and tended to be kind of one-size-fits-all.

□ 1800

The regional approach, I think, is assisting in fostering our efforts of locally-led conservation. And as the regional system continues to mature, it will ensure, I hope, that local needs are met with local solutions. And I say ''hope'' because we have moved to this arrangement only a year ago. So I would suggest that radical surgery is too premature at this time.

Certainly, it is appropriate for the authorizing committee in particular to examine this issue, but I did want to bring these facts to my colleagues' attention at some point.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Mexico [Mr. SKEEN] about the important issue of outstanding USDA loans. As the chairman is aware, there are billions of dollars in outstanding USDA loans. There are hundreds of individuals with unpaid debts of more than $1 million each, and many of these loans are more than several years overdue.

Right now the USDA is receiving less than 10 cents on the dollar on the loans that the Department tries to collect. If we were able to improve our collection on these loans, we could help reduce our budget deficit at a time when we are working hard to balance the Federal budget.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to tell the gentleman from Texas [Mr. EDWARDS] that I agree with him. The outstanding loans are a significant problem at the USDA.

Mr. EDWARDS. Mr. Chairman, if the gentleman would continue to yield, I believe we could be more efficient in the way that we collect on those loans if we allowed qualified private sector firms to contract out for these collections. This is a process being used effectively and efficiently by other Federal agencies.

Mr. SKEEN. Mr. Chairman, if the gentleman would again yield, contracting out would be a good way, in my opinion, to try to collect on these loans. It is my understanding that the USDA has the authority now to contract out but has not yet engaged in any such contracts. And, like the gentleman from Texas, I would support efforts to privatize this collection process, and I am urging the USDA to move forward on this plan and to contract out for the collection of these large overdue loans.

Mr. EDWARDS. Mr. Chairman, I thank the chairman for his attention to this very important matter.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 23 OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 Offered by Mr. Pombo:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 728. None of the funds made available in title III of this Act may be used to provide any assistance (other than the servicing of loans made on or before September 30, 1997) under any program under title V of the Housing Act of 1949 relating to any housing or project located, or to be located, in the City of Galt, California.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. POMBO] will be recognized for 5 minutes, and a Member in opposition, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, to start off with, I would like to clear up a little bit about what this amendment is all about. First of all, neither I nor the city of Galt is opposed to affordable housing. As a city councilman, I worked hard to establish affordable housing in the city of Tracy, which I had the pleasure of representing. Also, the city of Galt itself has participated directly in financing of low- to very low-income housing within their city limits.

The city of Galt, which is located in my district, is in a unique and critical situation. They have developed a financial plan to pay for their infrastructure within their city, to pay for their schools, to pay for their roads, their sewer system, their water system. A lot of that was based upon the housing that was going to be developed within their city.

Unfortunately, they have run into a problem. Part of that problem is the fact that they are now making up 70 percent of the rural housing and community development service loans

within the Sacramento region. The reason that that has become a problem is that the Sacramento region, Sacramento County is made up of 1.1 million people. The city of Galt is made up of 16,000 people, and yet they are being asked to absorb 70 percent of these low-income developments into their city.

Furthermore, Mr. Chairman, the question has come up about whether or not they are trying to keep affordable housing out of their city. I will just point out to my colleagues that the city of Galt currently is made up of 67 percent affordable housing, according to Sacramento County Assessor's Office.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Pombo amendment because I truly do not believe that this is a matter for our Committee on Appropriations.

I am opposed to the amendment of the gentleman from California that redesignates Galt, CA, as an urban community rather than a rural community.

I remain concerned about the purpose of this language and the unintended consequences that may result. The town council of Galt has not voted to ask the Congress for repeal of its eligibility for rural housing assistance. There is no official resolution asking us to do this. And in fact even if they had, the appropriations bill is not the proper place in order to consider this.

In addition, Mr. Chairman, the current Federal statutes do not force any town to take rural housing assistance. It is optional if they wish to seek it. So why would any Member wish to lift this designation from their town?

Finally, it is our understanding that many low-income families seeking to invest their own sweat equity in helping to build their own homes will lose that opportunity in Galt as a result of this amendment.

Mr. Chairman, I have continued to strongly oppose this amendment. This addresses a local matter in which this Congress, certainly the Committee on Appropriations, should not intervene. Why should the Federal Government set a separate policy affecting one community that sets a terrible precedent for other communities to appeal to the Committee on Appropriations for special treatment to resolve their local issues. It is simply not our job to do that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY], the ranking member on the Subcommittee on Housing and Community Opportunity, and urge a ''no'' vote on the Pombo amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in opposition to this amendment. I have had an opportunity to discuss this with the gentleman from California [Mr. POMBO]. It would have been appropriate for this issue to come before the Subcommittee on Housing and Community Development and for us to be able to determine the facts of the specific request made by the gentleman from California pertaining to the building of low-income housing in his district.

The purpose of this rural housing initiative funded by the Farmers Home Administration is really to provide, in most cases in the area that it is being built, permanent housing for the farm worker community. There is an underlying concern that many people have voiced to me that what this amendment is about is keeping a farm worker community out of a specific part of the district of the gentleman from California, the area of Galt, CA.

Mr. Chairman, if that is in fact what this amendment is attempting to do, then I would oppose the gentleman's amendment with every ounce of strength I could, and I am sure other Members would as well. The gentleman from California assures me that that is not what it is about. The difficulty is that we have no evidence to suggest whether it is or whether it is not and it puts us in a very difficult position.

I have tried to work out with the gentleman an agreement that I think the chairman of the committee as well as the ranking member would have supported. The gentleman has insisted upon taking this to a vote. I think it is a mistake. I think that if in fact the Subcommittee on Housing and Community Development could have had an opportunity to hear directly from the people involved, get a sense of where the farm worker community was coming out, get a sense of what the needs are.

I understand from the statistics cited by the gentleman from California that 67 percent housing in his community in fact is considered affordable. But I also understand that there are only 335 units of subsidized housing in that area. The truth is that if we are going to stabilize the farm worker community of this country, I believe that it is important that we provide permanent housing for that community. It has worked throughout the State of California and other States around the country, and I think if what this is is a veiled attempt to push those people out, that all of us should understand exactly what the policy being pursued is trying to attempt.

Now, as I say, I have been assured that that is not what the policy is and I would just hope that the chairman of the committee, if he would enter into just a brief colloquy with me and make certain that if, in fact, the Subcommittee on Housing and Community Development, working in a bipartisan way, determines that in fact this is an attempt at a ''snob zoning'' requirement, that the gentleman from New Mexico [Mr. SKEEN] would, in fact, try to make certain that that amendment would not be accepted once we get into a conference committee.

Mr. POMBO. Mr. Chairman, I yield 30 seconds to the gentleman from New Mexico [Mr. SKEEN], the chairman of the subcommittee.

Mr. SKEEN. Mr. Chairman, I tell the gentleman from Massachusetts [Mr. KENNEDY] it is my understanding that this provision is that it has no effect on the general USDA rural development policy, and I am prepared to accept the amendment and we will work with the gentleman from Massachusetts in any way, in any possible manner, to quell the concerns that he has. I appreciate the work that the gentleman has already done on it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman's indication that we will make certain to find out exactly what the policy is, and I respect the suggestion of the gentleman from California that that is not what he is trying to do, and if in fact that is the case, we would be happy to work with the gentleman.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA] a member of the committee.

Mr. BONILLA. Mr. Chairman, I rise in support of the amendment of the gentleman from California [Mr. POMBO]. I was the one who originally proposed the amendment in the subcommittee markup.

Mr. Chairman, my understanding of this issue, it is a clear distinction of what we stand for philosophically as conservatives in this body versus those who believe that big government needs to micromanage local government. This is a case where we have a Hispanic mayor and Hispanic leadership in a community that are asking for Washington to let them determine their own future, and with the understanding as well that there is an abundance of low-income housing.

Mr. Chairman, I am a Member who is proud to have been recognized by farm worker organizations throughout my work in Congress. I have a large migrant farm worker population in my district that I work very closely with. Neither I nor the gentleman from California [Mr. POMBO], would do anything that would harm this population, because they are hard-working Americans aspiring to live the dreams that all of us have had in this body.

So I would suggest that we should allow the local officials, the mayor and the council, and the others who feel that they should have the latitude to control their destiny, to let them do this. I hope that there is not an implication here that the Hispanic leadership of this local community somehow is not capable of determining their own future, and perhaps because they are people of an ethnic group or people of color that perhaps they are not capable of making decisions that are in the best interest of their community.

Mr. Chairman, I would ask my colleagues in this body to allow these people to determine their future for the best interest of the farm workers and the best interest of this population.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to the gentleman from Texas [Mr. BONILLA] that this was in fact approved by the city council of Galt. That is how we got to this state.

Mr. BONILLA. Mr. Chairman, reclaiming my time, that is my point; I appreciate the gentleman from Massachusetts reiterating it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, the housing that we are talking about has been approved by the city council of Galt, CA. They have approved this housing. It was taken to court to try to have that ruling reversed. That is how this housing got to this point.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the entitlements for the housing are approved by the city council. That is a local zoning decision that is made. The city of Galt attempted to file suit against USDA to stop this project from proceeding. Their case was thrown out of court because they were told they did not have standing.

Mr. Chairman, I heard somebody say that this was somehow a partnership with local government. They were thrown out of court and told they did not have standing.

So, Mr. Chairman, I do not know what kind of a partnership this might be. This is a dictate from the Federal Government down to the local city council and the local community telling them that this is what they are going to have.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment of the gentleman from California [Mr. POMBO].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT NO. 22 OFFERED BY MR. CHABOT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 277, not voting 7, as follows:

[Roll No. 316]

AYES—150

Andrews	Armey	Barr
Archer	Bachus	Barrett (WI)
Bass	Hilleary	Neal
Bilbray	Hinchey	Neumann
Blagojevich	Hobson	Ney
Borski	Hoekstra	Olver
Brown (OH)	Horn	Owens
Callahan	Hostettler	Pallone
Campbell	Hutchinson	Pascrell
Cannon	Hyde	Paul
Cardin	Inglis	Payne
Carson	Istook	Pitts
Castle	Jackson (IL)	Porter
Chabot	Kanjorski	Portman
Coble	Kasich	Pryce (OH)
Collins	Kelly	Ramstad
Conyers	Kennedy (MA)	Rivers
Cox	Kennedy (RI)	Rogan
Coyne	Kind (WI)	Rohrabacher
Crane	King (NY)	Rothman
Cummings	Kleczka	Roukema
Cunningham	Klink	Royce
Davis (VA)	Knollenberg	Salmon
DeGette	Kolbe	Sanders
Delahunt	Kucinich	Sanford
DeLauro	Lantos	Scarborough
DeLay	Largent	Schumer
Doggett	Lazio	Sensenbrenner
Doyle	Lewis (GA)	Shadegg
Duncan	Linder	Shaw
Ehlers	Lipinski	Shays
Ehrlich	LoBiondo	Smith, Adam
Engel	Lowey	Snowbarger
Ensign	Luther	Souder
Fawell	Maloney (CT)	Stearns
Foglietta	Maloney (NY)	Stupak
Fowler	Manzullo	Sununu
Fox	Markey	Talent
Frank (MA)	Mascara	Taylor (MS)
Franks (NJ)	McCarthy (NY)	Tiahrt
Frelinghuysen	McDermott	Tierney
Gejdenson	McGovern	Velazquez
Gibbons	McIntosh	Vento
Gillmor	Meehan	Visclosky
Goss	Miller (FL)	Wamp
Gutierrez	Moakley	Waxman
Gutknecht	Moran (VA)	Weldon (PA)
Hastert	Morella	Weygand
Hayworth	Myrick	Wolf
Hefley	Nadler	Yates

NOES—277

Abercrombie	Combest	Goodlatte
Ackerman	Condit	Goodling
Aderholt	Cook	Gordon
Allen	Cooksey	Graham
Baesler	Costello	Granger
Baker	Cramer	Green
Baldacci	Crapo	Greenwood
Ballenger	Cubin	Hall (OH)
Barcia	Danner	Hall (TX)
Barrett (NE)	Davis (FL)	Hamilton
Bartlett	Davis (IL)	Hansen
Bateman	Deal	Harman
Becerra	DeFazio	Hastings (FL)
Bentsen	Dellums	Hastings (WA)
Bereuter	Deutsch	Hefner
Berman	Diaz-Balart	Herger
Berry	Dickey	Hill
Bilirakis	Dicks	Hilliard
Bishop	Dingell	Hinojosa
Bliley	Dixon	Holden
Blumenauer	Dooley	Hooley
Blunt	Doolittle	Houghton
Boehlert	Dreier	Hoyer
Bonilla	Dunn	Hulshof
Bonior	Edwards	Hunter
Bono	Emerson	Jackson-Lee (TX)
Boswell	English	Jefferson
Boucher	Eshoo	Jenkins
Boyd	Etheridge	John
Brady	Evans	Johnson (CT)
Brown (CA)	Everett	Johnson (WI)
Brown (FL)	Ewing	Johnson, E. B.
Bryant	Farr	Johnson, Sam
Bunning	Fattah	Jones
Burr	Fazio	Kaptur
Burton	Filner	Kennelly
Buyer	Flake	Kildee
Calvert	Foley	Kilpatrick
Camp	Forbes	Kim
Canady	Ford	Kingston
Capps	Frost	Klug
Chambliss	Furse	LaFalce
Chenoweth	Gallegly	LaHood
Christensen	Ganske	Lampson
Clay	Gekas	Latham
Clayton	Gephardt	LaTourette
Clement	Gilchrest	Leach
Clyburn	Gilman	Levin
Coburn	Goode	Lewis (CA)
Lewis (KY)	Pease	Slaughter
Livingston	Pelosi	Smith (MI)
Lofgren	Peterson (MN)	Smith (NJ)
Lucas	Peterson (PA)	Smith (OR)
Manton	Petri	Smith (TX)
Martinez	Pickering	Smith, Linda
Matsui	Pickett	Snyder
McCarthy (MO)	Pombo	Solomon
McCollum	Pomeroy	Spence
McCrery	Poshard	Spratt
McDade	Price (NC)	Stabenow
McHale	Quinn	Stenholm
McHugh	Radanovich	Stokes
McInnis	Rahall	Strickland
McIntyre	Rangel	Stump
McKeon	Redmond	Tanner
McKinney	Regula	Tauscher
McNulty	Reyes	Tauzin
Meek	Riggs	Taylor (NC)
Menendez	Riley	Thomas
Metcalf	Rodriguez	Thompson
Mica	Roemer	Thornberry
Millender-McDonald	Rogers	Thune
	Ros-Lehtinen	Thurman
Miller (CA)	Roybal-Allard	Torres
Minge	Rush	Towns
Mink	Ryun	Traficant
Mollohan	Sabo	Turner
Moran (KS)	Sanchez	Upton
Murtha	Sandlin	Walsh
Nethercutt	Sawyer	Waters
Northup	Saxton	Watkins
Norwood	Schaefer, Dan	Watt (NC)
Nussle	Schaffer, Bob	Watts (OK)
Oberstar	Scott	Weldon (FL)
Obey	Serrano	Weller
Ortiz	Sessions	Wexler
Oxley	Sherman	White
Packard	Shimkus	Whitfield
Pappas	Shuster	Wicker
Parker	Sisisky	Wise
Pastor	Skaggs	Woolsey
Paxon	Skeen	Wynn
	Skelton	Young (FL)

NOT VOTING—7

Barton	Molinari	Young (AK)
Boehner	Schiff	
Gonzalez	Stark	

☐ 1835

Messrs. HILL, DIXON, RUSH, PETRI, Ms. ROS-LEHTINEN, Ms. MCKINNEY, and Mr. EVERETT changed their vote from ''aye'' to ''no.''

Messrs. DELAY, GUTIERREZ, ISTOOK, NEUMANN, NEY, MOAKLEY and Mrs. FOWLER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STARK. Mr. Chairman, I rise in support of the Meehan amendment to the fiscal year 1998 agriculture appropriations bill. This amendment is the next important step in the fight against teen smoking.

This amendment appropriates $10 million to the Food and Drug Administration to implement the agency's tobacco initiative requiring retailers to check the photo identification of persons seeking to purchase tobacco products. Similar to the way retailers check ID for alcohol purchases, this amendment does the same for cigarettes.

There is a large body of evidence about the harmful and addictive effects of tobacco. Adults have the right to decide for themselves about the choices they make with regard to what they eat, drink, or smoke. However, children are not always able to make those same decisions. It is illegal to sell tobacco to children under the age of 18. This amendment helps to implement the FDA policy of carding those individuals who smoke. It is merely an enforcement tool in the fight against youth smoking. This amendment should be non-controversial and should enjoy unanimous support in this chamber.

I urge my colleagues to support the Meehan amendment.

Mr. MANTON. Mr. Chairman, I rise in opposition to the amendment offered by Messrs. SCHUMER and MILLER.

Mr. Chairman, while I understand and appreciate the proponents' interests in pursuing this amendment, I believe their concerns are misplaced and their proposed remedy misguided. I have worked closely with my friend and colleague from New York, Mr. SCHUMER, on a number of important issues over the years, and I do not question his motives; however, I regret that we are once again at odds over this emotional agricultural matter.

Mr. Chairman, only last year, the Congress enacted major, far-reaching agricultural reform legislation. In that measure, we dramatically changed our Nation's long-standing policies affecting farming and agricultural markets, including sugar production—which, I believe, is the only program crop to lose the Government guarantee of a minimum price. I supported these efforts to reform and modernize the sugar price support program and believe these changes have benefited all segments of the industry. These reforms represented an important first step.

However, we simply have not allowed enough time to pass to ensure we achieved our goals in revising the sugar program and determine whether these changes were sufficient. I would also remind my colleagues that this House defeated a similar amendment during the farm bill debate.

Mr. Chairman, for this reason alone, I believe it is unfair and unwise to make such a drastic change in the U.S. sugar program as proposed in the amendment at this time.

We will hear today that this is an issue of fairness and the free-market system; consumers will be pitted against farmers, producers against refiners and manufacturers. I believe these arguments are overly simplistic, picking and choosing statistics which best represent the proponents' arguments, and the distinctions they promote to do an injustice to the sugar producers of our great Nation, be they farmers of sugarcane, sugar beet, or corn.

Mr. Chairman, I do not deny that there are some very real differences between the proponents and opponents on the issue before us, and I doubt any amount of debate is likely to change the position of the amendment's authors. However, I have learned over my years in Congress, and as a New York City councilman, that no issue is one-sided, nor is there often only one all-inclusive right answer to a problem. Reasonable people can, and often do, disagree.

I believe the issue before us here today falls into that category. We differ on what the impacts of a particular program may or not be, and who best to address these issues. But, I do not believe either side has a claim to the so-called high ground.

And, with all due respect to the amendment's proponents, I do not take a back seat to their concern for the American consumer. I represent a congressional district, a part of New York City, where the 1990 median family income was only around $30,000 a year. In the areas of Queens and the Bronx which I have the pleasure to represent, the cost of living is a very real issue with everyday impacts on the hard-working families of the 7th Congressional District of New York.

The proponents argue that their's is the only way to protect the consumer, to potentially lower the cost of sugar and products containing agricultural sweeteners by a few cents or, more likely, fractions of a cent. This is all well and good, if they can ensure the savings they propose will indeed be passed along to the American consumer. A prospect which they cannot guarantee.

But, cost aside, the proponents can also not be sure their amendment, if approved, would not seriously disrupt the supply and availability of sugar throughout our country.

Mr. Chairman, my constituents do not benefit if they have the potential of saving a penny or two on a product but can no longer obtain that commodity or the product is no longer available in a sufficient and steady supply to meet their needs.

I have often commented in meetings I have had over the years that I am unaware of any farms in my urban district, except for one lone Victory Garden started during World War II. But, I am sure of one thing, and that is that each and every one of my constituents eats and needs a secure, steady supply of produce and food products at a reasonable price. As such, I will continue to support those programs which I believe ensure just that, and oppose those measures which I believe will not.

I will note here, also, that New York State does play role in domestic sugar production, with numerous farms that grow corn which is utilized in sweetener production.

Mr. Chairman, my strong, historic support of agriculture programs, including sugar, and the associated refining and processing infrastructure, is based upon this—perhaps simplistic—premise: That the United States must continue to ensure all its people are provided the best, most secure, and stable source of food products possible. And, I believe this goal is best accomplished by reducing our dependence on foreign sources of agriculture products through the encouragement and promotion of a strong domestic agriculture system, and challenging unfair, anticompetitive foreign sources of food.

While we are usually on the same side of most food related issues, from time to time, I part paths with this Nation's food processors. As is the case here, I side with the producers and not the refiners and processors. I do not fault them for their support of this amendment and the desired changes they seek in the sugar program, and I know we will work together on future issues of mutual concern.

I believe the virtual elimination of this program as now proposed would place the U.S. sugar industry as a whole, and the American consumer in particular, at the mercy of the inconsistent and heavily subsidized world sugar market.

Unlike my colleagues who support the amendment, I simply do not believe the American consumer is likely to realize a significant, if any, benefit should the amendment prevail. But, I am concerned that the domestic producers of sugar could suffer from reduced prices and would be made particularly vulnerable to foreign sources of sugar.

While refiners may pass along their savings, I seriously doubt many processors are likely to reciprocate. While the cumulative amounts being bandied about today are significant, and represent real money regardless of one's social standing, the bottom-line is that we are talking about pennies or fractions of pennies on a commodity basis.

Quite frankly, I do not even know how one would calculate the savings that say a manufacturer should pass along for their finished product that now may cost them a fraction of a cent less to produce. Are we likely to see cans of soda from a machine selling for 59 cents instead of 60 cents?

At this point, Mr. Chairman, I would like to refer to some very basic statistics which I believe make clear the short-sightedness of the amendment.

The current sugar program operates at no cost to the Federal Government, and a special marketing tax on sugar farmers is earmarked for deficit reduction, U.S. consumers pay an average of 25 to 28 cents less for sugar than do shoppers in other developed countries. From 1990 to 1995, the retail price of sugar actually decreased approximately 7 percent. U.S. retail sugar prices are approximately 32 percent below the average of other developed countries and the third lowest in the developed world. New York consumers pay 5 percent less for sugar than the average consumer worldwide. Close to $7 billion are generated each year by the U.S. sugar industry in the State of New York along. Finally, more than 5,690 jobs in New York State rely on the sugar industry.

Mr. Chairman, I urge my colleagues to reject this amendment, and cast a vote in favor of a strong, fair and balanced domestic sugar program and to protect the American farmer.

Mrs. MORELLA. Mr. Chairman, I rise in reluctant opposition to this amendment. I strongly support the Meals on Wheels Program that provides nutritious meals to our most vulnerable seniors, and I would like to see more money going to this program.

The problem with this amendment is the offset. Time and time again, members searching for easy deficit reduction targets turn to Federal employees and agencies' salary and expenses budgets. Federal employees and agencies have borne a disproportionate share of cuts as we have worked to balance the budget. This raid on Federal employees and agencies must stop. Over the last 4 years, we have streamlined every Federal agency and reduced our Federal work force by nearly 270,000 FTE's.

Already, the bill before us today will reduce FDA's work force by 70 FTE's. The additional cuts contained in this amendment would reduce FDA by another 65 FTE's, leading to a total reduction of 135 from a total of 954—about a 14 percent reduction. Such a reduction would hinder FDA's ability to protect and promote public health. The Office of Women's Health, the Office of Consumer Affairs, the Office of Special Health Issues, the Office of Science, and many important projects would suffer.

The authors had a great idea when they decided to increase Meals on Wheels, but their offset would seriously hinder FDA's important work, and I urge my colleagues to join me in opposing it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I join in support of my colleague, Congresswoman CLAYTON, and also as a sponsor of this amendment to increase funding by $2.5 billion to our Nation's food stamp program.

Although our intent is to withdraw this amendment the goal is to bring the issue of food and hunger before the House as we debate the Department of Agriculture's appropriations bill.

In the State of Texas participation in the Food Stamp Program this year for the month

of May, numbered 2.23 million which represents 738,468 households.

The need to provide adequate food to our Nation's poor is of vital importance, and therefore cannot and must not be left underfunded. State and private entities do not have the resources to assist those who are less fortunate in our society.

One key provision of the Emergency supplemental appropriations which finally passed was additional funding to the Women, Infants, and Children's program which was underfunded last Congress. This program would have run out of funds prior to the close of the agency's fiscal year because of lack of adequate budgetary planning on the part of Congress.

It is our budgetary responsibility as Members of the House to adequately fund each area of government so that such readjustments prior to the close of a department's fiscal year are not necessary, unless unforeseen disaster or emergencies beyond our ability to take preemptive action.

In 1995, a reported 14.7 million children lived in poverty, with a national child poverty rate of 20.8 percent. The United States is the highest child poverty rate amongst the 18 industrialized countries of the world. With these numbers we can and should adequately plan to use the resources of our Nation to meet the needs of our Nation's poor.

We must feed our children, provide education that is challenging and offers them the promise of a better life, as well as secure their future through sound government policy.

I ask that my colleagues focus on the needs of all of our Nation's children regardless of social and economic status. This is indeed a blessed nation with wealth and resources in such abundance that we can share with other nations. However when we make decisions to purchase expensive weapons systems which are not requested by the Pentagon, or increase the Intelligence budget over what the administration requests, but underfund nutrient, food, and housing programs, makes me wonder if we have our priorities in a Tom Clancy novel and not on human beings.

I would ask my colleagues to play real patriot games and take care of our Nation's poor.

Mr. POMEROY. Mr. Chairman, I rise today to address the issue of funds for administrative expenses for crop insurance agents.

The Agriculture appropriations bill presents difficult choices for members from rural America for support for production agriculture—including crop insurance—competes directly against vital nutrition programs such as the Women, Infants, and Children [WIC] program. In a budget climate where discretionary funds are stretched between vital resources such as research, school lunch programs, rural utilities, and food safety, it is easy to forget about production agriculture.

It seems we already have in some aspects. The amendment in full committee to increase funding for crop insurance was not off-set by cuts in nutrition but within production agriculture, namely, the Export Enhancement Program. The choice was difficult but necessary. The Obey amendment, however, would leave farmers with both fewer resources to compete against European subsidies and a less viable crop insurance program to compensate for the loss of the farm program safety net.

Putting ''urban'' agriculture against ''rural'' agriculture is not the way to debate this fight.

WIC is a stable program, and funded by the bill with $118 million more than last year. Further, this amendment would fund the WIC program's ''carryover'' money, not funds directly for the program. More than likely, the program will not even use this funding.

The federal crop insurance program is still on feeble legs, as are producers as they look to alternatives for risk management. Congress modified farm programs just last year, creating the ''freedom to farm'' and taking away the safety net for price volatility. Along with changes to the farm programs, producers were assured that certain safeguards would remain in place, like the effectiveness of adequate crop insurance. Crop insurance is just about the only risk management assurance producers have, and these producers depend on the time and effort of thousands of insurance agents to provide adequate coverage and information.

We often forget that it is ''rural'' agriculture that provides the affordable and safe food and fiber for ''urban'' agriculture programs and cities.

To address a few other points I have heard during this debate, I urge you to keep some things in perspective:

Crop insurance agents are not typical insurance agents.

Crop insurance agents are working to provide information and coverage for twice the number of acres insured than in 1994. Thus efforts to reduce their administrative expense reimbursements come at a time when they are performing more tasks than ever.

Crop insurance agents don't just sign up farmers once-a-year and then wait until the next year to follow up; they often visit with producers 10 times per year.

The level of funding we put in this bill for administrative expenses, whether it is 24.5 percent, 27 percent, or 28 percent, is not pure commission for agents. Not even close. The percentage figure goes to account for the Department of Agriculture's mandatory requirements on agents to administer the program: like training, compliance, paper work, processing, adjusting, and other overhead. After all that, the real ''commission'' is closer to 12 percent.

Some of the flaws in the GAO report include:

The report only examined three crop years, two of which were some of the best in history. Of course insurance companies do better in some years than others, especially when there are fewer weather catastrophes.

The GAO report rhetoric makes for nice 2 minute ''Fleecing of America'' TV clips, but in reality the report only acknowledges ''excessive expenses'' as the exception, not the norm. Furthermore, the expenses noted by the report as ''excessive'' were clearly legal.

In this time of transition for production agriculture, shifting from disaster payments and price supports of the old farm programs to reformed crop insurance and the ''freedom to farm,'' farmers are depending more than ever on promises made by the last Congress. During recent reforms of our government's role in agriculture, Congress promised certain foundational assistance for farmers would remain: farmers understood that agriculture research, risk management tools, and technical assistance would be maintained.

If we reduce the administrative expenses for crop insurance agents, we are taking away our promise to farmers and production agriculture that they would receive effective service in managing risk from unpredictable weather and market prices.

I urge you to maintain the current level of funding for crop insurance.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2160, the 1998 House Agriculture appropriations bill. In particular, I am pleased that this legislation includes sufficient funding to continue the vital research done at the Children's Nutrition Research Center in Houston, one of the six human nutrition centers of the Agriculture Research Service.

The CNRC is one of the world's leaders in the field of pediatric nutrition. Their work has resulted in both better health and reduced health care costs for children. For instance, Texas Children's Hospital in my district has developed a more cost-effective, nutritionally balanced approach for feeding premature children as the result of a CNRC study.

The CNRC has led the way in providing more accurate dietary recommendations for calcium requirements for young girls. With these recommendations, young women will now have the necessary nutritional tools to help reduce the number of low-birthweight babies born to teenage mothers. In addition, these calcium recommendations will help prevent future injuries later in life, such as hip replacement surgeries and broken bones. Girls and women will benefit from new information that will help increase bone density in their system and help prevent these injuries.

The CNRC has also done important research on obesity in children. This information along with newly discovered molecular genes, will lead to more effective treatments to prevent these ailments in children. This research may also lead to new treatments for serious diseases such as atheroscelerosis, osteoporosis, and diabetes.

Again, I urge my colleagues to support this legislation and am pleased that it includes vital research funding for pediatric research.

Mr. STARK. Mr. Chairman, I rise in support of the Lowey-DeGette-Hansen-Meehan-Smith amendment to the fiscal year 1998 Agriculture appropriations bill. This amendment is exactly what the doctor ordered.

It is ridiculous for the Federal Government to be subsidizing the crop insurance for a product that is so harmful and addictive.

Taxpayers now pay for the crop to be harvested, provide insurance against crop damage, pay for the health care costs of tobacco related illness through increased Medicare and Medicaid costs, and pay for advertising subsidies for overseas promotion.

It is outrageous to me that while we limit the safety net for our poor, sick and elderly, we maintain a safety net for agribusiness and tobacco. This subsidy should be eliminated.

Mr. Chairman, Joe Camel does not need a government handout. I urge my colleagues to support this amendment.

The CHAIRMAN. Are there any other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NUSSLE) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R.

2160), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 193, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the bill?

Mr. SCHUMER. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHUMER moves to recommit the bill, H.R. 2160, to the Committee on Appropriations.

Mr. YATES. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER pro tempore. The question is on ordering the previous question on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the motion to recommit.

The vote was taken by electronic device, and there were—ayes 423, noes 4, not voting 7, as follows:

[Roll No. 317]

AYES—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—4

Bono
Boyd
DeFazio
Frank (MA)

NOT VOTING—7

Barton
Gonzalez
Molinari
Schiff
Stark
Waters
Young (AK)

☐ 1855

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MS. ESHOO

Ms. ESHOO. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay on the table the motion to reconsider the vote.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the motion offered by the gentleman from Washington [Mr. HASTINGS] to lay on the table the motion to reconsider the vote offered by the gentlewoman from California [Ms. ESHOO].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. ESHOO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote which may be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 165, not voting 11, as follows:

[Roll No. 318]

AYES—258

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer

Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fattah
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—165

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clement
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tauscher
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOT VOTING—11

Barton
Clayton
Fawell
Gonzalez
Lazio
McDade
Molinari
Schiff
Stark
Wexler
Young (AK)

□ 1913

Mr. HORN and Mr. HERGER changed their vote from ''no'' to ''aye.''

So the motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 363, answered ''present'' 2, not voting 13, as follows:

[Roll No. 319]

AYES—56

Barrett (WI)
Blagojevich
Brown (CA)
Brown (OH)
Cardin
Conyers
Coyne
Cummings
DeGette
Dellums
Dicks
Doggett
Ford
Frank (MA)
Green
Gutierrez
Jackson (IL)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Matsui
McDermott
McGovern
McNulty
Meehan
Meek
Miller (CA)
Moakley
Moran (VA)
Neal
Oberstar
Owens
Pallone
Payne
Pelosi
Roybal-Allard
Rush
Sanchez
Sanders
Schumer
Skaggs
Smith, Adam
Stokes
Torres
Velazquez
Waters
Waxman
Yates

NOES—363

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence

Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

ANSWERED ''PRESENT''—2

DeFazio
Lipinski

NOT VOTING—13

Ballenger
Barton
Ehrlich
Gilman
Gonzalez
Harman
Hinchey
McKinney
Molinari
Schiff
Stark
Wexler
Young (AK)

☐ 1923

Mr. ENGEL changed his vote from ''aye'' to ''no.''

Mr. MORAN of Virginia changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the motion offered by the gentleman from Washington [Mr. HASTINGS] to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 139, not voting 10, as follows:

[Roll No. 320]

AYES—285

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Filner
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—139

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (OH)
Cardin
Clay
Clement
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Serrano
Sherman
Skaggs
Slaughter
Spratt
Stabenow
Stokes
Strickland
Stupak
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOT VOTING—10

Ballenger
Barton
Gonzalez
LaFalce
Molinari
Schiff
Smith, Adam
Stark
Wexler
Young (AK)

☐ 1942

Mr. HUNTER and Mr. HANSEN changed their vote from ''no'' to ''aye.''

So the motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 392, nays 32, not voting 10, as follows:

[Roll No. 321]

YEAS—392

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling

Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—32

Andrews
Campbell
Cardin
Conyers
Coyne
Doggett
Ensign
Frank (MA)
Franks (NJ)
Jackson (IL)
Kennedy (MA)
Kucinich
Lofgren
McDermott
McGovern
Meehan
Menendez
Miller (CA)
Neal
Olver
Owens
Paul
Rangel
Rohrabacher
Royce
Salmon
Scarborough
Schumer
Sensenbrenner
Taylor (MS)
Tierney
Velazquez

NOT VOTING—10

Bachus
Barton
Cannon
Gonzalez
Molinari
Schiff
Spratt
Stark
Wexler
Young (AK)

□ 1952

Messrs. FORD, SANFORD, and KENNEDY of Rhode Island changed their vote from ''no'' to ''aye''.

So the bill was passed.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to table the motion to reconsider the vote.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 132, not voting 18, as follows:

[Roll No. 322]

AYES—284

Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Filner
Flake
Foley
Forbes
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bishop
Blagojevich
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Fattah
Fazio
Foglietta
Ford
Frank (MA)
Frost
Furse
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Stabenow
Stokes
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—18

Archer
Bateman
Brown (CA)
Cannon
Fowler
Gonzalez
Greenwood
Hoyer
Kennelly
Levin
Linder
Molinari
Schiff
Stark
Thomas
Wexler
Yates
Young (AK)

□ 2009

So the motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

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.

PROVIDING FOR CONSIDERATION OF H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–202) on the resolution (H. Res. 197) providing for consideration of the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MOTION TO ADJOURN

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

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 315, not voting 23, as follows:

[Roll No 323]

AYES—96

Abercrombie	Ford	Moakley
Andrews	Frank (MA)	Nadler
Barrett (WI)	Frost	Neal
Berry	Furse	Oberstar
Blumenauer	Gejdenson	Obey
Bonior	Gephardt	Owens
Boucher	Gillmor	Pallone
Brown (FL)	Hall (OH)	Pascrell
Brown (OH)	Hastings (FL)	Payne
Capps	Hinchey	Pelosi
Carson	Jackson (IL)	Peterson (MN)
Clay	Jefferson	Pomeroy
Clayton	John	Rodriguez
Clyburn	Johnson (WI)	Rush
Conyers	Johnson, E. B.	Sabo
Coyne	Kennelly	Sisisky
Cubin	Kilpatrick	Skaggs
Davis (FL)	LaFalce	Smith, Adam
DeFazio	Lampson	Spratt
DeGette	Lantos	Stokes
Delahunt	Lewis (GA)	Strickland
DeLauro	Lowey	Stupak
Dellums	Manton	Tauscher
Dicks	Markey	Thompson
Dingell	Martinez	Thurman
Doggett	Matsui	Torres
Dooley	McDermott	Vento
Farr	McGovern	Waters
Fazio	McKinney	Watt (NC)
Filner	McNulty	Waxman
Flake	Meek	Weygand
Foglietta	Mink	Woolsey

NOES—315

Ackerman	Armey	Ballenger
Aderholt	Bachus	Barcia
Allen	Baesler	Barr
Archer	Baker	Barrett (NE)
Bartlett	Greenwood	Nussle
Barton	Gutierrez	Ortiz
Bass	Gutknecht	Oxley
Becerra	Hall (TX)	Packard
Bentsen	Hamilton	Pappas
Bereuter	Hansen	Parker
Berman	Hastert	Pastor
Bilbray	Hastings (WA)	Paul
Bilirakis	Hayworth	Paxon
Bishop	Hefley	Pease
Blagojevich	Herger	Peterson (PA)
Bliley	Hill	Petri
Blunt	Hilliard	Pickering
Boehlert	Hinojosa	Pickett
Boehner	Hobson	Pitts
Bonilla	Hoekstra	Pombo
Bono	Holden	Porter
Borski	Hooley	Portman
Boswell	Horn	Poshard
Boyd	Hostettler	Price (NC)
Brady	Houghton	Pryce (OH)
Brown (CA)	Hulshof	Quinn
Bryant	Hunter	Rahall
Bunning	Hutchinson	Ramstad
Burr	Hyde	Rangel
Burton	Inglis	Redmond
Buyer	Istook	Regula
Callahan	Jackson-Lee (TX)	Reyes
Calvert	Jenkins	Riggs
Camp	Johnson (CT)	Riley
Campbell	Johnson, Sam	Rivers
Canady	Jones	Roemer
Cardin	Kanjorski	Rogan
Castle	Kaptur	Rogers
Chabot	Kasich	Rohrabacher
Chambliss	Kelly	Ros-Lehtinen
Chenoweth	Kennedy (MA)	Rothman
Christensen	Kennedy (RI)	Roukema
Clement	Kildee	Roybal-Allard
Coble	Kim	Royce
Coburn	Kind (WI)	Ryun
Collins	King (NY)	Salmon
Combest	Kingston	Sanchez
Condit	Klink	Sanders
Cook	Klug	Sandlin
Cooksey	Knollenberg	Sanford
Costello	Kolbe	Sawyer
Cox	Kucinich	Saxton
Cramer	LaHood	Schaefer, Dan
Crane	Largent	Schaffer, Bob
Crapo	Latham	Schumer
Cummings	LaTourette	Scott
Cunningham	Lazio	Sensenbrenner
Danner	Leach	Serrano
Davis (IL)	Levin	Sessions
Davis (VA)	Lewis (CA)	Shadegg
Deal	Lewis (KY)	Shaw
DeLay	Lipinski	Shays
Deutsch	Livingston	Sherman
Diaz-Balart	LoBiondo	Shimkus
Dickey	Lofgren	Shuster
Dixon	Lucas	Skeen
Doolittle	Luther	Skelton
Doyle	Maloney (CT)	Slaughter
Dreier	Maloney (NY)	Smith (MI)
Duncan	Manzullo	Smith (NJ)
Dunn	Mascara	Smith (OR)
Edwards	McCarthy (MO)	Smith (TX)
Ehlers	McCarthy (NY)	Smith, Linda
Emerson	McCollum	Snowbarger
Engel	McCrery	Snyder
English	McDade	Solomon
Ensign	McHale	Souder
Eshoo	McHugh	Stabenow
Etheridge	McInnis	Stearns
Evans	McIntosh	Stenholm
Everett	McIntyre	Stump
Ewing	McKeon	Sununu
Fattah	Meehan	Talent
Fawell	Menendez	Tanner
Foley	Metcalf	Tauzin
Forbes	Mica	Taylor (MS)
Fox	Millender-McDonald	Taylor (NC)
Franks (NJ)	Miller (CA)	Thomas
Frelinghuysen	Miller (FL)	Thornberry
Gallegly	Minge	Thune
Ganske	Mollohan	Tiahrt
Gekas	Moran (KS)	Tierney
Gibbons	Moran (VA)	Towns
Gilchrest	Morella	Traficant
Gilman	Murtha	Turner
Goode	Myrick	Upton
Goodlatte	Nethercutt	Visclosky
Goodling	Neumann	Walsh
Gordon	Ney	Wamp
Goss	Northup	Watkins
Graham	Norwood	Watts (OK)
Granger	Nussle	Weldon (FL)
Green	Ortiz	Weldon (PA)
Weller	Wicker	Wynn
White	Wise	Young (FL)
Whitfield	Wolf	

NOT VOTING—23

Baldacci	Hilleary	Schiff
Bateman	Hoyer	Spence
Cannon	Kleczka	Stark
Ehrlich	Linder	Velazquez
Fowler	Molinari	Wexler
Gonzalez	Olver	Yates
Harman	Radanovich	Young (AK)
Hefner	Scarborough	

☐ 2029

Mr. KENNEDY of Rhode Island and Mr. GREENWOOD changed their vote from ''aye'' to ''no''.

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Mr. ROTHMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 695.

The SPEAKER pro tempore (Mr. NUSSLE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 194

Resolved, That at anytime after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first

in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself as much time as I may consume. During consideration of this resolution, all time is yielded for purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 194 is an open rule providing for the consideration of H.R. 2203, a bill making appropriations for energy and water development for fiscal year 1998. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on Appropriations.

The rule waives clause 2 and clause 6 of rule XXI, prohibiting unauthorized appropriations, legislative provisions in general appropriations bills, and reappropriations in appropriations bills.

Mr. Speaker, these waivers are necessary because so many programs funded by this bill have not been reauthorized. The measure also includes transfers of certain funds and contains minor legislative provisions on which the committee has consulted closely with the appropriate authorizing committees.

In addition, the rule permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 15 minutes. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the gentleman from Pennsylvania [Mr. MCDADE], the chairman, and the gentleman from California [Mr. FAZIO], the ranking member, are to be commended for their outstanding effort on this legislation. Together, they have worked hard to provide adequate funding for a number of important programs, while contributing significantly to the vitally important task of deficit reduction.

H.R. 2203 appropriates $20 billion in new budget authority for fiscal year 1998 for the Department of Energy and related programs. I am pleased to report that that amount is $573 million less than last year and $2.6 billion less than the President's request. The subcommittee has essentially met its 602(b) allocation for discretionary spending.

The vast majority of the bill's funding, some $15.3 billion, goes to various programs run by the Department of Energy, including the cleanup of nuclear wastes on a variety of Federal facilities, including the Hanford Nuclear Reservation in my own district.

The bill also allocates $4 billion to the Army Corps of Engineers, $910 million to the Department of Interior, mainly for its Bureau of Reclamation, and $194 million for related independent agencies.

Mr. Speaker, the funding provided in this bill is necessary to protect important investments in our Nation's water and energy infrastructure and to maintain and operate facilities and programs within the subcommittee's jurisdiction.

In closing, Mr. Speaker, I commend the Committee on Appropriations and its Subcommittee on Energy and Water for seeking an open rule on H.R. 2203 so that the House may work its will on this important legislation without unnecessary restrictions. I urge my colleagues to support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my colleague, the gentleman from Washington [Mr. HASTINGS], for yielding me the customary half hour.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from California [Mr. FAZIO] and the gentleman from Pennsylvania [Mr. MCDADE], for their very hard work on this very difficult bill. The energy and water development appropriations bill represents the culmination of long hours on the part of all the members of that subcommittee, and we owe them a debt of thanks.

Mr. Speaker, this is an open rule which, like the rules for most other appropriation bills, waives points of order against legislating on an appropriations bill. But I am told this waiver is not a cause for objection on the part of the authorizing committees.

The bill we will soon consider contains funding for some very good water resource infrastructure projects. It contains over $4 billion for the water resource programs of the Army Corps of Engineers, which is actually an increase over the President's request.

Mr. Speaker, it also contains funding for the Department of Energy, which is unfortunately below the President's request. The Energy Department, in addition to atomic defense activities, conducts basic science and energy research, which I think is tremendously important, especially in today's high-tech world. So I regret to see, Mr. Speaker, that my colleagues did not appropriate as much money as the Energy Department needs. But, all in all, this is a very good bill.

On the more controversial side, this bill eliminates the Tennessee Valley Authority's subsidies for non-power functions, like flood control and navigation. And it also transfers some of the Energy Department's environmental cleanup projects to the Army Corps of Engineers.

Some other concerns are the $60 million cut in solar and renewable energy research and development. I am sorry to see my Republican colleagues decided to cut this R&D money. These energy sources are both economic and environmentally very sound. We should be running as fast as we can toward solar and renewable energy, not turning the other way.

Mr. Speaker, this bill also contains cuts in nuclear nonproliferation programs, which is going to have some unfortunate consequences. These cuts are going to delay the sensors that detect nuclear, chemical, and biological weapons. And I, for one, think we need those now more than ever.

The $30 million cut in civilian radioactive waste program could jeopardize the completion of the Energy Department's viability assessment of Yucca Mountain. And this bill also eliminates $25 million for the next generation Internet, which was created to help universities and national laboratories implement advanced, high-speed connections.

But, Mr. Speaker, fortunate for those who object to these provisions in the bill, it is coming to the floor with an open rule, which means that any Member with a germane amendment to this bill can offer their amendment on the floor.

Once again, Mr. Speaker, I congratulate my colleagues, the gentleman from California [Mr. FAZIO] and the gentleman from Pennsylvania [Mr. MCDADE] for their very hard work. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER].

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I particularly want to thank my friend from Washington State [Mr. HASTINGS] for yielding me this time. I do want to rise in support of this rule and also in support of this bill.

I particularly want to congratulate the gentleman from Pennsylvania [Mr. MCDADE], the chairman, and the gentleman from California [Mr. FAZIO], the ranking member, for their hard work in bringing an important piece of legislation, a bill that deserves bipartisan support, before this House.

When I am back home talking with the folks who pay the bills, they always ask the questions: ''What does this legislation mean to our communities?'' ''What does this legislation mean right here in our neighborhoods?''

Clearly, this is an important bill, a bill that funds energy research, flood control, environmental initiatives, as well as sewer and water facilities for many communities. Particularly, I think it is important to emphasize some critical U.S. Army Corps of Engineers initiatives that will benefit the people of the 11th Congressional District: flood control, environmental initiatives, and also projects that will create jobs back home.

We currently have three initiatives in this bill I would like to point out. One is important to the entire south suburban region, serving the south side of Chicago, as well as the south suburbs in Cook and eastern Will Counties. That is the Thornton Reservoir project.

And, of course, I appreciate the subcommittee's initiative to help this important initiative, which will help 131,000 homeowners to address flood control problems in the south suburbs. I also want to note the funding for initiatives to help clean up and address flood control problems affecting the Kankakee River. I have enjoyed working with my colleagues, the gentleman from Illinois [Mr. EWING] and the gentleman from Indiana [Mr. BUYER], to address the need to bring better flood control and also to address the siltation problem in the Kankakee River, an important environmental initiative. And I appreciate the subcommittee's support.

I also want to note that unlock 14 on the Illinois and Michigan Canal is addressed with an initiative that is also funded in this appropriations bill, an initiative that provides an opportunity to create 110 acres of new wetlands; a new environmental initiative right next to LaSalle County also will create new jobs.

This bill means something to the folks back in Illinois. It deserves bipartisan support. I urge bipartisan support for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

□ 2045

Mr. OBEY. Mr. Speaker, I do not think I will take the 3 minutes, but I thank the gentleman for yielding me the time. I would simply say this is the kind of rule that I think we should have. This rule will allow the resolution of virtually every difference that I know of in the bill. The administration has some concerns with the number of items. I will insert in the RECORD at the proper time the Statement of Administration Policy which indicates that there is still a way that this bill has to go before it can receive the blessing of the White House. But I would not expect that in the end that will be a problem.

I would simply say that I would hope that we can have the kind of cooperation on other rules that are brought to the House floor that we have had on this one. If we can, we can get our work done a whole lot faster and in a whole lot more pleasant fashion and we will all eventually get to the August recess in a whole lot less tired shape than we will otherwise reach that week. Let me at this point simply thank the Committee on Rules for doing what they needed to do.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 2203—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FISCAL YEAR 1998

Sponsors: Livingston (R), Louisiana; McDade (R), Pennsylvania.

This Statement of Administration Policy provides the Administration's views on H.R. 2203, the Energy and Water Development Appropriations Bill, FY 1998, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Committee has developed a bill that provides requested funding for many of the Administration's priorities. However, the Administration strongly objects to the Committee's reallocation of national defense funds from Department of Energy programs to Department of Defense programs. These funds are needed for key environmental privatization projects and to provide full funding for Atomic Energy Defense Activities, as requested, which is consistent with fixed asset funding practices in the Government's other defense programs. We believe that this action is an unacceptable deviation from our understanding of the Bipartisan Budget Agreement.

As discussed below, the Administration will seek restoration of certain of the Committee's reductions. We recognize that it will not be possible in all cases to attain the Administration's full request and will work with the House toward achieving acceptable funding levels. We urge the House to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority.

Department of Energy

The Administration objects to the Committee's providing only $102 million of the $1.006 billion requested for environmental management privatization projects. Based on this mark, several environmental privatization projects would not be funded at all, and it is questionable whether the expected outyear funding would allow support for higher priority cleanup privatization projects at this funding level. Failure to invest in competitive privatization contracts for cleanup activities would force the Department of Energy (DOE) to continue using more costly, traditional contracting approaches, which the Committee Report has strongly criticized. This would result in a substantial increase to DOE's cleanup costs in future years and could jeopardize the Department's ability to comply with cleanup agreements.

The Administration strongly opposes the cuts to DOE's Federal staff and management accounts, including Departmental Administration and the Office of the Inspector General. Cuts in Federal staff and support service contractors of this magnitude would make it nearly impossible for the Department to improve contractor oversight or to develop, award, and manage more competitive fixed-price contracts, which are some of the Committee's own recommendations in the accompanying report.

The Administration also opposes the Committee's attempt to micromanage the Department, limit its ability to exercise good business judgment, overly restrict its ability to implement sound innovative contracting practices, and limit its ability to participate in procurement reinvention. It would do this by: (1) requiring special reports and notification prior to the start of any FY 1998 approved construction and special congressional permission to make procurement decisions currently authorized by other statutes; (2) inhibiting market research; (3) further restricting the Department's ability to outsource beyond that required in OMB Circular No. A–76; (4) unnecessarily restricting the Department's ability to deviate from the Federal Acquisition Regulation; and, (5) inappropriately limiting the Department's ability to use current statutory exemptions from competition. Additional reporting requirements combined with the proposed staffing reductions would erode DOE's ability to gain better control over its operations and improve management of its complex mission.

The Administration also strongly opposes the transfer of the Formerly Used Sites Remedial Action Program (FUSRAP) from DOE to the Corps of Engineers. In recent years, the Department has placed nearly half of this program under competitive, fixed-price contracts and developed a plan to accelerate cleanup by 12 years. DOE has established an open, interactive dialogue with communities and regulators, through which the Department has developed cleanup standards commensurate with land use plans and proceeded with early removal of contamination at many sites. DOE has completed cleanup at 52 percent of the main sites and 56 percent of the vicinity properties. Between FYs 1996 and 1997, DOE has reduced support costs for this program by 23 percent. Transferring this well-managed program that is nearly complete to another agency would be disruptive and would most likely delay completion and increase costs.

The Administration objects to the program cuts in the requests for nuclear nonproliferation programs. For example, the reductions in verification research and development would delay the completion of next generation land-based and satellite-borne sensors for the detection of nuclear, chemical and biological weapons programs.

The Administration also opposes the $29 million reduction to the Uranium Enrichment Decontamination and Decommissioning (D&D) program. DOE is about to enter into a large contract for D&D and re-industrialization of the large gaseous diffusion plant in Oak Ridge, Tennessee, using an approach that will expedite cleanup, reduce costs, and create new jobs. The Committee's funding cuts in this program would make it difficult to proceed with this effort, comply with environmental requirements, and provide reimbursements to radium and thorium licensees.

The Administration opposes the Committee's elimination of $25 million requested for the Next Generation Internet. While the Administration acknowledges that the private sector has shown the capability and willingness to fund considerable technology development for the Internet, the Next Generation Internet funds requested in the President's budget are necessary to assist universities and national laboratories in implementing advanced, high-speed connections that will not be financed by industry, and to accelerate research in areas where DOE laboratories have particular expertise.

The Committee's overall reduction of $30 million from the request for the civilian radioactive waste management program would threaten satisfactory completion of the Department of Energy's viability assessment of Yucca Mountain. Both the Nuclear Waste

Technical Review Board and independent expert advisers have urged DOE to build and study an ''east-west tunnel'' or ''drift'' through the repository block at Yucca Mountain in order to reduce uncertainty about water moving downward through the site. The $14 million (16 percent) reduction to the request for the core science program would virtually eliminate any scientific input from this important research to the viability assessment. Additionally, the 416 million reduction in support services and personnel costs would severely constrain, if not eliminate, an independent review of critical elements of the viability assessment, including a validation of repository design concepts and operating strategies, as well as refined cost estimates of these designs.

The Administration strongly objects to the Committee's $60 million reduction to the Solar and Renewable Energy R&D request (calculated on a comparable basis). The overall funding cuts, particularly in biofuels and solar thermal energy, would seriously set back environmentally promising and increasingly economic sources of energy. Research programs such as these are also the least burdensome way for the Nation to respond to global climate change.

Army Corps of Engineers

The Administration urges the House to reduce the number of unrequested Corps of Engineers' projects and programs and to restore funds that the Administration has requested for priority Corps projects, including the Columbia and Snake Rivers Juvenile Fish Mitigation Program for salmon run restoration and for construction of an emergency outlet for Devils Lake, North Dakota. The Administration urges the House to use the $540 million in unrequested funds that the Committee has provided for the Corps of Engineers construction, studies, and operation and maintenance programs to restore reductions made in other priority Corps and DOE programs.

The Administration appreciates the Committee's full funding of the Administration's request for the Corps' regulatory program. This will allow the Corps to implement its administrative appeals process fully and to continue to process wetlands permits in a timely manner. The Administration urges the House to include the Administration's requested regulatory permit fee, which would allow the Corps to recover its costs for processing permit applications for commercial uses.

Bureau of Reclamation

The Administration appreciates the Committee's support for funding to restore the California Bay-Delta ecosystem. However, we urge the House to provide the full $143 million that Congress authorized for this program and that was requested by the President in the FY 1998 Budget. This important program plays a central role in resolving long-standing water conflicts that have plagued the State of California. In addition, we oppose the reduction of $14 million in requested Central Valley Project funding, which is an important component of the effort to restore this critical ecosystem.

The Administration objects to the Committee's decision to fund a number of Reclamation projects and activities not requested in the FY 1998 Budget, some of which could result in demands for additional funding in the out-years. The Administration supports the Committee's decision to provide funds to cover the estimated authorized Federal share of costs for the purchase of water associated with variable flood control operations at Folsom Dam during FY 1997.

Tennessee Valley Authority

The Administration objects to the Committee's elimination of all appropriations for the Tennessee Valley Authority in FY 1998. We believe that an abrupt and total elimination of funding for the agency in FY 1998 is premature. The Administration has proposed continued funding in FY 1998 while TVA completes its consultations on potential alternate funding arrangements for future years for its appropriated program.

Nuclear Regulatory Commission

The Administration urges restoration of the Committee's $4 million reduction to the request for the Nuclear Regulatory Commission's (NRC's) High-level Waste Program. This 24-percent reduction would adversely affect the NRC's ability to maintain a strong scientific capability, independent of DOE, to review high-level waste activities. This reduction could jeopardize the NRC's ability to complete timely reviews of DOE's viability assessment. Timely resolution of the high-level waste issue is important to the Nation as well as to the nuclear industry.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I rise in support of this rule on H.R. 2203. I thank the gentleman from Pennsylvania [Mr. MCDADE] for crafting a fiscally responsible bill which will ensure that the United States remains on the forefront in energy research for years to come.

As chairman of the subcommittee that authorizes many of the Department of Energy programs addressed in this legislation, I am encouraged that the chairman fully funded the Large Hadron Collider. There had been some concerns among some members of the Committee on Science that U.S. scientists would not be guaranteed a formal role in managing the operation. Thanks to the work of the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science, these concerns have been addressed.

Second, although the Committee on Science authorized the fusion program at a level slightly higher than this bill, I am encouraged to see a stabilization in funding for this crucial research effort. The fusion community has responded well to congressional calls to restructure their program, and I look forward to seeing the results of their research.

Finally, just as the Committee on Science authorization bill had, this legislation substantially increases funding for renewable energy. I applaud that move, hoping this money will be used primarily for basic research and that the Department of Energy will not involve itself in corporate welfare and subsidies.

Finally, once again, I look forward back home to the Santa Ana Mainstem project to start construction soon. My friends in Orange County need to be protected from future floods potentially. The Norco Bluffs Project in Norco, CA, is moving ahead. Wetlands protection in Lake Elsinore, CA; the Gunderson project and flood control at Murritta Creek. Again I thank the gentleman from Pennsylvania [Mr. MCDADE] for this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to express on this rule my opposition to the funding level in the bill for the Formerly Utilized Site Remedial Action Program, FUSRAP, as it is called.

Mr. Speaker, I have one of those sites in my district. Radioactive material from it has now leaked into a tributary of the Farmington River. The Farmington River is a wild and scenic river, one of our Nation's treasures. For this reason, I wrote to the Committee on Appropriations, strongly supporting funding at the administration's requested level of $182 million for FUSRAP. According to the Department of Energy, that level of funding would permit cleanup of all the existing sites by 2002 rather than what we are talking about now, 2016. An accelerated cleanup program would limit both environmental damage and cost, including the costs associated with maintenance and management of these sites.

Unfortunately, the committee was unable to accommodate this request and now, to make matters worse, has included in this bill a provision to transfer the jurisdiction of FUSRAP from the Department of Energy to the Army Corps of Engineers. Further, the bill directs the Corps of Engineers to evaluate the cost and timetable for the cleanup.

Mr. Speaker, this transfer will serve only to slow critical cleanup of these sites further, endangering the natural resources of the communities near them. Mr. Speaker, these communities have already made sacrifices for national security. The least we could do would be to move expediently to clean up these sites and to protect the health and safety of these communities. I would hope we could work together to make this thing much better than what we are looking at tonight.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Washington, my friend and a highly valued member of the Committee on Rules, for yielding me this time.

I rise in support of what is very clearly a fair and open rule. This rule balances the interests of the authorizing committee as well as the appropriators in what is often a contentious area. For all those involved, I think it is a breakthrough and I congratulate them.

Mr. Speaker, the bill we will consider shortly is an extremely important piece of legislation for the people of Florida, and I will speak parochially about it for a moment. In recent years, the Clinton administration seems to have engaged in an all-out assault on Federal support for beach renourishment, a subject of great interest in our

State. First, the President suggested that the Federal Government had no role in assisting State and local governments to protect our Nation's beaches, beaches that I would say are used by all citizens of our Nation as well as the many, many visitors who come to our country, and especially to Florida.

In response, last year's Congress passed the Shore Protection Act which revises the Army Corps of Engineers' mission to specifically include beach renourishment. As evidenced by his budget request this year, the President is continuing his assault on beach programs by not requesting adequate funds for these vital projects. The report accompanying this year's Energy and Water bill admonishes the President, ''In the area of shore protection, the committee is extremely disappointed that the administration has once again failed to request funds to continue several ongoing construction projects and studies or to initiate new studies or projects. As the committee stated last year, shore protection projects serve the same function as other flood control projects. They protect lives and property from the impacts of flooding.''

I think that says it all and it certainly brings back the recent tragedy of the floods and the flood victims. I think if we understand that we are going to provide relief for flood victims in one part of the Nation, we should do it for flood victims in all parts of the Nation. I hope the administration understands that.

I commend the gentleman from Pennsylvania [Mr. MCDADE] and the Committee on Appropriations for their work on this bill. I am particularly pleased with the committee's attention to the shore protection projects and I am sure all Members from States with shoreline that need protection will share that view, as well as all Members from States with people who go to the beach, and that is most of us.

This is a fair rule and a good bill, and I strongly urge my colleagues to support both the bill and the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I am not totally dissatisfied with this rule although the love fest that is developing here would indicate that it is close to perfection, and I do find a few minor flaws in it. I would like to just indicate those very briefly.

I observe that in title III of the bill there are a number of waivers of authorizing legislation on an appropriations bill. I have consistently over the years objected to having authorizing legislation on appropriations bills. I am becoming a little mellower in my old age that I am not condemning the Committee on Appropriations for doing this, or at least I am not condemning them as much as I used to condemn them. But I would like to point out, and I hope that this can be resolved either by colloquy during the processing of this bill or by further action with the Members of the other body in conference, there are certain problems with regard to some of these titles which are going to give us some headaches unless we do something about them.

For example, the requirement contained in section 301 for the competition of maintenance and operating contracts by the laboratories of the Department of Energy is something that I thoroughly approve of, nevertheless requires some transitional language. There are several major contracts in the final stages of renegotiation at the present time, and there is no clear direction as to how these should be handled. I have indicated this to the chairman of the subcommittee, who I know is concerned and who is a dear friend who will do what is right, but I commend to his attention the need to do something about this particular problem.

I might say that the contracts in the process of renegotiation include several of the major Department of Energy facilities, such as Los Alamos, Livermore, Berkeley, Stanford Linear Accelerator and Pacific Northwest Laboratories. These represent multibillion dollar accounts. They have proceeded to renegotiate existing contracts in good faith, and to now stop that and renegotiate and recompete would require months, if not years of time and considerably more expense. I hope that the chairman will consider this problem and see if it can be resolved in some reasonable way.

Some of the other provisions which constitute legislation I think could have been written much better by the authorizing committee. This is maybe pure ego, but I think we will find that the ambiguities and uncertainties contained in the language here, which could have been resolved if there had been a hearing process in the authorizing committee, will need considerable improvement. I urge the committee to seek for ways to improve this language as the bill moves forward.

Let me say that the rule itself, as the gentleman from Wisconsin [Mr. OBEY] has indicated, is not a totally bad rule although I think he has so exhausted himself that he has not been able to probe into the finer details of what might be wrong with it. We have a situation now where the Committee on Rules will not waive the rule with regard to authorizing language on an appropriations bill if the chairman of the authorizing committee objects. In this case there are 3 separate authorizing committees whose rights are being infringed upon, and none of the chairmen objected. The procedures do not allow a ranking minority member this same right. If it had, I would have objected to the language here, and I might still try and do something about it, but it does not rise to the level of importance that I am going to waste too much of my energies trying to do that. I hope that will console the gentleman from Pennsylvania [Mr. MCDADE]. If I have his assurances that he will try and remedy some of these things, I will rest a little more easily tonight.

One final thing. Last year I took the floor to ask the cooperation of the then chairman, the distinguished gentleman Mr. Myers, to help provide a little funding to do research on the Salton Sea. He did that. The Bureau of Reclamation had not asked for it. This year they asked for it, and the gentleman kindly granted them the $400,000 that they requested. What happened to last year's $400,000?

They have had several very high level conferences with regard to what makes birds die. I know what makes birds die. They eat rotten fish and the hot weather kills them and a lot of other things like that, and I appreciate all of these conferences. As I say, they have had at least 3 of them and there is another one scheduled next month and they are bringing people from all over the United States down there to look at the Salton Sea to find out something that I could have told them anyway and that the gentlemen from California [Mr. BONO] and the gentleman from California [Mr. HUNTER] and some others could have told them.

I do not want to see too many more conferences. I want to see some action on what is developing to be the largest ecological catastrophe in California, or maybe the United States. I will make this point over and over again until we see something productive coming out of this situation.

□ 2100

It is already costing hundreds of millions of dollars, and it threatens to go much higher.

With that, let me thank my good friends on the Committee on Appropriations for the fine work that they have otherwise done.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Washington for yielding this time to me, and I rise in strong support of the rule before us and in strong support of the bill, H.R. 2203, the fiscal year 1998 energy and water appropriation.

Mr. Speaker, my colleague, the gentleman from Pennsylvania [Mr. MCDADE] had a very difficult task before him of balancing all of the many meritorious and various requests with the very limited budget, and I commend him, his work as well as the other members of the committee and the ranking member. I would like to take this opportunity to express my particular support for the chairman's commitment to continuing to place an

emphasis on coastal storm damage prevention projects, and in particular where there is an obvious and clear Federal responsibility and culpability.

Mr. Speaker, we have experienced considerable erosion problems along our beaches in Florida and along the beaches in Brevard and Indian River Counties in my district in particular. In particular in Brevard County, there is a very obvious Federal responsibility in that much of the erosion began after the creation of a Federal inlet at Port Canaveral. The committee has chosen to continue to place a priority in these projects, and in particular they recognize the fairness and honesty and are continuing to pursue this. And I am hopeful, hopeful that the administration may soon realize the error of their ways in opposing such projects and begin to once again request funding for these very, very critical programs.

We have seen the increasing devastation caused by hurricanes in recent years, and it is important that we pursue policies that protect our citizens and our property from these storms. Much like levees and dikes protect our citizens and property from floods along lakes, rivers and streams, storm damage prevention projects in the form of beach renourishment projects offer the same protection to our coastal citizens and properties from the high seas and the damage that accompanies these storms.

I again commend the gentleman from Pennsylvania [Mr. MCDADE] and I urge all my colleagues to support this rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR].

(Mr. PASTOR asked and was given permission to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in support of this rule and congratulate our chairman, the gentleman from Pennsylvania [Mr. MCDADE] and our ranking member, the gentleman from California [Mr. FAZIO] for the strong bipartisan manner in which they bring this bill to the floor. Both gentlemen have led this committee in a spirit of great cooperation, listening to all parties and, I believe, producing a bill that is a fair balance between critical needs and limited resources.

Foremost to me and to many of my colleagues are the programs funded in this bill that ensure the safety of our constituents and the protection of our communities from flooding and other related damages. I am pleased that the committee recognized the necessity to ensure adequate funding for the Corps of Engineers and the Bureau of Reclamation to carry out their missions in an effective manner. Although more funding is needed, the committee has done an excellent job in allocating funds to those projects that need them the most.

Mr. Speaker, I am particularly pleased that the committee has rejected the administration request for total up-front funding for all new Corps of Engineer construction projects. The number of projects, the number of years to complete them and the limited funds available would make this a disastrous approach to maintaining the integrity and safety of our Nation's water resources. I encourage my chairman and ranking member and my fellow committee members to continue to oppose this ill-advised plan.

Mr. Speaker, I ask my fellow colleagues to support this rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the distinguished gentleman from Pennsylvania [Mr. MCDADE], the chairman, and the distinguished gentleman from California [Mr. FAZIO], the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor. This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore the subcommittee, I think, is to be particularly commended for its diligence in creating such a fiscally responsible bill. In light of the budgetary pressures, this Member would like to express his appreciation to the subcommittee for a number of actions that are important to a four-State region where I carried a bi-State region and some various projects like that one in Pender, NE, which is extraordinarily important for flood control purposes.

So I do thank the subcommittee for their work and appreciate their effort once again.

Mr. Speaker, in light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the energy and water development appropriations bill for fiscal year 1998 includes funding for several water projects that are of great importance to Nebraska.

First, this Member is very pleased, for example, that the bill includes $3,741,000 for construction of the Pender, NE, section 205 Logan Creek flood control project. There is an urgent need for this funding and this Member is particularly grateful to the subcommittee for agreeing to this appropriations item during a time when the restrictions on available funding are exceedingly tight.

The community of Pender, a small municipality, and the Lower Elkhorn Natural Resources District have expended approximately $160,000 of their own funds to date. The municipality has expended an additional approximate amount of $25,000 on the costs of engineering, project coordination, and other related costs. Without the flood control project the community will remain at risk and will be stymied from undertaking future developments in their community due to FEMA flood plain development restrictions; 60 percent of Pender is in the floodplain and 40 percent is in the floodway.

The plan calls for right bank levees and flood walls with a retention pond for internal storm water during flood periods. The project will remove the entire community from the FEMA 100-year flood plain. This project is needed to protect life and property, eliminate or greatly reduce flood insurance costs, and allow community and housing development.

Mr. Speaker, quite simply, at great expense the State and local entities involved in the project have held up their end of the agreement. If Federal-local partnerships are to work, Federal commitments need to be met; therefore, this Member is pleased that this legislation will greatly facilitate the completion of this project.

In addition, this bill provides additional funding for other flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, NE. Therefore, this Member is extremely pleased the committee agreed to continue funding for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

Mr. Speaker, this Member would like to take this opportunity to thank the subcommittee and the full committee for providing $300,000 in funding for the Lower Platte River and Tributaries Flood Control Study. In addition, a related study was authorized by section 503(d)(11) of the Water Resources Development Act of 1996. This Member would request that the chairman of the Appropriations Subcommittee on Energy and Water into a colloquy on this matter.

Mr. Speaker, additionally, the bill provides $90,000 in continued funding for an ongoing floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln. The purpose of the study is to find a solution to multifaceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land-use issues. This Member continues to have a strong interest in this project since this Member was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A 10-foot by 20-foot—height and width—closed underground

conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the study are to anticipate and provide for the control of flooding of Antelope Creek, map the floodway, evaluate the condition of the underground conduit, make recommendations for any necessary repair, suggest the appropriate limitations of neighborhood and UN-L city campus development within current defined boundaries, eliminate fragmentation of the city campus, minimize vehicle-pedestrian-bicycle conflicts while providing adequate capacity, and improve bikeway and pedestrian systems.

This Member is also pleased that the bill includes $150,000 for a study of flooding problems in Ponca, NE. This funding is needed to initiate and complete a study to determine the feasibility of a solution to the flooding problems on Aowa and South Creeks at Ponca, NE. The city of Ponca is located on the north side of the junction of South Creek and Aowa Creek. During the flood of July 16–17, 1996, water left the banks and covered Ponca from the west end to the east, causing extensive damage throughout the area. In addition to extensive private property losses, damage to public property reached nearly $100,000. For example, both of the city's wells were damaged and all the pumps and motors in the sewage treatment plant had to be removed and repaired. The flood also caused considerable damage to city streets and park. Future flooding poses a significant risk to life and property. Clearly, action must be taken to prevent a reoccurrence of the flooding disaster of last year.

This Member is also pleased that the bill provides $200,000 for operation and maintenance and $150,000 for construction of the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

In addition, this Member appreciates the funding provided for the Missouri River Mitigation Project. This funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The Islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

The Missouri River Mitigation Project addresses fish and wildlife habitat concerns much more effectively than the Corps' overwhelmingly unpopular and ill-conceived proposed changes to the Missouri River Master Manual. Although the Corps' proposed plan was designed to improve fish and wildlife habitat, these environmental issues are already being addressed by the Missouri River Mitigation Project. In 1986 the Congress authorized over $50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

This Member is also pleased that the legislation includes full funding for the section 22 planning assistance for States and tribes program as well as significant funding in excess of the budget request for the section 205 small flood control projects program, and the section 14 emergency streambank and shoreline protection program of the Corps of Engineers.

Finally, Mr. Speaker, this Member recognizes that H.R. 2203 also provides funding for a Bureau of Reclamation assessment of Nebraska's water supply, $88,000, and an assessment of the Nebraska Rainwater Basin, $133,000, as well as funding for Army Corps projects in Nebraska at the following sites: Harlan County Lake; Papillion Creek and Tributaries; Gavins Point Dam, Lewis and Clark Lake; Salt Creek and Tributaries; and Wood River.

Again Mr. Speaker, this Member commends the distinguished gentleman from Pennsylvania [Mr. MCDADE], the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from California [Mr. FAZIO], the ranking member of the subcommittee for their support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I rise in support of the rule, and I would like to take this opportunity to personally thank the subcommittee chairman, the gentleman from Pennsylvania [Mr. MCDADE], and the ranking member, my colleague from California [Mr. FAZIO] for the help and support they have given me on an issue of paramount concern to many of my constituents.

Among its many critical provisions, the bill contains $3.2 million to continue the dredging of Morro Bay Harbor in the 22d district of California. Without this critical dredging project, a vibrant community on the central coast of California would be greatly imperiled. Morro Bay Harbor supports approximately 250 home-ported fishing vessels and related marine-dependent businesses which earn $53 million a year and employ over 700 people.

Mr. Speaker, I am very pleased that the committee could include this funding and ensure the viability of this important community.

Mr. Speaker, I rise in support of this legislation. I am pleased that the bill before us contains critical funding for a number of important projects in my district, in particular the continuation of the much needed $3.2 million dredging project for Morro Bay Harbor.

I want to convey my deep appreciation to Chairman MCDADE and the subcommittee's ranking member, my colleague and good friend from California, Mr. FAZIO, for their unwavering support of my request for this funding. I cannot express how important this funding is to this thriving coastal community of the 22d district of California.

Morro Bay Harbor, the only commercial harbor between Santa Barbara and Monterey, supports approximately 250 home-ported fishing vessels and related marine-dependent businesses. Businesses that depend on the harbor generate $53 million a year and employ over 700 people. The Army Corps of Engineers has maintained the harbor since it was initially constructed by the Federal Government as an emergency naval base during World War II, and the dredging project keeps the channel depth between 30 and 40 feet to allow safe passage for the harbor's commercial and recreational traffic.

In fiscal year 1995, the Corps completed construction of the Morro Bay Harbor Entrance Improvement Project to enhance commerce, fishing and navigation safety. Prior to the improvements, the harbor mouth and its giant sea swells were particularly dangerous, as evidenced by the history of serious boating accidents. This project was funded 80 percent by the Federal Government and 20 percent by the city, and has greatly reduced the danger to vessels leaving and entering the harbor.

This year, only 3 years after the Corps completed the enhancement project at Morro Bay Harbor, the President's budget request failed to include the $3.2 million funding necessary to maintain the harbor. Due to the fact that the harbor has limited recreational facilities to generate revenues, there is no local sponsor to assist with dredging costs should the Federal Government cease or reduce maintenance dredging support. For economic and safety reasons, it is critical that the harbor dredging project continue. I am very pleased that the committee has granted my request to include funding for this important project.

This bill also contains $100,000 for an Army Corps reconnaissance study of Morro Bay estuary. The estuary is part of the National Estuary Program administered by the Environmental Protection Agency and is experiencing tidal circulation restrictions and sedimentation, and shoaling of sensitive environmental habitat areas. This funding will allow for Army Corps to perform an analysis of the estuary's present and future conditions and to define problems, needs and potential solutions. At my request earlier this year, the Transportation and Infrastructure Committee authorized funding for this project and I am grateful that the Appropriations Committee could act so quickly in response to this development.

I am also grateful to the committee for including in this bill two projects that were requested by the administration in this year's budget. The bill provides $1.492 million for operations and maintenance work for Santa Barbara Harbor. The harbor accumulates approximately 400,000 cubic yards of sand every winter. In years of severe storms, the accumulated sand can close the channel, bringing local fishing and other businesses in the harbor to a standstill. This funding will allow the harbor to remain clear for both commercial and recreational use.

Finally, the bill includes $380,000 to complete a feasibility study for the Santa Barbara County Streams, Mission Creek Flood Control project. The proposed project, which runs through downtown Santa Barbara, would construct a natural bottom channel with vegetated stabilized sides.

All of these projects are important public works actions that will increase the quality of life on the central coast. I thank the chairman and the members of the committee for their assistance and I look forward to working with you as this legislation moves forward.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in support of the rule and also in support of the fiscal 1998 energy and water appropriations bill. As co-chairman of the bipartisan House Coastal Coalition, I would like to thank the gentleman from Pennsylvania [Mr. MCDADE], the gentleman from California [Mr. FAZIO], the gentleman from New Jersey [Mr. FRELINGHUYSEN], and all the members of the Committee on Appropriations for once again rejecting the administration's anti-shore protection policy.

Mr. Speaker, for several years now, despite congressional opposition, the administration has been clinging to an ill-conceived and unjustified policy that attempts to eliminate Federal involvement in the protection of our Nation's coastal residents from the impacts of flooding, and, as the committee report states, shore protection projects serve the same function as other flood control projects. They protect lives and property from the impacts of flooding.

There are only two differences really between shore protection projects and other flood control projects. Unlike other flood control projects in which structural remedies are the only solution, the best remedy for protecting our coastal flooding is often beach nourishment. The other difference is that shore protection projects have added recreational benefits.

Mr. Speaker, I just want to point out that 28.3 million jobs and billions of dollars in economic contributions come from coastal tourism. Coastal tourism-related businesses serve 180 million Americans annually. Recent polls in my home State of New Jersey show that 82 percent of State residents, and that is State residents not just coastal residents, favor beach restoration projects. Those opposed to a Federal role in shore protection point out that it is a source of revenue for local and State economies. But currently all levels of government, local, State and Federal, participate in funding these shore protection projects and all levels of government benefit economically as a result. So who exactly is losing by maintaining a Federal role in shore protection? I say nobody is losing, it is a good thing.

I just want to say again on behalf of the House Coastal Coalition, which is bipartisan, and coastal residents around the country, I thank the committee for its rejection of this policy and I applaud committee members for seeing shore protection for what it is: a wise investment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. MCDADE].

(Mr. McDade asked and was given permission to revise and extend his remarks.)

Mr. MCDADE. Mr. Speaker, I want to inform my colleagues that I am taking this time because we have agreements with 17 of our colleagues to engage in pre-decided colloquies which we negotiated. We are going to try to do that under the rule, thanks to the Committee on Rules, using time on both sides of the aisle to get through as many of them as we can so we can expedite the business of the House.

Mr. Speaker, I yield to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Speaker, let me start by saying to the gentleman from Pennsylvania [Mr. MCDADE] I appreciate the work that he has done on my behalf. My district is home to nearly two-thirds of the Nation's nuclear waste. This is a legacy of World War II and the Cold War and a testimony to the role that the Hanford Nuclear Reservation played in producing much of the Nation's plutonium over the past 40 years.

As a result, I am concerned by the committee's decision to reduce funding for the department's cleanup privatization program. We all agree that the Department of Energy has a poor track record in managing large-scale cleanup projects. As a result, the gentleman from Washington [Mr. DICKS] and I introduced legislation in the 104th Congress to require that the department utilize the expertise of private sector experts in solving these complex problems.

Unfortunately, the department has not done an adequate job explaining their new way of doing business and the committee has reduced the privatization program from a $1 billion request to only $70 million. These are significant reductions in a critical environmental program. As a result, I would seek an assurance from the subcommittee chairman that this year's action does not indicate the committee's intent to abandon the Hanford tank waste cleanup program in future years. When final contracts are submitted next year, Congress needs to be willing to support an aggressive cleanup program.

Mr. MCDADE. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Washington's continued interest in this issue. As he and I have discussed on several occasions this year, the committee realizes that while we have certainly been critical of the Department of Energy, the nuclear and hazardous waste stored in the Hanford tanks must be remediated.

We understand in less than 6 months, two private companies will submit their proposals to try to deal with the waste problem. The committee is not prejudging this process, and we look forward to reviewing the proposals when they are presented to the Congress in 1998. We believe the committee has provided adequate funding to ensure the bid process is fully supported, and we will commit to working with the gentleman from Washington to ensure that a responsible cleanup program for the Hanford tanks is funded by the committee.

Mr. HASTINGS of Washington. I thank the gentleman.

Mr. MCDADE. Mr. Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the chairman of the subcommittee, the gentleman from the Commonwealth of Pennsylvania [Mr. MCDADE] and congratulate him for his work on this.

I have discussed previously with the chairman that the corps has failed to accomplish projects they have promised or to provide repayment for costs incurred for projects with public sponsors in the southwest Florida area. I understand this bill has funds that will now allow the corps to honor its commitments in southwest Florida for these shore protection issues.

I wish to receive some assurance that the corps will actually use these funds for the Lee County GRR and reimbursement of the Matanzas Pass as intended. Additionally I wish to receive some assurances that the corps will undertake no further dredging of Boca Grande Pass in the future until the corps' outstanding obligations to Lee County have been satisfied, and then only if the dredging and spoilage plan for Boca Grande Pass is agreed to by the State of Florida, the County of Lee and the local community of Gasparilla Island.

The chairman notes from photographs I have showed him and the material I have provided how badly the corps has botched their recent dredging of Boca Grande Pass, and over the last decade taxpayers have spent 10 million for the dredging of this pass, and it is time to reassess justification before any further expenditure.

Mr. MCDADE. Reclaiming my time, Mr. Speaker, I appreciate the very extensive briefing the gentleman from Florida [Mr. GOSS] accorded me on the problem that exists here, and I want to assure him that I am going to look into what assurances may be appropriate, but I agree it is critical that the corps has a strong relationship with the local governments that sponsor these projects and put up their own money. They are very much partners in the projects, and the corps' actions ought to reflect that.

I, too, may I say to my colleague, am concerned about the corps' actions with regard to the Boca Grande Pass project. I believe it raises some serious questions deserving the committee's attention, which I will be mindful of in conference.

Mr. MCDADE. Mr. Speaker, I yield to the gentleman from California [Mr. CALVERT].

☐ 2115

Mr. CALVERT. Mr. Speaker, I thank the chairman.

First, I would like to thank the distinguished subcommittee chair and his staff for their assistance in addressing the needs of my district. Their fine work is very much appreciated. I am grateful for the $300,000 listed in the

committee report accompanying the bill to initiate a feasibility study for the Santa Margarita River project.

However, I believe the flooding issues surrounding Murietta Creek which are mentioned in the Santa Margarita project are serious enough to deserve a separate study. Mr. Speaker, I ask my colleague for his assistance in conference to make this clarification, and indicate that a separate feasibility study should proceed for Murietta Creek. The community has suffered back-to-back flooding and deserves a resolution to their problems.

Mr. MCDADE. Mr. Speaker, I want to indicate to my colleague my appreciation of his bringing this matter to my attention. I want say that I look forward to working on this issue as this bill moves through the process and into conference. We are going to try to do everything we can to help the gentleman from California.

Mr. CALVERT. I thank the chairman for his attention to this matter.

MR. MCDADE. Mr. Speaker, I yield to my good friend, the gentleman from Colorado, [Mr. DAN SCHAEFER], chairman of the Subcommittee on Energy and Power of the Committee on Commerce.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me, and I would like to engage the gentleman from Pennsylvania in a colloquy.

As the gentleman is aware, title I of this bill would transfer funding from the management of the Formerly Utilized Sites Remedial Action Program, or as we call it, FUSRAP, from the Department of Energy to the U.S. Corps of Engineers. As the gentleman knows, the Committee on Commerce has the responsibility of the management of nuclear waste disposal, including remediation of these nondefense sites.

It has been our goal to ensure that FUSRAP sites are cleaned up in a very effective and efficient manner, and I must admit that I have some concerns about whether transferring funding to the Corps of Engineers is the best way to ensure that these sites are cleaned up.

At the same time, however, I would simply like to confirm my understanding that this transfer of funding from the Department of Energy to the U.S. Corps of Engineers is not intended to and in fact would not affect the Committee on Commerce's jurisdiction over the management of these facilities.

Mr. Speaker, could the gentleman confirm my understanding of this?

Mr. MCDADE. Mr. Speaker, may I say the gentleman is correct. It is not our intention to have any effect on the jurisdiction of the authorizing committee by providing funding to the Corps to conduct the cleanup activities. It is my understanding the committee jurisdiction over these FUSRAP sites is not affected in any way regardless of which governmental agency is involved in managing the cleanup.

Mr. DAN SCHAEFER of Colorado. If the gentleman will continue to yield, Mr. Speaker, I would like to commend the chairman again for a very excellent bill, and would like to clarify one provision regarding renewable energy in the fiscal year 1998 energy and water development appropriation bill.

That is, the report language with regard to wind energy research development and demonstration projects appears to restrict ongoing and future cost-shared partnership efforts between the Department of Energy and the wind energy industry. Is it the intention of the House that these and other cost-shared programs should not be continued as appropriate in collaboration with DOE, the National Laboratories and U.S. industries?

Mr. MCDADE. Mr. Speaker, may I say to my colleague that the energy and water development appropriations bill has no intention, nor do its members, to impede appropriate current or future research, development, and demonstration projects involving competitively awarded cost-shared partnerships between the Department of Energy, the National Laboratories, and the U.S. wind industry.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I very much appreciate the gentleman yielding to me.

Mr. MCDADE. Mr. Speaker, I yield to the distinguished gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise to engage the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MCDADE], in a colloquy.

As the distinguished gentleman is well aware, the issue of how to best deal with high level nuclear waste is of grave concern to me, to my respected colleague, the gentleman from Nevada [Mr. ENSIGN], and to all Nevadans. Currently the Department of Energy is in the process of determining whether the Yucca Mountain site in Nevada meets the scientific standards necessary to become a permanent repository for thousands of metric tons of high-level defense and more particularly civilian nuclear waste generated at 109 locations across America.

The bill under consideration by the House appropriates $160 million from the Nuclear Waste Disposal Fund in fiscal year 1998. In addition to the $190 million recommended from the Defense Nuclear Waste Disposal Fund, the total amount available for disposal activities authorized under current law is $350 million. Moreover, $85 million in fiscal 1996 funds have not been obligated simply because the release of those funds is subject to the enactment of legislation directing the Department of Energy to establish an interim storage site while permanent site characterization at Yucca Mountain continues.

The gentleman from Nevada [Mr. ENSIGN] and I would like to make sure that it is the gentleman's intent and the intent of the committee that the $350 million appropriation from the Nuclear Waste Disposal Fund is to support ongoing permanent site characterization activities.

Our concern and reason for engaging the chairman in a colloquy is to correct the perception which may exist among Members in the House that the appropriation in question has been reserved for site-specific interim storage activities. Simply put, site-specific interim storage activities are not authorized under current and existing law.

At this time my colleague, the gentleman from Nevada [Mr. ENSIGN] and I would like to respectfully ask the assurance and clarification of the gentleman from Pennsylvania [Mr. MCDADE] that the $350 million appropriation recommended in the bill is directly for use only on those program activities associated with the permanent, and not interim, storage of high-level nuclear waste.

Mr. MCDADE. Mr. Speaker, I want to assure the gentleman that all of the money appropriated in this bill is only for permanent and not site-specific interim storage of high-level nuclear waste at Yucca Mountain.

Mr. GIBBONS. I thank the distinguished gentleman for his understanding and willingness to work with us on this critically important issue.

Mr. Speaker, I would also like to discuss the ability of the State of Nevada and all affected local governments to carry out oversight authority of Yucca Mountain, Nevada, granted to them under the Nuclear Waste Policy Act of 1982.

Currently, the Department of Energy is conducting tests to determine if Yucca Mountain will be a permanent repository site for nuclear waste. When the Nuclear Waste Policy Act of 1982 was created, Members of this body felt it was imperative for the State of Nevada and all affected local governments adversely affected by the storage of nuclear waste to have the necessary monies to properly oversee tests that the Department of Energy was carrying out to determine whether or not Yucca Mountain is suitable as a permanent nuclear waste site.

This was a very critical part of the 1982 Act, because it allowed for the education of Nevada residents as to the scientific validity of the tests that the Department of Energy was conducting, and these resources allowed for State and local governments to perform their own independent tests to ensure that the best science available is used for the site suitability. It has been my experience that the local scientists have been non-biased and have produced needed assurances that only the best scientific data is used to determine the hydrologic and geologic character of Yucca Mountain.

We have nearly 1.8 million people in Nevada, and their safety and quality of life should not be ignored in this debate, making it imperative that we provide for the financial resources to ensure that State and affected local

governments are able to monitor and report this activity.

I am hopeful that the gentleman will work with me in conference to appropriate up to $1,500,000 for the State of Nevada and $6,175,200 for the affected local governments. These appropriation amounts are consistent with the monies appropriated in the Senate fiscal year 1998 Energy and Water Appropriations Act. As the legislation moves closer and closer to designating Yucca Mountain as a permanent nuclear waste repository, it becomes imperative that we address the safety and concerns of the citizens of Nevada.

Mr. McDADE. Mr. Speaker, we know how important this issue is to our friends in the State of Nevada, and I want to assure the gentleman that I will be pleased to work with him as the issue moves along.

Mr. GIBBONS. I thank the gentleman, and I appreciate his willingness to work with me on this very important issue.

Mr. Chairman, I include for the RECORD an editorial from the Las Vegas Sun.

The document referred to is as follows:

LET STATE NUKE OFFICE DO ITS JOB

The Legislature should not overreact to criticism of the state Office of Nuclear Projects or it may unwittingly become a pawn of the nuclear power industry.

Lawmakers last week debated whether to impose tight fiscal controls on the agency, which monitors the federal nuclear waste dump study at Yucca Mountain. State and federal audits last year criticized the office headed by Bob Loux for sloppy bookkeeping and possibly spending more than it should have on private contracts.

Senate Majority Leader Bill Raggio, R-Reno, wants the Legislature to oversee the organization, placing its budget in reserve and meting out funds every three months. Raggio's assumption is that 90-day reports to the Interim Finance Committee will produce better accountability.

But alloting funds for only three months would destroy long-range planning. Contracts with highly technical organizations could not be continued, wrecking the state's ability to ensure the federal study is scientifically sound.

Nevada needs all the technical ammunition it can muster to watch over the politically motivated study at Yucca Mountain. That site was selected by Congress—not scientists—as the most suitable location in the nation to bury about 70,000 tons of highly radioactive waste. Nevadans have long suspected that the study would be railroaded—ignoring or doctoring negative data—in an effort to soothe public opinion about the safety of the site.

That's why the Nevada office is important. It provides an essential balance to a one-sided information flow from the nuclear industry and the Department of Energy.

Raggio's contention that the office needs closer oversight makes no sense, especially after all deficiencies found in the audits were corrected shortly afterward.

And some of the so-called deficiencies were exaggerated. The General Accounting Office criticized Loux's organization for spending $125 an hour to clip newspaper stories, a report which delighted proponents of the dump and industry hacks. What wasn't said was that the office managed to convince the management of seven major daily newspapers that the dump was a threat to public health and they published editorials to that effect. They included USA Today, the St. Louis Post-Dispatch and the San Francisco Chronicle.

We fear that overreacting to the audit reports will play into the hands of the well-funded industry lobbyists who want the office shut down altogether. They would be delighted if Nevada could not challenge any of the data promoted by the nuclear industry and would quietly accept the dump.

The better course is to require full financial reports during each legislative session, but let the office do its job in the meantime. For more than a year, there have been increasing indications the dump cannot pass scientific muster as a safe site and Nevadans need an alert watchdog to ensure no games are played in these waning days of the study.

Mr. McDADE. Mr. Speaker, I yield to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, I have a simple colloquy, one question, really: Is it the committee's intention that the appropriations made for the Lower Platte River and Tributaries Nebraska study may also be used to conduct studies authorized by section 503(d)(11) of the Water Resources Development Act of 1996 watershed management, restoration, development of the Lower Platte River watershed, Nebraska?

Mr. McDADE. May I say to my colleague, Mr. Speaker, that we have looked at it with great seriousness. We appreciate the briefings he has given us. I want to tell the gentleman that his comments are absolutely correct.

Mr. BEREUTER. I thank the gentleman very much for his statement of intent and clarification.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 2203, making appropriations for energy and water development for fiscal year 1998.

Mr. Speaker, I rise in support of H.R. 2203, making appropriations for energy and water development for fiscal year 1998.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the committee's continued support for these projects.

I am particularly pleased that the committee's bill will assist in funding the initial share of Federal participation in the Bay-Delta Environmental Enhancement and Water Security Act.

Funding the Bay-Delta programs will allow us to begin a comprehensive effort to restore the many components of this huge area that have been damaged by human activity. The California Bay-Delta Environmental Enhancement and Water Security Act went into effect when California votes approved proposition 204, which sets aside nearly a billion dollars for Bay-Delta water programs and guarantees that the State of California will pay a fair share of its costs.

The Bay-Delta initiative is one of the boldest ecosystem restoration programs ever conceived. Funding for Bay-Delta programs in fiscal year 1998 has the full bipartisan support of the entire California congressional delegation, and I believe this initial appropriation deserves the full support of the Congress.

The committee bill raises a new problem with the Central Valley Project Restoration Fund. According to the committee report, the restoration fund is to be cut $14 million in fiscal year 1998 to eliminate funding for the Water Acquisition Reserve. I believe this reduction, apparently suggested by the General Accounting Office, is misguided, and I hope there will be an opportunity to reconsider this matter in conference. Specifically, I believe the Water Acquisition Reserve is a sensible approach to water management needs in California, and that it is well within the authorities granted by the Central Valley Project Improvement Act. I will be pleased to work with the committee to resolve this matter prior to conference.

Lastly, the bill includes funding to study the removal of rock hazards near Alcatraz Island that threaten oil tankers and risk a devastating oil spill in San Francisco Bay. This funding is an important first step in determining how to remove these navigation hazards in a cost-effective and environmentally sound way.

I thank the committee for its hard work on this legislation, and I urge my colleagues to support H.R. 2203.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the ranking member.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD immediately after my remarks earlier this evening the text of the article to which I referred during the debate on the agriculture appropriations bill.

The SPEAKER pro tempore [Mr. NUSSLE]. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule and legislation. As a new member of the Subcommittee on Energy and Water Development of the Committee on Appropriations, I especially want to thank Chairman MCDADE for his fairness and bipartisanship in crafting this legislation.

Mr. Speaker, while most Americans only hear of the partisan battles in Congress, the work of Chairman MCDADE and the ranking member, the gentleman from California [Mr. VIC FAZIO], is an example of the Congress at its best: two leaders, along with an excellent staff, working hard and doing simply what they believe is best for the interests of this Nation.

This bill may not be tomorrow's national headlines because the work was done without rancor, but this bill makes an important commitment to

our Nation's future. Because of this legislation, there will be communities that will never face the tragedy of devastating floods.

By strengthening our Nation's infrastructure, ports, and waterways, this bill will make America more competitive in the world marketplace. That means more jobs and better jobs for American families.

By investing in the clean-up of nuclear waste and in renewable energy resources, this bill will make our environment cleaner and make America less dependent upon foreign energy sources.

Because of this legislation's commitment to stop the proliferation of nuclear, chemical, and biological weapons, my two small children will grow up in a safer world. For that, I am deeply grateful.

The efforts of Chairman MCDADE and the gentleman from California [Mr. FAZIO] may not make prime time news tonight, but millions of American families will be better off tomorrow because of their effective leadership and teamwork in crafting this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, what other piece of legislation can at the same time protect this Nation's environment, provide opportunity for energy, and yes, strike a chord for removal of flood danger all over America? This is a good, good piece of legislation. Mr. Speaker, I thank Chairman MCDADE for his generosity in spirit and cooperation in some very important issues. I thank the ranking Member, the gentleman from California [Mr. FAZIO], and we thank him as well for working in a cooperative spirit and for helping all of us, no matter where we might live, in an urban or rural community. I am gratified this bill gives $52 million more than the current fiscal year, and it gives $413 million to the Army Corps of Engineers.

Just for a moment imagine a community in inner city Houston, flooded in 1994, flooded in 1995, and yes, flooded again in 1997, bungalow homes without flood insurance, my constituents in the Cullen and McCullough area. Let me simply say to the Members, they are rejoicing tonight, not because we are taking taxpayers' dollars and moving them from one place to the next, but because this country cares about those citizens who live day-to-day, struggling to work and to survive.

This is a good bill. I look forward to working with the Army Corps of Engineers, as I said, which is getting $413 million more. Likewise, I look forward to working with them to move that date when this project will be completed beyond the 2006 to an earlier date. I look forward to working with the local community to ensure that happens.

□ 2130

This is an important piece of legislation, and I thank the committee for working with the chairman and ranking member to ensure that we protect this Nation's waterways, energy, and, yes, the environment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

[Mr. BENTSEN asked and was given permission to revise and extend his remarks.]

Mr. BENTSEN. Mr. Speaker, I rise in support of the rule and H.R. 2203, the fiscal year 1998 Energy and Water Appropriations bill.

First of all, I would like to thank the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], ranking member, for their wisdom and foresight in crafting this bill, particularly as it relates to two projects in my district, Sims, Brays, and Greens Bayous and the Houston Ship Channel expansion.

Also I want to thank the gentleman from Texas [Mr. EDWARDS], my colleague, who is a new member of the committee, for the work he did on behalf of our State.

I am especially pleased by the support this legislation provides for addressing the chronic flooding problems in Harris County, Texas. This area has suffered numerous floods over the years as the gentlewoman from Texas [Ms. JACKSON-LEE] mentioned.

In particular, this bill provides funding for Sims, Brays, and Greens Bayous, and follows legislation that we passed in the Water Resources Development Act in the last Congress, including that authored by myself and the gentleman from Texas [Mr. DELAY] of the Houston area.

Mr. Speaker, I am grateful for the committee's decision to fully fund the Sims Bayou project at $13 million for fiscal year 1998. This is an ongoing project, which the Corps of Engineers initially asked for $13 million, but the administration's budget only provided $9.5 million.

The additional funding is what the corps asked for and will allow for two additional contracts to be funded and the project to remain on schedule, which is very important to the people that live along that watershed who have experienced a lot of flooding, and this will result in rapid completion of the project.

I also appreciate the fact that the bill includes funding for the expansion of the Houston Ship Channel. This is the first expansion of the ship channel in 30 years. The ship channel has the second largest amount of tonnage of any port in the United States, and it is a major player in the economy in our area.

I might also add that this ship channel modernization is considered the largest dredging project since the Panama Canal. But in particular, I appreciate the fact that the committee had the foresight to deal with this problem because the administration's original proposal would not have fully funded the project and created numerous legal problems. So the committee has done yeoman's work on this.

Mr. Speaker, I urge my colleagues to support the rule and support the bill.

Mr. MOAKLEY. Mr. Speaker, I would inquire of the amount of time remaining for both parties.

The Speaker pro tempore [Mr. NUSSLE]. The gentleman from Massachusetts [Mr. MOAKLEY] has 7 minutes remaining, and the gentleman from Washington [Mr. HASTINGS] has 2½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE].

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.]

Mr. LAFALCE. Mr. Speaker, I have five sites in my district, which are in the Formerly Utilized Sites Remedial Action Program, and that is why I am very concerned about the transfer of FUSRAP from the Department of Energy to the Corps of Engineers, which has been included as part of this appropriations bill. DOE has already completed cleanup in 24 of the 46 FUSRAP sites around the country, and is currently planning an accelerated cleanup of the remainder.

I have a great deal of respect for the Army Corps of Engineers, and I have no doubt that over time it can do a fine job with FUSRAP, but I do not think this is the time to switch horses in midstream.

The administration also opposes this transfer of authority over FUSRAP. In a letter to Chairman LIVINGSTON of the Committee on Appropriations dated July 16, Franklin Raines, the Director of OMB, states:

> The administration strongly opposes the transfer of the Formerly Utilized Sites Remedial Action Program from DOE to the Corps of Engineers. Transferring this well-managed program to another agency would be disruptive and would most likely delay completion and increase costs.

I hope this particular provision can be addressed and changed in conference with the Senate. I also hope the level of funding provided for FUSRAP would be significantly increased in conference to more closely reflect the administration's $182 million request for fiscal 1998 in order to clean up the remaining FUSRAP sites as quickly as possible.

Mr. Speaker, I have five sites in my district which are in the Formerly Utilized Sites Remedial Action Program, more than any other Member of Congress. The communities of Buffalo, Tonawanda, and Niagara Falls in my district made a disproportionate sacrifice for the Nation's nuclear successes in the Manhattan project and the cold war. Now, the radioactive legacy of those efforts must be cleaned up as efficiently, safely, and quickly as possible.

That is why I am very concerned about the transfer of FUSRAP from the Department of Energy to the Army Corps of Engineers which has been included as part of this Energy and

Water Development appropriations bill. DOE has already completed cleanup in 24 of the 46 FUSRAP sites around the country, and is currently planning an accelerated cleanup of the remainder. I have a great deal of respect for the Army Corps of Engineers and have no doubt that, over time, it could do a fine job with FUSRAP. But now is not the time to switch horses in midstream.

The administration also opposes this transfer of authority over FUSRAP. In a letter to Chairman LIVINGSTON of the Appropriations Committee dated July 16, Franklin D. Raines, the Director of OMB, states:

The administration also strongly opposes the transfer of the Formerly Utilized Sites Remedial Action Program [FUSRAP] from DOE to the Corps of Engineers—Transferring this well-managed program that is nearly complete to another agency would be disruptive and would most likely delay completion and increase costs.

Whatever problems existed in the past with the DOE's performance in FUSRAP cleanup, I believe the DOE is now making a genuine effort to correct them. Just yesterday, local citizens in one of my cities agreed to the Department of Energy's plan for the cleanup of two of these sites. In any case, the fencing language in the bill, which sets standards which must be met before funds can be expended, should be insurance enough that the DOE will properly conduct its FUSRAP cleanups. I am concerned that a transfer of this responsibility from the DOE to the Army Corps of Engineers at this point could delay the cleanups that are now underway and planned, and I hope this particular provision can be addressed and changed in conference with the Senate.

I also hope the level of funding provided for FUSRAP must be significantly increased in conference to more closely reflect the administration's $182 million request for fiscal year 1998 in order to clean up the remaining FUSRAP sites as quickly as possible.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise in support of a very important provision of the Energy and Water Appropriations bill that provides for the $23.8 million for the widening and deepening of the Port of Houston. This construction project is investment not only in Houston's future, but also in the economic viability of our Nation, and I am proud to represent a large portion of the Port of Houston. The port provides $5.5 billion in annual business revenue and creates 196,000 direct and indirect jobs in our community.

By generating $213 million annually in State and local taxes, this project will more than pay for itself over the next several years.

With last year's passage of the Water Resources Development Act, the Port of Houston was authorized to receive $240 million in Federal funds for the deepening and widening project. Additionally, in a 1989 bond election, Houston voters approved $130 million in local contributions.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], the ranking member, and also the gentleman from Texas [Mr. EDWARDS], my friend and fellow Texan who serves on the subcommittee. The gentleman from Texas has been instrumental in working with us on this important project.

The expansion of the port is important to Houston on many levels. The Port of Houston, connected to the Gulf of Mexico with a 53-mile ship channel, is the busiest U.S. port in foreign tonnage, second in domestic tonnage, and the eighth busiest U.S. port overall. With more than 5,535 vessels navigating the channel annually, and anticipated increases over the next few years, the widening of the channel from 400 to 520 feet and its deepening from 40 to 45 feet is necessary to safeguard the economic viability of the port.

The Port of Houston generates $5.5 billion annually to the Nation's economy and the port generates over $200 million again in State and local taxes and nearly $300 million in customs fees, so there is no doubt that the Port of Houston continues to be a vital force in the commerce of the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Chairman, the Hanford Nuclear Reservation is heavily contaminated as a result of nuclear weapons-related activities that took place during the Cold War. The Fast Flux Test Facility was built there as part of the Clinch River Breeder Reactor Program, which was canceled in 1983.

Does the Chairman agree that nothing should be done with FFTF now that diverts resources from the primary mission of Hanford, which is cleanup?

Mr. MCDADE. Mr. Speaker, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I agree with the gentlewoman from Oregon [Ms. FURSE.] The gentlewoman is correct.

Ms. FURSE. Mr. Speaker, I would like to discuss the amendment I considered offering on the Energy and Water appropriations bill. It calls for beginning to permanently retire the Fast Flux Test Facility, known as FFTF, at the Hanford Nuclear Reservation in Washington State. It allows funds to be used only for deactivation and cleanup of the facility.

I believe it is time we stop wasting $40 million a year on this white elephant. It is time that we spend environmental cleanup money on real cleanup.

There are several reasons why we should deactivate FFTF.

First, we need to stop wasting taxpayer dollars on FFTF.

FFTF was part of the Clinch River Breeder Reactor Program, which Congress cancelled in 1983. It has been searching for a mission ever since, to the tune of some $40 million last year. In 1993, DOE announced it would begin the shutdown of FFTF. The sooner we begin deactivating FFTF, the sooner we can stop wasting money to maintain it.

Second, cleanup funds should be used for cleanup.

Early this year, FFTF was added to as a candidate to produce tritium, which is used to boost the power of nuclear weapons. Funding for FFTF currently comes from the Non-Defense Environmental Management account. The purpose of that account is for environmental restoration activities, waste management functions, and nuclear materials and facilities stabilization activities. Keeping FFTF on hot standby as a potential source of tritium is none of those things.

Third, Hanford's mission must remain cleanup.

Hanford is the most contaminated site in the Western Hemisphere. Its sole mission needs to be cleanup. Producing tritium there will create more contamination and divert resources.

Fourth, FFTF is expensive to operate.

If FFTF were to be used for producing tritium, it would require highly-enriched plutonium for fuel. That creates a waste stream that is very difficult to manage. FFTF was not designed to produce tritium and would have to undergo significant technical modifications first.

Fifth, FFTF is an unreliable type of reactor.

FFTF is a sodium-cooled reactor. Germany, Britain, and France have all cancelled this type of reactor due to safety and reliability concerns.

Finally, FFTF is not needed for producing medical isotopes.

I want to share with my colleagues the response to my questions regarding this issue at a House Commerce Subcommittee hearing in February. During that hearing, the Acting Secretary of Energy said those who propose to use FFTF as a medical isotope facility "would have a very, very hard burden of persuasion at the Department that that makes sense."

My amendment is endorsed by a number of taxpayer, environmental and arms control groups. They include the Council for Citizens Against Government Waste, Taxpayers for Common Sense, the Council for a Livable World, Friends of the Earth, Greenpeace, the Military Production Network, Peace Action, Physicians for Social Responsibility, Plutonium Challenge, 20/20 Vision, and the U.S. Public Interest Research Group.

I would like to submit to the RECORD the resolution adopted nearly unanimously by the Oregon Legislature last month. It says, in part, that the State of Oregon is unalterably opposed to the use of the Hanford Nuclear Reservation for operations that create more contamination, divert resources from cleanup and make Hanford cleanup more difficult.

My constituents want Hanford cleaned up. My amendment will assure that the necessary steps are taken to enable us to finally move in that direction with FFTF.

This bill passed 53–3 (with 4 excused) in the Oregon House of Representatives and 28–1 (with 1 excused in the Oregon Senate.

69TH OREGON LEGISLATIVE ASSEMBLY—1997 REGULAR SESSION

NOTE: Matter within {+braces and plus signs+} in an amended section is new. Matter within {−braces and minus signs−} is existing law to be omitted. New sections are within {+braces and plus signs+}.

LC 3730

A-Engrossed House Bill 3640

Ordered by the House June 5

Including House Amendments dated June 5

Sponsored by Representative SOWA; Representative ROBERTS, Senators DERFLER, TROW.

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes findings regarding Hanford Nuclear Reservation {−and Idaho National Engineering Laboratory−}, importance of uncontaminated ecosystem and state's history regarding nuclear facilities. Declares state policy concerning processing of mixed oxide fuel at Hanford Nuclear Reservation {−and Idaho National Engineering Laboratory−}. Requests that federal officials clean up Hanford Nuclear Reservation. {−Refers Act to people at next regular general election.−}

A BILL FOR AN ACT

Relating to nuclear facilities.

Be It Enacted by the People of the State of Oregon:

SECTION 1. {+The Legislative Assembly and the people of the State or Oregon find that:

(1) The maintenance of healthy, unpolluted river systems, airsheds and land are essential to the economic vitality and well-being of the citizens of the State of Oregon and the Pacific Northwest.

(2) Radioactive waste stored at the Hanford Nuclear Reservation is already leaking into and contaminating the water table and watershed of the Columbia River and radioactive materials and toxic compounds have been found in plants, animals and waters downstream from the Hanford Nuclear Reservation and constitute a present and potential threat to the health, safety and welfare of the people of the State of Oregon.

(3) The Hanford Nuclear Reservation is now one of the most radioactively contaminated sites in the world, according to government studies, and will require billions of dollars in costs for cleanup and the ongoing assessment of health effects.

(4) In November 1980, the people of the State of Oregon, by direct vote in a statewide election, enacted a moratorium on the construction of nuclear power plants, and no nuclear power plants are presently operating in the State of Oregon.

(5) In May 1987, the people of the State of Oregon, by direct vote in a statewide election, enacted Ballot Measure 1, opposing the disposal of highly radioactive spent fuel from commercial power plants at the Hanford Nuclear Reservation.

(6) In 1995, the Legislative Assembly resolved that Oregon should have all legal rights in matters affecting the Hanford Nuclear Reservation, including party status in the Hanford tri-party agreement that governs the cleanup of the reservation.

(7) Throughout the administrations of Presidents Ford, Carter, Reagan and Bush, the policy of the Federal Government banned the use of plutonium in commercial nuclear power plants due to the risk that the plutonium could be diverted to terrorists and to nations that have not renounced the use of nuclear weapons.

(8) The Federal Government has announced that it will process plutonium from weapons with uranium to produce mixed oxide fuel for commercial nuclear power plants and other nuclear facilities. The Hanford Nuclear Reservation, located on the Columbia River, is a primary candidate site being considered for the production facilities.

(9) The production of mixed oxide fuel will result in enormous new quantities of radioactive and chemical wastes that will present significant additional disposal problems and unknown costs.+}

SECTION 2. {+The Legislative Assembly and the people of the State of Oregon:

(1) Declare that the State of Oregon is unalterably opposed to the use of the Hanford Nuclear Reservation for operations that create more contamination at the Hanford Nuclear Reservation, divert resources from cleanup at the Hanford Nuclear Reservation and make the Hanford Nuclear Reservation cleanup more difficult, such as the processing of plutonium to fuel nuclear power plants, reactors or any other facilities, and further declare that vitrification in a safe manner is the preferred means to dispose of excess plutonium, in order to protect human health and the environment.

(2) Request that the President of the United States and the Secretary of the Department of Energy continue their previous policy of banning the use of plutonium to fuel commercial power plants and nuclear facilities.

(3) Request that the Federal Government honor the Federal Government's original mandate to implement and complete the cleanup and restoration of the Hanford Nuclear Reservation.+}

SECTION 3. {+Not more than 10 days after the effective date of this Act, the Secretary of State shall transmit copies of sections 1 and 2 of this Act to the President of the United States, the Secretary of the Department of Energy, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, each member of the Oregon Congressional Delegation, the Governors of the other 49 states and the tribal councils of the federally recognized Indian tribes in Oregon, Washington and Idaho.+}

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey, [Mr. ROTHMAN].

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I rise to engage in a colloquy with the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, I have a FUSRAP site in my district in Maywood, NJ, and I am very concerned about the committee's proposal to transfer responsibility for this program from the Department of Energy to the Army Corps of Engineers.

Mr. Speaker, cleanup of this site has been in progress for 13 years, and it should be completed in another 4. I want to be able to assure the residents of Maywood that these actions will not jeopardize or slow down the cleanup of this site.

Mr. Speaker, I would be grateful if the gentleman from Pennsylvania could assure me that this transfer of responsibility from the DOE to the Army Corps will not stop or slow down the progress which is being made at the Maywood site and that existing contracts and agreements will be honored.

Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I appreciate the concerns of my colleague, and I want to assure the gentleman that it is clearly the intention of the committee to expedite cleanup at these sites, complete ongoing activities and cleanups as quickly as possible, and to honor existing agreements.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise to engage the gentleman from Pennsylvania [Mr. MCDADE] in a colloquy.

Mr. Speaker, it is my understanding that the Section 107 program allows the Army Corps of Engineers to engage in small navigation construction projects absent a specific authorization. According to Section 107, the sand transfer plant project at Lake Worth Inlet, which requires just $354,000 in funding for preliminary design and engineering, is eligible for funding under this authority and indeed should be so funded with monies made available in this legislation.

Mr. Speaker, would the gentleman from Pennsylvania [Mr. MCDADE], THE CHAIRMAN, BE WILLING TO CONSIDER THIS IN CONFERENCE?

Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I want to say that the gentleman from Florida [Mr. HASTINGS], my friend, has briefed me extensively on this project and we are very willing to work with the gentleman as this issue works toward conference.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman in advance for his help.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this rule. This is an open rule, and I think what it represents is what the Committee on Rules has been trying to do on many occasions, which is to have an open rule so we can have open discussion on any issues that the Members want to bring to the floor.

Mr. Speaker, I also want to commend the gentleman from Pennsylvania [Mr. MCDADE], the chairman, and the gentleman from California [Mr. FAZIO] for their work on this. It certainly shows that when there is a will, that we can get something done with bipartisan support on a bipartisan basis.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, and that I be permitted to include tabular and extraneous materials.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2203.

□ 2143

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time. The gentleman from Pennsylvania [Mr. MCDADE], and the gentleman from California [Mr. FAZIO], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated when the Committee on Rules kindly yielded time to us to consider colloquies, we have a number of Members who have colloquies which are very important to each one of them and we are going to take care of them with expedition and try to get that done.

Before I say anything about the bill or anything else, however, I want to express my appreciation to the gentleman from California [Mr. FAZIO], my dear friend the ranking member, who performed with great diligence and made great impact on the bill. And I want to say to the gentleman that it is a pleasure to work with him. I appreciate all of his efforts and guidance.

Let me say too, Mr. Chairman, that I want to tell every single member of this subcommittee how grateful I am for their diligence and their efforts. Every one of them put a footprint on this bill and added to its unanimous nature.

Mr. Chairman, this bill is reported unanimously from the subcommittee and unanimously from the full committee. It is because all of us as Members worked together, aided by one of the ablest staffs on Capitol Hill. I have nothing but thanks to the staff for their diligence, their efforts, their intelligence, their persistence, and their patience. All of them worked extremely hard and we are grateful to them.

Mr. Chairman, I rise in strong support of H.R. 2203, the Energy and Water Development appropriations bill for fiscal year 1998. The Energy and Water bill is a fiscally responsible measure which continues to protect important priorities of Congress. At $20 billion, the bill is $52 million above the fiscal year 1997 level and $2.6 billion below the budget request. The bill is within its allocation of both budget authority and outlays.

The subcommittee has worked diligently to strike the right balance between the energy and water programs funded in this bill. Unfortunately, the administration's request underfunds vital water resource activities across the country, including flood control, shore protection activities, and harbor maintenance. The subcommittee has been deluged with a crushing number of requests from Members regarding water resource projects in their districts. Recognizing the value of these investments, the subcommittee has been as accommodating as possible to Members within the constraints of a severe budgetary environment.

Mr. Chairman, the Energy and Water bill includes $4 billion for the Corps of Engineers. This amount includes an increase of $550 million, or 16 percent, over the budget request for the water resource activities of the corps. Still, this amount is $188 million below the amount appropriated last year. Although the subcommittee was unable to fund all the worthy requests it received for water projects, it did commit a substantial amount to protect and enhance our vital investment in the country's water resource infrastructure.

Notably, the recommendation rejects the proposed policies of the administration that would: First, require full upfront funding of Corps of Engineers construction projects, and second, severely restrict the role of the corps in shoreline protection and small harbor navigation projects. With respect to these administration initiatives, the committee was confronted with enormous opposition and no visible support.

The Formerly Utilized Site Remedial Action Program [FUSRAP], previously funded as a program of the Department of Energy, is included in this bill as a program of the Army Corps of Engineers, The committee has increased the budget for this program—established to clean up sites participating in the country's early development of nuclear weapons materials—by nearly 50 percent over last year to $110 million. This increase, coupled with the transfer of programmatic responsibilities to the corps, is intended to accelerate the cleanup of contaminated sites, enhance program efficiency, and reduce costs to the taxpayer.

Title II of the bill includes funding for programs of the Department of the Interior, including the Bureau of Reclamation. The $910 million recommended in title II is $23 million below the budget request and an increase of $86 million over the current fiscal year. The recommendation includes $120 million—$23 million below the budget request—for a new initiative: the Bay-Delta Enhancement and Water Supply project. This new program is designed to protect and enhance water resources in northern California's Bay-Delta region. It is worth noting that voters in the State of California have passed a $1 billion bond issue for purposes complementary to the Federal investment.

Title III includes funding for both defense and nondefense functions of the Department of Energy. The recommendation for the Department of Energy is $15.3 billion, $3.2 billion below the budget request. The reduction from the request is largely due to the rejection of the administration's proposals for Environmental Management privatization and full upfront funding of construction projects.

Eleven billion dollars—over half of the bill—is committed to the atomic energy defense activities of DOE. Of this amount, nearly $5.3 billion is devoted to the cleanup of our nuclear defense production complex. Other defense activities funded in this bill include the maintenance of our nuclear weapons stockpile, nonproliferation efforts, and the disposal of defense nuclear waste. The defense portion of the bill is generally consistent with the House National Security authorization bill for fiscal year 1998.

The remaining $4.3 billion appropriated to the Department of Energy is to continue the important civilian activities of the Department. The committee has been especially protective of basic science and energy research conducted by the Department, appropriating $2.2 billion to a newly created science account. This account funds efforts involving nuclear physics, high energy physics, basic energy sciences, and biological and environmental research.

The bill includes $225 million for fusion energy sciences, including funding for the International Thermonuclear Experimental Reactor project. High energy physics and nuclear physics programs are funded at $680 million and $321 million, respectively—a $5 million increase over the budget request for each program. Furthermore, the bill fully funds the budget request for the human genome project, $85 million; the large hadron collider, $35 million; the National Spallation Neutron Source, $23 million; and other high-value basic research programs.

Mr. Chairman, the bill provides a grand total of $329.3 million in direct support of solar and renewable energy activities of the Department of Energy. The bill includes $285 million for solar and renewable energy programs directly administered by the Office of Energy Efficiency and Renewable Energy. This represents an increase of $18.7 million over the fiscal year 1997 level. In addition, the recommendation includes $44 million for basic renewable energy research activities of the Office of Energy Research.

The bill also includes a total of $350 million for the nuclear waste disposal activities of DOE, including the continued characterization of Yucca Mountain in Nevada as a potential geologic repository. This is $30 million less than the budget request and $32 million less than the amount provided in fiscal year 1997. Of the total amount, $160 million is to be derived from the Nuclear Waste Fund, capitalized by contributions of nuclear utility ratepayers, and $190 million represents the Federal contribution for disposal of high-level defense waste.

I would note, Mr. Chairman, that the bill does not provide funding for two new spending programs proposed by the administration for fiscal year 1998: the Nuclear Energy Security Program and the Next Generation Internet initative. Given the severe budgetary environment, as well as the committee's concerns about DOE mission creep, the committee was disinclined to initiate these new spending proposals.

The bill applies several management reforms to the Department of Energy. These reforms are designed to promote efficiency, enhance accountability, and control departmental mission creep. There are general provisions in the bill, which, among other things: Require that management and operating contracts be competitively awarded; demand adherence to Federal Acquisition Regulations; permit the award of support service contracts only in instances where such contracts are demonstrably cost-effective; and require an independent assessment by the Corps of Engineers of all new DOE construction projects. The committee is confident that these reforms will help the Department achieve a higher standard of accountability to Congress and the taxpayer.

Title IV of the bill provides $194 billion for various independent agencies, including the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, and the Nuclear Regulatory Commission. The amount recommended is a reduction of $105 million below the fiscal year 1997 enacted level and $116 million below the budget request.

The elimination of direct appropriations to the Tennessee Valley Authority accounts for the large reduction in funding for independent agencies. Earlier this year, the Chairman of TVA proposed elimination of Federal appropriations after fiscal year 1998. The committee was so enthused by this proposal that it decided to accelerate its implementation by 1 year. Although TVA—a $5.7 billion enterprise—will not receive appropriations in fiscal year 1998, it is directed under this bill to continue its essential nonpower programs using internally generated revenues and savings. This approach preserves the prerogative of Congress and its committees to determine the long-term future of TVA's nonpower programs.

The sum of $160 million is provided for the Appalachian Regional Commission and $16 million is included for the Defense Nuclear Facilities Safety Board. These amounts represent level funding for both agencies. In addition, the bill includes $463 million for the Nuclear Regulatory Commission and $2.4 million for the Nuclear Waste Technical Review Board.

Mr. Chairman, I want to thank the Members of the Energy and Water Subcommittee who have worked so hard to make this a well-balanced bill. This balance would not be possible without their full cooperation and dedicated efforts. I am especially grateful to my esteemed colleague and ranking minority member, the Honorable VIC FAZIO, with whom I have worked hand in hand to develop the recommendations in this bill. He is a formidable advocate of the programs within the subcommittee's jurisdiction, and I thank him for his considerable efforts.

Mr. Chairman, I urge all of my colleagues to support the Energy and Water Development appropriations bill, 1998.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1998 (H.R. 2203)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	153,872,000	150,000,000	157,260,000	+3,388,000	+7,260,000
Construction, general	1,081,942,000	1,062,470,000	1,475,892,000	+393,950,000	+413,422,000
(By transfer)	(1,000,000)			(-1,000,000)	
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	310,374,000	266,000,000	285,450,000	-24,924,000	+19,450,000
Emergency appropriations (P.L. 105-18)	20,000,000			-20,000,000	
Operation and maintenance, general	1,697,015,000	1,618,000,000	1,726,955,000	+29,940,000	+108,955,000
Emergency appropriations (P.L. 104-208)	19,000,000			-19,000,000	
Emergency appropriations (P.L. 105-18)	150,000,000			-150,000,000	
Regulatory program	101,000,000	112,000,000	112,000,000	+11,000,000	
Flood control and coastal emergencies	10,000,000	14,000,000	14,000,000	+4,000,000	
Emergency appropriations (P.L. 105-18)	415,000,000			-415,000,000	
Formerly utilized sites remedial action program			110,000,000	+110,000,000	+110,000,000
General expenses	149,000,000	148,000,000	148,000,000	-1,000,000	
Total, title I, Department of Defense - Civil	4,107,203,000	3,370,470,000	4,029,557,000	-77,646,000	+659,087,000
(By transfer)	(1,000,000)			(-1,000,000)	
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	25,827,000	23,743,000	23,743,000	-2,084,000	
Fish, wildlife, and recreation mitigation and conservation	11,700,000	11,610,000	11,610,000	-90,000	
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000		
Program oversight and administration	1,100,000	800,000	800,000	-300,000	
Total, Central Utah project completion account	43,627,000	41,153,000	41,153,000	-2,474,000	
Bureau of Reclamation					
General investigations	16,650,000			-16,650,000	
Construction program	394,056,000			-394,056,000	
Operation and maintenance	267,876,000			-267,876,000	
Emergency appropriations (P.L. 105-18)	7,355,000			-7,355,000	
Water and related resources		651,552,000	651,931,000	+651,931,000	+379,000
California Bay-Delta ecosystem restoration		143,300,000	120,000,000	+120,000,000	-23,300,000
Loan program	12,715,000	10,425,000	10,425,000	-2,290,000	
(Limitation on direct loans)	(37,000,000)	(31,000,000)	(31,000,000)	(-6,000,000)	
Policy and administration	46,000,000	47,658,000	47,658,000	+1,658,000	
Colorado River Dam fund (by transfer, permanent authority)	(-3,774,000)			(+3,774,000)	
Central Valley project restoration fund	38,096,000	39,130,000	39,130,000	+1,034,000	
Total, Bureau of Reclamation	782,748,000	892,065,000	869,144,000	+86,396,000	-22,921,000
Total, title II, Department of the Interior	826,375,000	933,218,000	910,297,000	+83,922,000	-22,921,000
(By transfer)	(-3,774,000)			(+3,774,000)	
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	2,699,728,000	2,999,497,000	880,730,000	-1,818,998,000	-2,118,767,000
Energy assets acquisition		43,582,000			-43,582,000
Uranium supply and enrichment activities	43,200,000			-43,200,000	
Gross revenues	-42,200,000			+42,200,000	
Net appropriation	1,000,000			-1,000,000	
Non-defense environmental management			497,619,000	+497,619,000	+497,619,000
Uranium enrichment decontamination and decommissioning fund	200,200,000	248,788,000	220,200,000	+20,000,000	-28,588,000
Science	996,000,000	875,910,000	2,207,632,000	+1,211,632,000	+1,331,722,000
Science assets acquisition		110,250,000			-110,250,000
Nuclear Waste Disposal Fund	182,000,000	190,000,000	160,000,000	-22,000,000	-30,000,000
Departmental administration	215,021,000	232,604,000	214,723,000	-298,000	-17,881,000
Miscellaneous revenues	-125,388,000	-131,330,000	-131,330,000	-5,942,000	
Net appropriation	89,633,000	101,274,000	83,393,000	-6,240,000	-17,881,000
Office of the Inspector General	23,853,000	29,499,000	27,500,000	+3,647,000	-1,999,000
Environmental restoration and waste management:					
Defense function	(5,619,304,000)	(6,058,499,000)	(5,263,270,000)	(-356,034,000)	(-795,229,000)
Non-defense function	(791,911,000)	(933,472,000)	(717,819,000)	(-74,092,000)	(-215,653,000)
Total	(6,411,215,000)	(6,991,971,000)	(5,981,089,000)	(-430,126,000)	(-1,010,882,000)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1998 (H.R. 2203)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Atomic Energy Defense Activities					
Weapons activities	3,911,198,000	3,576,255,000	3,943,442,000	+32,244,000	+367,187,000
Defense environmental restoration and waste management	5,459,304,000	5,052,499,000	5,263,270,000	-196,034,000	+210,771,000
Defense environmental management privatization	160,000,000	1,006,000,000	.....	-160,000,000	-1,006,000,000
Other defense activities	1,605,733,000	1,605,981,000	1,580,504,000	-25,229,000	-25,477,000
Defense nuclear waste disposal	200,000,000	190,000,000	190,000,000	-10,000,000	.....
Defense asset acquisition	.....	2,166,859,000	.....	.....	-2,166,859,000
Total, Atomic Energy Defense Activities	11,336,235,000	13,597,594,000	10,977,216,000	-359,019,000	-2,620,378,000
Power Marketing Administrations					
Operation and maintenance, Alaska Power Administration	4,000,000	1,000,000	1,000,000	-3,000,000	.....
Operation and maintenance, Southeastern Power Administration	16,359,000	14,222,000	12,222,000	-4,137,000	-2,000,000
Operation and maintenance, Southwestern Power Administration	25,210,000	26,500,000	25,210,000	.....	-1,290,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	182,230,000	194,334,000	189,043,000	+6,813,000	-5,291,000
(By transfer, permanent authority)	(3,774,000)	.....	.....	(-3,774,000)	.....
Falcon and Amistad operating and maintenance fund	970,000	1,065,000	970,000	.....	-95,000
Total, Power Marketing Administrations	228,769,000	237,121,000	228,445,000	-324,000	-8,676,000
Federal Energy Regulatory Commission					
Salaries and expenses	146,290,000	167,577,000	162,141,000	+15,851,000	-5,436,000
Revenues applied	-146,290,000	-167,577,000	-162,141,000	-15,851,000	+5,436,000
Total, title III, Department of Energy	15,757,418,000	18,433,515,000	15,282,735,000	-474,683,000	-3,150,780,000
(By transfer)	(3,774,000)	.....	.....	(-3,774,000)	.....
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	160,000,000	165,000,000	160,000,000	.....	-5,000,000
Defense Nuclear Facilities Safety Board	16,000,000	17,500,000	16,000,000	.....	-1,500,000
Nuclear Regulatory Commission:					
Salaries and expenses	471,800,000	476,500,000	462,700,000	-9,100,000	-13,800,000
Revenues	-457,300,000	-457,500,000	-446,700,000	+10,600,000	+10,800,000
Subtotal	14,500,000	19,000,000	16,000,000	+1,500,000	-3,000,000
Office of Inspector General	5,000,000	4,800,000	4,800,000	-200,000	.....
Revenues	-5,000,000	-4,800,000	-4,800,000	+200,000	.....
Subtotal	.....	.....	.....	.....	.....
Total	14,500,000	19,000,000	16,000,000	+1,500,000	-3,000,000
Nuclear Waste Technical Review Board	2,531,000	3,200,000	2,400,000	-131,000	-800,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	106,000,000	106,000,000	.....	-106,000,000	-106,000,000
Total, title IV, Independent agencies	299,031,000	310,700,000	194,400,000	-104,631,000	-116,300,000
Grand total:					
New budget (obligational) authority	20,990,027,000	23,047,903,000	20,416,989,000	-573,038,000	-2,630,914,000
Appropriations	(20,378,672,000)	(23,047,903,000)	(20,416,989,000)	(+38,317,000)	(-2,630,914,000)
Emergency appropriations	(611,355,000)	.....	.....	(-611,355,000)	.....
(By transfer)	(1,000,000)	.....	.....	(-1,000,000)	.....

□ 2145

Mr. MCDADE. Mr. Chairman, I yield to the gentleman from California [Mr. ROHRABACHER] for purposes of a colloquy.

Mr. ROHRABACHER. Mr. Chairman, I would like to add my congratulations to the gentleman from Pennsylvania [Mr. MCDADE], to the ranking member, the gentleman from California [Mr. FAZIO], to the gentleman from Louisiana [Mr. LIVINGSTON] and to all those who are involved in this piece of legislation. It is in keeping with the great tradition, I might add, of Tom Bevill, who did such a terrific job in heading this subcommittee, and Mr. Myers.

And, of course, all of these efforts over the years have been marked in this subcommittee by bipartisanship, and that is deeply appreciated on this Congressman's part.

I appreciate not only the gentleman's bipartisanship but also the great way he has been handling himself in the expertise behind this bill.

As the chairman and other House conferees prepare for conference with the Senate, I would like to call their attention to the water infrastructure restoration study in Huntington Beach, California. This study was initiated by the Corps of Engineers last year to assess the current status of the city's water infrastructure and to identify improvements to withstand an earthquake.

I would also like to mention the cost-shared feasibility study to determine the appropriate measures to shore up the coastal bluffs at Blufftop Park in Huntington Beach. Unfortunately funding was not included in the committee bill this year for these projects. I would ask if the chairman would be willing to work during the conference to identify funding to continue these critical studies.

Mr. MCDADE. Mr. Chairman, I want to commend my colleague for bringing these studies to my attention. The committee considered numerous projects and studies including studies of the seismic reliability of infrastructure in southern California similar to the Huntington Beach study. I look forward to working with my colleague regarding these studies that he mentioned as the bill moves through the process.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman and I thank the ranking member.

Mr. MCDADE. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ] to engage the chairman in a colloquy.

Ms. SANCHEZ. Mr. Chairman, I thank the gentleman for yielding me the time.

I would like to bring to the attention of the gentleman from Pennsylvania [Mr. MCDADE] an item that was authorized in the Water Resources and Development Act of 1996 and merits the committee's consideration for the energy and water appropriations bill for fiscal year 1998.

In January of 1995, heavy rains led to extensive flooding and property damage in the western portion of Garden Grove. Over 160 homes in Garden Grove were flooded. Due to this flooding a feasibility study for the Bolsa Chica Channel project was authorized in the Water Resources and Development Act of 1996.

Mr. MCDADE. Mr. Chairman, will the gentlewoman yield?

Ms. SANCHEZ. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I want to thank the gentlewoman for bringing this problem to our attention. I want to assure the gentlewoman from California [Ms. SANCHEZ] that we will work with her and with my friend, the gentleman from California [Mr. FAZIO] as the bill moves through the process to make every effort to address the problem.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

I am at this juncture happy to announce to the House that I have a unanimous consent request to make that I think will be of interest to the Members.

Mr. Chairman, I ask unanimous consent that all votes on the pending bill and amendments on the pending bill be reserved until tomorrow morning.

The CHAIRMAN. The Chair informs the gentleman that the Chair has that authority under the rule and does not need unanimous consent. So with that, the gentleman may proceed.

Mr. MCDADE. I appreciate the Chair's indulgence.

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first would like to congratulate my good friend, the gentleman from Pennsylvania [Mr. MCDADE] for the very hard work and dedication that he has exhibited in bringing this bill to the floor. As the new chairman of the Energy and Water Subcommittee, he has taken hold and demonstrated a unique spirit of bipartisanship and his strong leadership in guiding the energy and water policy of this country.

The recommended energy and water development appropriations bill for fiscal year 1998 is essentially level with last year and is within the allocation of both budget authority and outlays to this subcommittee. Consistent with tradition, the committee has smiled more favorably, I think it is fair to say, on water development projects than the administration has requested, to the tune of some $550 million over the budget request. The committee was literally inundated with a record number of requests from Members seeking funding for projects, many of which were newly authorized by the Water Resources Development Act of 1996.

Although we could not accommodate 100 percent of those requests, the gentleman from Pennsylvania [Mr. MCDADE has paid particular attention to these needs throughout the country, although the water development area is still significantly cut back by some $188 million below last year's amount.

The energy portion of the bill has suffered some severe cutbacks. Once again, in these tight budget years, it was difficult meeting all the competing priorities between environmental cleanup, stockpile stewardship, nuclear nonproliferation, renewable energy and basic energy research as well as defense needs. I think we have done as well as we can do. But we will be obviously dealing with a number of issues in conference. We have heard some comments here on the floor tonight about issues that I am sure we will work together to resolve, hopefully to the satisfaction of the Department of Energy and the administration.

I am particularly pleased that we were able to work out an agreement on the solar and renewable budget within the very strict limitations we had. For the first time, I believe, in all the years I have been on this subcommittee, we will not have an amendment on that subject because I believe we have satisfied a broad cross-section of the Members.

I would like to congratulate my good friend and colleague, Mr. JOE MCDADE, for his hard work and dedication in bringing this measure to the floor. As the new chairman of the Energy and Water Subcommittee, he has demonstrated a unique spirit of bipartisanship and strong leadership in guiding the energy and water policy of this country.

The recommended Energy & Water Development appropriations bill for fiscal year 1998 is essentially level with last year and within the allocation of both budget authority and outlays.

Consistent with tradition, the committee has smiled far more favorably on water development projects than the administration's request—to the tune of $550 million over the budget request.

The committee was inundated with a record number of requests from Members seeking funding for projects, many of which were newly authorized by the Water Resources Development Act of 1996.

Although we could not accommodate 100 percent of those requests, JOE MCDADE has paid particular attention to these needs throughout the country, although the water development area is still significantly cut back—by $188 million—below last year's amount.

In particular, I wanted to cite funding for a significant new initiative in California—the Calfed Bay-Delta environmental restoration initiative.

The San Francisco Bay-Delta system is the largest estuary on the West Coast. Millions of birds and 53 species of fish migrate through and live in the Bay-Delta Estuary, including many listed as threatened or endangered.

The estuary provides drinking water for 20 million people and irrigation water for 200 crops, including 45 percent of the Nation's produce.

The Bay-Delta is in dire need of a comprehensive and lasting plan to restore its ecological health and to improve its management, and to that end, farmers, environmentalists,

and water users throughout the State have come together to find long-term solutions.

Voters in the State overwhelmingly supported a $1 billion bond issue to fund such restoration efforts—Californians have clearly taken the initiative.

The administration requested $143 million for the first year of funding for the Federal share of projects related to Bay-Delta restoration, knowing that effective action will require close coordination between Federal, State, and local entities.

Our committee, in a tight budgetary year, included $120 million for this project, a significant step in getting this initiative underway and an amount that will be fully matched by funds approved by California voters.

The bipartisan California delegation as well as Governor Wilson is unanimous in their support for this initiative and grateful to our subcommittee for choosing to fund it in a tight budgetary year—we will fight to hold this funding level at conference.

The energy portion of the bill has suffered severe cutbacks. Once again in these tight budget years it was difficult meeting all of the competing priorities between environmental cleanup, stockpile stewardship, nuclear nonproliferation, renewable energy, basic energy research, and defense needs.

I am particularly pleased that we were able to work out an agreement on the solar and renewable budget within these strict limitations. In past years this issue has been in contention as an amendment on the floor of the House. In the interest of working in a renewed bipartisan fashion, Mr. MCDADE graciously offered to negotiate with myself and the 116 members of the Renewable Energy Caucus to find mutual agreement on the needed level of funding.

The level of funding agreed upon, $185 million, is a nominal increase over last year's budget. As a long time supporter of this program, I think this represents a substantial commitment to developing an alternative to our dependency on foreign oil. We have to look to our future energy needs and prepare to rely on new sources that are cleaner and renewable. I commend the chairman once again for his cooperation and support on this issue.

I am also pleased that we were able to fund the fusion program at the President's request. We are in the last year of funding for the design phase of this program, and this funding signals our commitment as a nation to seeing this project through this initial stage.

We also managed to fully fund the National Ignition Facility which will help take us into the next century with regard to the Comprehensive Test Ban Treaty. This new approach to stockpile stewardship is critical to eliminating underground testing and shepherding us into a more peaceful era.

I know the administration has some concerns with this bill. As the ranking member of the subcommittee, I look forward to working with them to address whatever problems may exist during the conference committee's consideration of this bill.

But overall, I believe this bill is well balanced and demonstrates great responsiveness on the part of the chairman and the subcommittee members to meet the energy and water needs of this country.

I want to urge my colleagues to support this measure and vote for its final passage today on the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. MCDADE. Mr. Chairman, in order to expedite the procedures of the House, there was a rule pending that the parties involved in have been working on for some hours. In order to expedite consideration of that rule, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KLUG) having assumed the chair, Mr. OXLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that consideration of H.R. 2159 may proceed according to the following order:

(1) The Speaker may at any time, as though pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1998, and for other purposes.

(2) The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations. After general debate, the bill shall be considered for amendment under the five-minute rule.

(3) Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with ''Provided'' on page 24, line 8, through ''justice'' on line 16. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph.

(4) The amendments printed in House Report 105–184 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. No other amendment shall be in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII.

(5) The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

(6) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(7) Notwithstanding any other provision of this order, the amendment numbered 1 in House report 105–184 shall be debatable for 40 minutes.

(8) Notwithstanding any other provision of this order, it shall be in order in lieu of the amendment numbered 2 in House report 105–184 to consider the amendment I have placed at the desk authored by Representative Gilman of New York, Representative PELOSI of California, Representative CAMPBELL of California, Representative LOWEY of New York, Representative GREENWOOD of Pennsylvania, Representative DELAURO of Connecticut and Representative SLAUGHTER of New York, which may be offered by any of the named authors, shall be debatable for 40 minutes, and shall otherwise be considered as though printed as the amendment numbered 2 in House report 105–184.

For clarification, Mr. Speaker, the perfecting amendment that I have just mentioned is to the amendment offered by the gentleman from New Jersey (Mr. SMITH), the gentleman from Michigan [Mr. BARCIA], the gentleman from Illinois [Mr. HYDE] and the gentleman from Minnesota [Mr. OBERSTAR].

AMENDMENT IN LIEU OF AMENDMENT NUMBERED 2 IN HOUSE REPORT 105–184

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961—

(1) in paragraph (1)(B), insert before the period at the end the following: '', or to organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning''; and

(2) in paragraph (2)(A), strike ''or engage'' and insert the following: ''or (except in the

case of organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning) engage''.

In the matter proposed to be inserted by the amendment as a new subsection (i) of section 301 of the Foreign Assistance Act of 1961, insert before the quotation marks at the end the following sentence: ''If the President is unable to make the certification required by paragraph (1) or (2) with respect to a fiscal year, the funds appropriated for the UNFPA for such fiscal year shall be transferred to the Agency for International Development for population planning activities or other population assistance.''.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SOLOMON] wish to add to his request?

Mr. SOLOMON. Mr. Speaker, I would ask that a section 9 be added to the unanimous-consent request: (9) House Resolution 185 is laid on the table.

That is the previous rule.

Mr. Speaker, might I also at this time make it clear that it is the intention of the Committee on Rules that the 40 minutes on each amendment be equally divided between the proponent and an opponent and that divided equally at the discretion of the manager of the amendment on both sides among the two parties.

The SPEAKER pro tempore. The Chair understands that the waiver of points of order against amendments pertains to those in the report actually or constructively and not those actually in the RECORD.

Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2200

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. KLUG). Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2203.

□ 2200

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, 52 minutes remained in general debate. The gentleman from Pennsylvania [Mr. MCDADE] has 26½ minutes remaining and the gentleman from California [Mr. FAZIO] has 25½ minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CASTLE] for purposes of a colloquy.

Mr. CASTLE. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman.

Mr. Chairman, I want to thank first of all the chairman and the ranking member and all the members of the subcommittee for the excellent work they did under difficult budgetary restraints, and I want to particularly comment favorably upon their treatment of my home State of Delaware. However, I would like to point out a short-term and potentially long-term problem in the small community of St. Georges, DE.

As the chairman knows, this Congress has recognized on a number of occasions that the United States has an ongoing legal obligation to provide good and sufficient crossings over many of our Nation's canals with ownership and operation bestowed upon the Army Corps of Engineers.

Currently, the Army Corps owns and operates four such crossings over the Chesapeake and Delaware Canal in Delaware, including two crossings at St. Georges. The Army Corps has notified the State of Delaware of its plan to close and remove one of those crossings, the St. Georges Bridge, at a cost of $20 million and without any consideration to my constituents or the taxpayers of this country.

I believe this plan is shortsighted and is being implemented without congressional consent from either the gentleman's committee or the authorizing committee which has jurisdiction. I believe that there are many cost-efficient alternatives that properly take into account cost, safety, and human need, but I am afraid these alternatives will not be fully considered once the corps moves ahead with their demolition plan.

I would therefore ask the chairman, whose committee oversees the Army Corps' spending, if it is his intent to allow the Army Corps to move ahead with a plan for the demolition of St. Georges Bridge without the consent of this body?

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. May I say as strongly as I can, Mr. Chairman, that it is not the intent of the committee to allow the corps to move ahead with the plan for the demolition of the St. Georges Bridge.

In the bill we are considering today, there are no funds, I repeat, no funds for the demolition of the bridge nor any report language directing the Army Corps to demolish the St. Georges Bridge.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, I thank the chairman, and I would hope that the chairman would work with me and the authorizers to see that a commonsense solution is found that benefits both the Army Corps, the taxpayers and, most importantly, my constituents.

Will the chairman work with me toward this goal?

Mr. MCDADE. Mr. Chairman, if the gentleman will continue to yield, it is my intent to work with my friend towards reaching a commonsense solution that benefits everybody involved.

I appreciate the gentleman's bringing this important issue to my attention, and I want to assure him that the committee will work to meet many of the Member's concerns regarding the St. Georges Bridge.

Mr. CASTLE. Mr. Chairman, this Member thanks the distinguished gentleman for his time.

Since this issue does affect a great number of my constituents, it could set a dangerous precedent which other Members may face in their districts, so I appreciate the gentleman's clarification.

Mr. MCDADE. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS] for the purposes of a colloquy.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time.

As the gentleman knows, I am particularly interested in the programs managed by the Office of Worker and Community Transition. I authored section 3161 of the 1993 defense bill that authorized these programs. I think they will continue to play a very important role as we go further into the post-cold war period. So I was worried about proposals initially in the report to limit the extent of these programs as they would continue at the Rocky Flats site and other sites where weapons production has ended but our final mission cleanup remains to be completed.

I am glad we were able to work out some changes on that part of the report so that there is no doubt that 3161 will continue to apply to Rocky Flats and other similar sites. I appreciate the gentleman's cooperation and that of the gentleman from Michigan [Mr. KNOLLENBERG] in getting those changes made.

However, I think there is still a need to clarify one related provision of the bill. As the gentleman knows, section 305 essentially makes section 3161 of the 1993 defense bill unavailable to ''employees of the Department of Energy.''

A question has come up as to whether that restriction extends to employees of DOE's contractors or subcontractors. And I just want to make sure that I am correct in understanding that section 305 of the bill refers only to Federal employees of the Department of Energy and not to employees of companies operating under DOE contracts or subcontracts.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I thank my friend for yielding, and let me say

that his interpretation is correct. Section 305 of the bill applies only to Federal employees and not to employees of any DOE contractor or subcontractor.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I thank the gentleman for his clarification.

Let me again express my thanks to him and the ranking member for the usual pleasure that this alumnus of the subcommittee had in working with him and with the ever-distinguished staff.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER] for purposes of a colloquy.

Mr. SENSENBRENNER. Mr. Chairman, I wish to engage the gentleman from Pennsylvania [Mr. MCDADE] in colloquy.

Mr. Chairman, the first sentence of section 301 of H.R. 2203 states, ''None of the funds appropriated by this act or any prior appropriations act may be used to award a management and operating contract unless such contract is awarded using the competitive procedures.''

First, I want to congratulate the chairman of the subcommittee for the strong endorsement of awarding such contracts on a competitive basis. For far too long the Department of Energy has awarded far too many M&O contracts on a sole-source basis.

However, I have a concern about the second sentence of section 301, which states, ''The preceding sentence does not apply to a management and operating contract for research and development activities at a federally funded research and development center.'' My concern is that this language may send an unintended signal to the DOE that Congress is encouraging sole-source awards of M&O contracts for research and development activities at federally funded research and development centers rather than encouraging more competition.

While I understand that in some cases sole-source awards of such M&O contracts may be justified, I would like the gentleman's assurance that this language does not prohibit nor discourage the competitive awards of M&O contracts for R&D.

Further, I would like to ask the gentleman from Pennsylvania if he would be willing to work with the Committee on Science to craft language that could be submitted to the conference committee that would address these concerns.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. May I say, Mr. Chairman, to my friend, the gentleman from Wisconsin [Mr. SENSENBRENNER], that the gentleman is correct, that the intent of this section is to encourage and foster more competition in the future awards of M&O contracts for the Department of Energy laboratories.

Furthermore, there is no intention to prohibit or discourage the Department from awarding M&O contracts for research and development on a competitive basis.

Finally, the gentleman has my assurances that the subcommittee will work with the Committee on Science to craft language that could be submitted to the conference that would address his concerns.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I thank the gentleman from Pennsylvania and look forward to working with him on this matter and on other important issues in the future.

As a general rule, I, as a Member of Congress, would prefer that all DOE contracts be awarded on a competitive basis, and I believe that the burden of proof should be on the department to justify any sole-source award.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank my friend for yielding me this time, and I wish to engage the gentleman from Pennsylvania and the gentlewoman from Idaho in a colloquy.

I am very concerned about the administration's proposed American Heritage Rivers Initiative. This initiative could threaten private properties if it is implemented. Although the initiative purports to be community-led, the Federal agencies involved will dominate the process and could well dictate to property owners how they can use their lands.

If this occurs, we could see a severe erosion of the private properties rights guaranteed to American citizens under the Constitution. A prime example of this could occur in the West where restricting cattle from streams, their only water supply, would create enormous uncompensated losses for ranchers.

The American people have not been given a voice in the process. The agencies involved are currently planning to reprogram funds for purposes that were not authorized or appropriated by Congress.

The reprogramming of funds to pay for an initiative where the voices of the American people have not been heard is simply not acceptable. Until Congress has reviewed this initiative and the agencies have provided substantial protections for private property rights, I am proposing that Congress in general, and the Subcommittee on Energy and Water Development of the Committee on Appropriations in particular, withhold any funds for implementation of the American Heritage Rivers Initiative.

Any assurances that the chairman can provide that no reprogramming requests will be entertained by the committee until all questions have been answered and private property rights have been protected would be appreciated.

Mrs. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Texas, and I really appreciate the gentleman from Texas bringing this matter to the attention of the Members. I, too, have grave concerns about the Clinton Administration's American Heritage Rivers Initiative.

There are so many things wrong about both the programming itself and the process by which it was brought forth that we simply do not have time to go into it now, but I wholeheartedly agree with the gentleman from Texas. Private property rights really are at risk.

I have to object also and am very concerned about the process by which this initiative was brought forward. The White House is attempting to spend millions of dollars on an unauthorized program. Congress has never authorized nor appropriated funds for the American Heritage Rivers Initiative. This means that other on-the-ground programs that have been authorized and appropriated for, such as programs in the Bureau of Land Management or programs in the Fish and Wildlife Service or the Forest Service, are being robbed to bring this unauthorized program, the American Heritage Rivers Initiative program, on line.

When we are so desperately striving to meet our existing obligations and commitments to the American people, when we ask the American people to once again tighten their belts, and when we continue to spend our grandchildren's money by engaging in deficit spending, I have to ask if this is really the best use of taxpayers' money. And I say that it is not. We must take care of what we already own and owe.

I introduced H.R. 1842, a bill to stop this proposal. I note that the gentleman from Texas is a cosponsor, and I thank him for raising this ill-conceived program to the attention of the Members.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, let me say that my friends from Texas and Idaho have raised a very important issue. Although the bill before us does not include language regarding the American Heritage Rivers Initiative, the committee shares both their concerns, and they can be certain that I will not agree to funding for this program until we can be assured that there are adequate protections for private property rights.

The gentleman from Texas and the gentlewoman from Idaho have my assurance that we will carefully consider any reprogramming related to the American Heritage Rivers Initiative.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the distinguished gentleman from

Pennsylvania, the chairman of the subcommittee, for yielding me this time in order to engage in a brief colloquy.

Mr. Chairman, I first of all want to thank the gentleman for the funding that Dade County and Palm Beach County, Florida, received under his committee's appropriation bill. I also appreciate the committee's rejecting the administration's policy to limit the role of the Corps of Engineers in shore protection policies.

I am deeply concerned, however, that one project in Broward County, FL for which I requested $17 million, only received $100,000.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, let me say to my friend that the committee provided $100,000 for the Corps of Engineers to review the general design memorandum for the renourishment of the Broward County project currently being prepared by the local sponsor.

Mr. SHAW. Mr. Chairman, reclaiming my time, the gentleman, as usual, is quite correct. However, large portions of Broward's beaches are severely eroded. While this is partly due to storm damage, it is mainly because the life of the project is nearing its end. The expected life of a renourishment project is 10 years, and Broward County is an excellent example of a beach restoration project that has worked exactly as it was designed.

In January 1996, Broward County's local sponsor made application for approximately $17 million in fiscal year 1998 appropriations, representing the Federal share of the estimated $27 million for the 12-mile-long Broward County beach nourishment and shore protection project.

□ 2215

This Federal cost-share was calculated in two Corps of Engineers approved section 934 reevaluation reports for segment II, which is Hillsboro Inlet to Port Everglades, and section III, which covers Port Everglades to South County Line. The county plans to include appropriate innovative project features, such as highly engineered structures, which will maximize the life of the beach fill, as requested by the State and Federal legislators.

Broward County requested the full Federal cost of the project in order to ensure maximum cost efficiencies. In fact, Broward County estimates that past nourishment projects have protected approximately $4 billion in infrastructure from storm damage.

However, Broward beaches are reaching minimum storm damage protection right now, and if implementation of the new project does not commence on schedule and we have a hurricane of any great strength, I fear next year I will be back to ask for double the requested amount just to repair the damage.

Mr. Chairman, feasibility studies have been completed on the project, and crucially needed additional appropriations could be used to commence action on this project.

I thank the chairman for listening to me in the past and for allowing me the chance to provide a more complete explanation of Broward's needs.

I yield back to the gentleman.

Mr. MCDADE. I want to commend my distinguished colleague, the gentleman from Florida [Mr. SHAW], for the briefing he gave me on this project for bringing to our attention. I understand, and we share his concerns on this issue. And we will continue to give this matter our deepest study during the conference.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KIND].

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Chairman, I want to commend the chairman of the committee and ranking member of the committee for the fine work they did on this bill. I rise in support of the bill.

Mr. Chairman, as we consider the Energy and Water appropriations bill for fiscal year 1998, I want to commend the chairman and members of the Appropriations Committee for maintaining funding for the Environmental Management Program [EMP]. By appropriating $16.7 million for 1998 the EMP will be able to operate at the same funding level as last year.

The Environmental Management Program is a cooperative effort of the U.S. Fish and Wildlife Service, the National Biological Service, and the U.S. Army Corps of Engineers to evaluate, restore, and enhance ravine and wetland habitat along a 1,200-mile stretch of the upper Mississippi and Illinois Rivers. The EMP is authorized through fiscal year 2002 in the Army Corps of Engineers budget.

The 1986 Water Resources Development Act authorized funding for the implementation of an overall Upper Mississippi River Basin Comprehensive Master Plan. This consisted of two essential components, one dedicated to improved navigation on the river for barge traffic, most notably lock and dam improvements, and the other to the long term environmental and recreational preservation of the river, which became the EMP.

The EMP is an essential tool in maintaining the quality of the river environment, as well as recreational and economic opportunities along the Mississippi River. Navigation along the upper Mississippi River supports 400,000 full or part time jobs, which produces over $4 billion in individual income. Recreation use of the river generates 12 million visitors and spending of $1.2 billion in direct and indirect expenditures in the communities along the Mississippi.

The EMP has always received bipartisan support, and this year is no different. Republican and Democratic members of Congress who represent areas along the upper Mississippi River joined me in helping secure adequate funding for the EMP in this year's Appropriations bill. The Governors of all five States who border the upper Mississippi and Illinois River—(Wisconsin, Illinois, Iowa, Minnesota and Missouri)—support the EMP and have been active in maintaining its long term viability.

The Mississippi River is a national treasure. It flows southward from Minnesota and Wisconsin through the heart of our Nation and into the Gulf of Mexico. The river is a vital source of clean water, a major navigational corridor, a crucial environmental ecosystem, an important flood damage reduction source and a tremendous recreational resource for millions of Americans. The Environmental Management Program serves a crucial role in protecting that resource so we can continue to provide for all of those needs into the future.

The unique bipartisan, multistate support that the EMP receives, and the strong level of cooperation between Federal agencies is a model for all government resource programs. No other program on the Mississippi River is doing the kind of data collection and habitat restoration projects that the EMP does. I applaud the members of the Appropriations Committee for the support of this valuable project and I urge my colleagues to fully support the EMP at the appropriated funding level.

On a personal note I want to thank Bob Dellany, the Director of the Environmental Management Technical Center [EMTC], and his staff for their dedicated work to study, protect and promote the upper Mississippi River. The folks at the EMTC, located in Onalaska, WI, do an outstanding job and they deserve our recognition and praise.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume, and I yield to my distinguished friend, the gentleman from Kentucky [Mr. WHITFIELD], for purposes of a colloquy.

Mr. WHITFIELD. Mr. Chairman, I want to commend the chairman and his staff and the minority and their staff for the work that they have done with me on many projects in my district, and I ask for the opportunity to enter into a colloquy with the chairman.

As the chairman knows from our many discussions, the national recreation area land between the lakes better known as LBL is in the district that I represent in Kentucky. LBL is the only federally owned national recreation area in the United States managed by the Tennessee Valley Authority and to my knowledge is the only national recreation area with no statutory governance.

My constituents are concerned about continued Federal support for LBL following the TVA Chairman Crowell's announcement to no longer seek funding for the non-power programs including LBL. That decision was later reversed by Chairman Crowell but not before the Subcommittee on Energy and Water Development had already approved the plan to eliminate all appropriated funds for non-power programs and instead pay for those activities from TVA revenues and savings from the power program.

I appreciate very much the chairman's efforts to find another source of revenue to finance LBL operations. However, my constituents remain skeptical about this funding approach and fear further reductions in Federal financial support for LBL because

there is no actual line item designating the amount LBL should receive. In the Senate passed bill, monies were appropriated for the non-power program and LBL received $7.9 million.

Mr. Chairman, do you share my view that the Federal Government is financially responsible for this national recreation area, which was established in the 1960's by the Kennedy administration and resulted in the forcible removal of over 800 families from their land in Kentucky?

Mr. MCDADE. Mr. Chairman, reclaiming my time, let me say that the answer to your question is yes. The committee fully expects TVA to commit sufficient funding to the Land Between the Lakes to permit continued enjoyment of these resources by the public. We have written into our report, may I say to my friend, that we will exercise vigorous oversight over this problem to make sure that this occurs and we are grateful to the gentleman for bringing it to our attention.

Mr. WHITFIELD. Mr. Chairman, if the gentleman would continue to yield, when he goes to conference with the Senate, is it his intention to support a funding level for LBL that will ensure the proper operation and maintenance of this national recreation area? I yield to the gentleman.

Mr. MCDADE. Mr. Chairman, reclaiming my time further, may I say to my colleague that the committee intends to work closely with the gentleman, as we have tried to today, to ensure that his interest in the continued operation and maintenance of LBL is protected.

Mr. WHITFIELD. If the gentleman will yield further, I thank the chairman very much. And once again, I want to thank him and his staff for their cooperation.

Mr. MCDADE. Mr. Chairman, let me say that we have about three, perhaps four more Members, and we are down toward the end of the colloquies on this side of the aisle. I believe my friend, the gentleman from California [Mr. FAZIO], has taken care of that side.

It is the Chair's intention, once we finish the colloquies, if there is any time left, to yield it back and to ask that the bill be considered as read and open for amendment. So I make that statement in order that Members who may want to introduce amendments will be advised that their opportunity may come very quickly.

Mr. Chairman, I yield to my friend, the gentleman from Ohio [Mr. LATOURETTE].

Mr. LaTOURETTE. Mr. Chairman, I rise tonight to engage the gentleman from Pennsylvania [Mr. MCDADE], an acknowledged friend and supporter of Great Lakes priorities, in a colloquy regarding the Army Corps of Engineers Division Reorganization Plan and recently authorized Sediment Remediation Technology Demonstration project.

Mr. Chairman, it has recently come to my attention that the Army Corps of Engineers is planning to restructure its Great Lakes and Ohio River Division by first severely reducing the number of employees, particularly those with decision-making authority, at its Chicago office and eventually closing down that facility. This plan is documented in an internal Army Corps memo that I will submit for the RECORD at the appropriate time. This plan would leave the Great Lakes region with only one office, in Cincinnati, and would obliterate the institutional memory that is so vital to Army Corps operations in this region.

Last year, when this Congress passed the Energy and Water Appropriations Act for fiscal year 1997, the Army Corps was directed to reduce its divisions to no less than six and no more than eight. The Department of the Army's Office of Civil Works submitted a plan to the Congress which detailed the restructuring plan, approved by the Secretary. Again, I will submit this document for the RECORD at the appropriate time.

The plan stated that, ''the Great Lakes districts of the North Central Division will be combined with the districts of the Ohio River Division to form the Great Lakes and Ohio River Division. Division headquarters will remain in both Chicago and Cincinnati, each with a deputy commander and SES.''

Mr. Chairman, do you agree with me that it is imperative that we exercise congressional oversight authority over the reorganization plan?

I will yield to the chairman.

Mr. MCDADE. I thank the gentleman for yielding, and I want to say to him that we remain interested in the Corps of Engineers division office reorganization plan. We will continue to monitor it, and we appreciate the gentleman bringing his concern to our attention.

Mr. LaTOURETTE. If the gentleman will yield further, I thank the chairman for his willingness to work on that issue.

The second issue that I would like to address is the Army Corps' sediment remediation technology program, also known as ARCS 2, which was authorized in the Water Resources Development Act of 1996. This program is important to my district and Members' districts throughout the Great Lakes because of the huge quantity of contaminated sediments in the Lakes. Contaminated sediments in the Great Lakes are the largest repository of toxic pollution in the basin and pose a threat to human health as these toxins are slowly released into the water where they can enter the food chain through fish and birds.

The sediments, primarily in harbors, collect many pollutants that have been entering the Great Lakes for decades. A total of 362 contaminants have been identified in the Great Lakes sediments, many of which are known to have potentially severe human health impacts.

The current Energy and Water Appropriations bill does not include language regarding the ARCS 2 account. Pilot and laboratory-scale projects for the assessment and remediation of contaminated sediments were conducted under the assessment of remediation of contaminated sediments authority in the Clean Water Act. Section 515 of the WRDA bill of 1996 builds upon the old ARCS program by directing the Army Corps to conduct full-scale demonstration projects of promising sediment remediation technology. Such full-scale projects are an essential next step to removing the clean-up process from the planning to the implementation phase.

Mr. Chairman, as you are aware, it is within your jurisdiction to see that this issue is addressed in the conference on the energy and water bill in the Senate. I would request on behalf of my colleagues in the Great Lakes region that you support the inclusion of language that will allow the Army Corps to move forward with this important sediment remediation program for fiscal year 1998.

I would further yield to the chair.

Mr. MCDADE. I thank the gentleman for yielding, and I appreciate my colleague bringing this matter to our attention. I look forward to working on this issue as the bill moves through the appropriations process.

Mr. LaTOURETTE. If the gentleman will yield further, Mr. Chairman, I wish to thank him for his wisdom and continued support of the issues important to myself and those in the Great Lakes region. I look forward to working with him on this and other matters. I thank him for his courtesy.

Mr. MCDADE. Mr. Chairman, I yield as much time as he may consume to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding. Let me also take this opportunity to thank the chairman of the subcommittee and the ranking member for the excellent work they have done in producing this bipartisan bill so important, indeed so vital to the State of Arizona.

Mr. Chairman, as you may know, San Carlos Lake, located in the Sixth District, is now on the verge of drying up. Current estimates suggest it could be dry by September. Now as we might expect, this is causing great concern among the local residents because this lake has great recreational value; and, Mr. Chairman, as we all know, it is vital economically to the residents of the sixth district living around San Carlos Lake.

Commensurate with the philosophy of the new majority, Mr. Chairman, we are seeking to solve this problem, first at the State level, but certainly we would be remiss if we did not try to employ every opportunity and explore every avenue of possibility that may exist. And, so, Mr. Chairman, I simply rise to say that I would appreciate the gentleman's help in exploring ways to provide assistance to these people of Arizona's sixth district as we seek to prevent this lake from drying out.

Mr. MCDADE. Mr. Chairman, reclaiming my time, let me tell my colleague that we are grateful to him for bringing this to our attention. We realize the serious nature of the problem, and we will be glad to work with him through the process to try to resolve it.

Mr. HAYWORTH. Mr. Chairman, if the gentleman would further yield, I very much appreciate the chairman of the subcommittee. I appreciate his attention to so many matters of vital importance within the State of Arizona and certainly his attention in this regard.

Mr. MCDADE. Mr. Chairman, for purposes of a colloquy, I am pleased to yield as much time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding. I would ask the chairman of the Appropriations Subcommittee on Energy and Water to engage in a colloquy regarding the transfer of FUSRAP responsibility from the Department of Energy to the Army Corps of Engineers.

Mr. Chairman, my district in Missouri has a major FUSRAP site which contains nuclear contamination from the Manhattan Project and other hazardous waste as well. For 15 years, the St. Louis community has attempted to work with the Department of Energy to clean up this site. After years of frustration and delay, however, the Department of Energy has finally begun a serious effort to begin to clean up the site. Contracts have been let, feasibility studies completed, the site recommendations have been prepared and commitments have been made.

As a result, Mr. Chairman, there are many people in the community, who while very appreciative of the abilities of the Army Corps of Engineers, are very concerned that the progress we finally made in getting DOE to clean up the site will be undone by this transfer. As a result, I would like to ask the gentleman, as a sponsor of this legislation, to clarify some of the concerns the community and I have about the effects of the legislation.

Although there is no formal record of decision yet for this clean-up, in St. Louis, several feasibility sites have been completed and a site recommendation has been made by the Department of energy. Would the Army Corps of Engineers respect these studies and the site plan and the contracts which have already been let for work at the site?

Mr. MCDADE. Reclaiming my time, let me say that we are appreciative to the gentleman for bringing this important problem to our attention. Let me say that the committee intends that the feasibility studies and the site recommendations prepared by the DOE at the time of the enactment of this legislation will be accepted and carried out by the Corps of Engineers and that existing contracts will be honored.

Mr. TALENT. Mr. Chairman, if the gentleman would yield further, I thank the gentleman for his responsiveness.

The Department of Energy, in its site recommendations, has targeted the year 2004 for completion of this project. I would say to the gentleman it is very important to the community that this commitment be maintained.

Mr. MCDADE. Mr. Chairman, reclaiming my time, we have, as you know, because we have discussed it substantially, increased money appropriated to the FUSRAP program, with the intent that it will be more likely that the sites will be cleaned up on schedule.

Mr. TALENT. If the gentleman would yield further, I thank the gentleman.

One other concern: The local community has been very involved in designing a plan to clean up the site. Their concern is that the administration of clean-up will be moved away from the St. Louis area to Omaha, reducing the community's input and influence on the clean-up process.

If the Army Corps of Engineers takes over the FUSRAP program, is it committee's intention that it be administered out of the St. Louis Corps office?

Mr. MCDADE. Reclaiming my time, let me say to the gentleman that the Corps of Engineers typically manages projects from its closest district office and we would intend for that to be done.

□ 2230

Mr. TALENT. I thank the gentleman for his assurances and I thank him and the ranking member for their hard work on this outstanding bill.

Mr. MATSUI. Mr. Chairman, I rise in strong support of this legislation. The bill contains several provisions that will be critically important to the safety of the Sacramento area that I represent.

I wish to express my deep gratitude to the Appropriations Committee, particularly Energy and Water Development Subcommittee Chairman JOE MCDADE and ranking member VIC FAZIO, for their recognition of the severe danger of flooding that my district faces. The bill they have crafted will allow for significant progress on the project for flood protection from the American River authorized by last year's Water Resources Development Act. The project, while in itself far from sufficient to provide comprehensive protection for the Sacramento area, is a vital step toward that absolutely critical goal. I am extremely pleased that the bill provides funding that will enable the U.S. Army Corps of Engineers to make maximum progress on this initiative in fiscal year 1998.

H.R. 2203 also makes a very important statement in providing reimbursements in two areas where the Sacramento Area Flood Control Agency [SAFCA] has moved forward with flood control efforts in advance of federal funding. One of these instances is SAFCA's project to improve flood protection for the Natomas area of Sacramento. By partially funding the reimbursement that has been authorized for this local effort, the committee has given valuable encouragement to communities that wish to move forward in the most aggressive manner in acting to address pressing flood threats. Similarly, the committee has sent an important signal by fully reimbursing SAFCA for costs associated with the variable flood control operation of Folsom Dam and Reservoir implemented by a 1995 agreement between SAFCA and the Bureau of Reclamation. This contract has provided a very necessary increment of added flood protection for the Sacramento area. Under last year's WRDA bill, the Federal Government accepted responsibility for 75 percent of the costs of lost water and power resulting from this agreement over a four year period. I am extremely pleased that the Committee has acted to meet this federal commitment.

The bill funds a number of other greatly needed flood control initiatives for the Sacramento area. These include the Sacramento River Bank Protection Project, which is helping to prevent bank erosion along the American River levees that represent the last line of flood defense for many Sacramentans. The bill also supports important area flood control efforts by including funds for construction of the Magpie Creek small flood control project, for feasibility studies as well as preconstruction engineering and design for the South Sacramento Streams Group project, and for a reconnaissance study for flood damage reduction from the Cosumnes and Mokelumne Rivers.

Finally, the Committee has provided support for two other innovative projects in the Sacramento area. One of these is an important water quality project—the city of Sacramento's efforts to improve its combined sewer system in order to prevent the flow of sewage into the Sacramento River. The second is the Ueda Parkway, a set of bicycle, equestrian and pedestrian trails to be constructed along a portion of the Natomas levee improvements.

Again, I deeply thank the committee for its support and look forward to working with them to gain final approval for these initiatives.

Mr. CRANE. Mr. Chairman, I wish to take this opportunity to commend the Appropriations Committee in general, and its Energy and Water Development Subcommittee in particular, for the fine job they did in crafting the fiscal year 1998 Energy and Water Appropriations bill being considered today. Not only is H.R. 2203 fiscally responsible, but there is much to be said for its policy and project provisions.

As a Member of Congress, it has long been my position that the Federal Government should spend less money more wisely. In its current form, this bill does just that. As reported, H.R. 2203 calls for a $573-million reduction in spending for energy and water projects next year, precisely what is needed in these times of fiscal restraint. Not only that, but the measure is notable for the quality of the projects it funds.

Let me cite two examples, with which I am particularly familiar. The first is the Des Plaines River Wetlands Demonstration Project [DPRWDP], for which $1 million has been provided, while the second is the Fox River Floodgate Installation Project, to which $1.178 million has been directed. Both are located in northern Illinois and, with the monies allocated by H.R. 2203, each is likely to pay big dividends in the future.

When complete, the DPRWDP will give policymakers the information they need to protect wetlands, preserve species habitat, reduce

flooding and improve water quality, while the Fox River project will reduce the threat and expense of flooding along one of America's more popular recreational waterways. In short, both endeavors will provide a substantial and tangible return on the money being invested, just as they should. My thanks to the chairman and members of the Energy and Water Development Subcommittee for including them in H.R. 2203 and to the chairman and members of the Appropriations Committee for approving them subsequently.

By singling out these two projects, I do not mean to suggest that others funded by H.R. 2203 are not equally deserving. To the contrary, there are a number of other projects worthy of favorable mention including the North Libertyville estates flood control project, the Chicago Shoreline project and the Yucca Mountain interim nuclear waste storage project just to name a few. That being the case, I urge my colleagues to give this measure their support. Not only does it contribute to budget reduction but it has many other benefits to offer as well.

Mr. ROGERS. Mr. Chairman, I would like to take this opportunity to express my appreciation for the efforts of Chairman MCDADE—and his staff, Jim Ogsbury, Bob Schmidt, Jeanne Wilson, Don McKinnon, and Sandra Farrow—in the formulation and passage of the Energy and Water development Appropriations bill for fiscal year 1998. They were exceedingly helpful, insightful, and responsive.

This is JOE MCDADE's first Energy and Water bill. While he follows two outstanding chairmen—Tom Bevill and John Myers—few can dispute that JOE stepped up to the plate and managed to formulate a fine bill and send it swiftly through the complex Appropriations Committee process. And this is not an easy bill to write. It is diverse, funding programs from nuclear weapons research to geothermal heat pump technologies, from the construction of Army Corps of Engineers water infrastructure projects, to the funding of critical development programs like those in the Appalachian Regional Commission. This bill demands an appreciation for physics, electronics, the needs of the rural poor, and, more importantly, a respect for the ravages of nature.

Few of us will forget the loss of life and property, and the heartache that resulted in the floods this year in the West Coast and Midwest United States. We know we cannot control nature, but we can do everything humanly possible to anticipate nature's worst forces, and to the best of our ability prevent loss of life.

We concern ourselves with the well-being of our neighbors, relatives, and communities—to ensure they are protected, and that they are provided a fair chance to prosper in the American economy. That is what we are supposed to do in this body. That is what JOE MCDADE has done in this bill.

Mr. KNOLLENBERG. Mr. Chairman. I rise in strong support of this bill. I want to express my appreciation to Chairman MCDADE and Ranking Member FAZIO for their efforts and assistance with this bill. I also want to give a big thanks to the entire Energy and Water Subcommittee Staff who were always ready and able to assist me and my staff on this bill.

This is a good bill. This bill provides adequate funding for continued construction of a permanent nuclear waste repository at Yucca Mountain. Furthermore, it still provides $85 million to begin construction of an interim storage facility once we enact authorization for such a facility later this year. This will help the Department of Energy meet its contract obligations to the commercial nuclear industry.

This bill also provides $7 million for the university nuclear reactor programs, $5 million of which is designated for the nuclear engineering R&D. This will ensure that we have the next generation of engineers prepared to develop and oversee our Nation's nuclear power infrastructure.

Although this bill does not fund the administration's request for the Nuclear Energy Security Program, I believe that nuclear power is an essential part of the Nation's energy portfolio and as such, I support some level of nuclear energy R&D for energy security. Considering nuclear power supplies over 20 percent of our Nation's electricity, we need to ensure the existing supply as a component of the Nation's baseload well into the next century. I encourage the Department to re-scope this year's proposal and to propose research that only takes advantage of DOE's unique capabilities but provides the best possible return on investment. The bottom line is that as our primary in nuclear R&D declines, we will lose our ability to participate on the world stage and to observe and understand the civilian nuclear programs of emerging nations.

When we began the appropriations process this year, I was cautiously optimistic that the Department of Energy was turning the corner on its environmental management program—that a new vision had been embraced over at the Department—a vision of accelerating and completing the cleanup of DOE's defense nuclear sites so that as many of them as possible are closed down within the next decade.

But, Mr. Chairman, I'm sorry to say that it's been more than a year since DOE brought forth this new vision and still, the Department has not been able to deliver a credible, defensible plan. As the old saying goes, ''the Devil's in the Details.'' DOE's ''Discussion Draft'' was finally released in June and is little other than a top-level framework to start the planning process. It is a document that is not supported by DOE's own site data or by what is realistically achievable. I still believe that this vision is well within our grasp and this bill get us much closer to it.

Frustrated with years of mismanagement in clearning up the former nuclear defense sites, this bill directs the Department of Energy to cleanup and close out the two major environmental management sites. Specifically, the Closure Project accelerates the closure of the Rocky Flats and Fernald sites. These are the two sites where all the entities—the administration, the States, the contractors, and the citizens—agree that closure by 2006 can and should be done. We've added funding above the administration's request to ensure just that—so that cleanup by 2006 becomes a reality. I'm also glad the bill preserves funding for other closure projects, a proposal that I championed last year. I hope that the Department follows this lead and creates more closure projects in the future.

Mr. Chairman, I also support transferring funding for cleanup of the Formerly Utilized Sites Remedial Action Program to the U.S. Corps of Engineers. As you know, this is a program for cleanup of 46 former Manhattan District or Atomic Energy Commission sites—a program that's been underway for 17 years and is still only 50 percent complete. I think it's time to try something different—and I believe the Corps, who successfully manages Department of Defense cleanups will be able to bring these projects to closure more quickly and at a more reasonable cost to the taxpayer.

We need to remain vigilant about new and innovative ways to accelerate cleanup. In this context, I support privatization. However, I want greater assurances of the Department's ability to manage privatized cleanups and less dependence on large sums of up-front federal funding, even when it's held in reserve.

I also support efforts to leverage technology and encourage the Department to better utilize the best and brightest of the universities and national laboratories. For example, DOE's use of the leading universities in the area of robotics technology development and deployment is a success story within the technology development program. Using advanced state-of-the-art robotics for a broad spectrum of cleanup tasks is not just efficient and more effective than using humans, but it reduces occupational exposure to hazardous environments.

Finally, I want to see DOE bring forth, along with next year's budget request, a detailed and defensible closure plan based on an aggressive but realistic estimate of the most that can be completed and closed out over the next decade. I agree that the vision can be accomplished by doing more sooner rather than later, by substantial mortgage and risk reduction, and by leveraging technology. But let's get on with it.

Again, Mr. Chairman, I would like to thank you for your leadership and for the efforts of the staff.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the rule and H.R. 2203, the Energy and Water Development Appropriations for fiscal year 1998. I support this bill mainly because it provides $413 million 39—percent more for the Army Corps of Engineers construction programs than requested by the administration. The administration originally requested $9.5 million for the construction of the Sims Bayou Project in Houston, TX. The Subcommittee on Energy and Water Development specifically earmarked an additional $3.5 million bringing the total funding for the project to $13 million.

Mr. Chairman, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted. In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That is 759 families that were forced to leave their homes.

I mainly support this bill, Mr. Chairman, because the subcommittee has earmarked in this bill $13 million for the construction and improvement of the Sims Bayou project that will soon be underway by the Army Corps of Engineers. I would like to thank the Army Corps of Engineers for their cooperation with my office in helping to bring relief to the people of the 18th Congressional District in order to avoid dangerous flooding. The Subcommittee on Energy and Water Development added an additional $3.5 million for the construction of this Sims Bayou project after my office worked to explain the devastating impact of the past flooding in this area. I am quite certain, Mr.

Chairman, that this project would not have been able to go forward if this additional money would not have been granted by the Subcommittee. For that I have to thank Chairman MCDADE, Ranking Member FAZIO, and my Texas colleague CHET EDWARDS, a new member on the Appropriations Committee.

However, Mr. Chairman, I would like to call on the Army Corps of Engineers to do everything that they can to accelerate the completion of this project. The project will now extend to Martin Luther King and Airport Boulevards, and Mykaw to Cullen Boulevard. This is flooding that can be remedied and the project must be completed before the expected date of 2006. While I applaud the Army Corps of Engineers for their cooperation, this is unacceptable for the people in my congressional district who are suffering. They need relief and I know that they cannot wait until the expected completion date of 2006. This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done.

Mrs. FOWLER. Mr. Chairman, I rise today in support of the FY98 Energy and Water Development Appropriations Act and to congratulate my friend, Chairman MCDADE, for his work on this bill.

I am particularly pleased that this bill recognizes a federal role in preserving our Nation's water resources, including our shorelines. I want to alert my colleagues to language on page 7 of the Committee Report to H.R. 2203:

> The Committee believes that the budget request represents a lack of commitment by the Administration to the traditional roles and missions of the U.S. Army Corps of Engineers: navigation, flood control, and share protection.

I wholly agree with this statement. I would further add that when the Administration fails to offer an acceptable budget request, it makes the job of the appropriators that much more difficult. In light of a woeful budget request, Chairman MCDADE has done an outstanding job.

My district encompasses over 100 miles of coastline and has several ports and navigation channels. These resources provide avenues of commerce, transportation routes and access to military facilities. They are a vast and crucial resource for my district and their maintenance and protection is very important.

In addition to ports and navigation channels, my district has miles of beaches. President Clinton has proposed an end to federal funding of beach nourishment projects, saying that they are not in the ''national interest.''

I do not support this belief. Shore protection serves the same purpose as flood control projects, by protecting property and saving lives. Furthermore, our Nation's beaches and coastal areas are a great source of national pride. Millions of American and foreign tourists flock to these areas every year, all year, to enjoy clean, safe and beautiful beaches. To say that these areas are only of interest to the states in which they are located is the equivalent of saying that Yosemite is only of interest to the State of California.

The funding for water resource development in this bill will enhance commerce and protect homes and lives. Nonetheless, there is much work ahead of us. I applaud the Chairman and I hope he will be able to preserve our commitment to water resources when this bill goes to Conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 2703 making appropriations for energy and water development for fiscal year 1998. I would first like to thank Chairman MCDADE and ranking member VIC FAZIO for their leadership in bringing this bill to the floor today.

I would also like to thank the hard-working subcommittee staff, for without them our jobs would be tremendously more difficult. I truly appreciate their knowledge and professionalism.

The bill before the House today stresses national priorities while keeping our commitment to downsize the Federal Government, maintain funding for critical flood safety projects, coastal protection, and dredging harbors and waterways throughout our Nation. We have made some tough choices about where to reduce spending and have written a bill which is $573 million less than last year.

As a member of the subcommittee, I am very pleased with two recommendations that were included in this year's bill. First, the bill has again flatly rejected the President's proposal to end coastal protection and second the bill terminates funding for the Tennessee Valley Authority's [TVA] nonpower program.

Coastal protection projects are very important to local economies all over the United States and especially New Jersey. The President's policy was shortsighted and would have resulted in hurting many communities that rely on promises the Federal Government has made to provide flood protection. And more often than not, they are projects that have been undertaken in partnerships with local and State governments. I am hopeful that the administration will abandon future efforts such as these and concentrate on providing protection to our coastal communities.

This bill also terminates the direct Federal subsidy for the TVA, which began in 1933. Perhaps the best reason for terminating the TVA can be found in the committee's report. Let me quote:

> In a concession that its Depression-era missions have been largely achieved, TVA has proposed termination of its non-power programs after Fiscal Year 1998. Enthused by the Administration's proposal to discontinue direct appropriations, the Committee has decided to accelerate its implementation.

Last year the TVA made over $5.7 billion in electric power sales and set an all time record for revenue. Given this fact, surely the time has come to move the TVA away from direct Federal subsidization and encourage it to continue only those programs which are necessary to meet its power production needs. I encourage all my colleagues to support this recommendation and turn out the lights of direct subsidization at the TVA.

In addition to these two important recommendations, this bill provides $225 million for magnetic fusion energy research. While this number is slightly reduced from last year's level, I am hopeful that as the bill moves through the legislative process the committee will be able to increase the number so that fusion can continue to make its remarkable achievements in plasma science research.

Mr. Chairman, this bill represents real progress toward setting national priorities. I urge my colleagues to support this bill and yield back the balance of my time.

Mr. PASTOR. Mr. Chairman, I rise today in support of this bill, and to congratulate our chairman and ranking member for the strong bipartisan manner in which they bring this bill to the floor. Both gentlemen have led this committee in a spirit of great cooperation—listening to all parties and, I believe, producing a bill that is a fair balance between critical needs and limited resources.

Although this bill does not meet the administration's spending levels for several Department of Energy programs, it goes a long way toward adequately funding several of the administration's priorities. Where differences still exist, I anticipate and look forward to continued dialog as we move through the appropriations process.

Considering the number of days of sunshine in my State of Arizona, it is no surprise that I am a strong supporter of solar energy technologies. Although the committee did not fund the President's full request for solar and renewable energy programs, I do appreciate the increase over last year's funding and believe the funding levels will allow the Department of Energy to continue an effective program for developing these technologies.

Overall, I am proud of the emphasis this committee continues to place on research, especially basic research. This bill provides the President's request or more for basic energy sciences, biological and environmental research, fusion energy, and high energy and nuclear physics. I am particularly pleased that the committee included language in the report that supports the Department's efforts to increase the ethnic diversity of students, researchers, and scientists working to maintain our Nation's international leadership in science and technology.

The committee continues to struggle, as in previous years, with reaching a balance between micromanaging the Department of Energy and providing adequate and responsible oversight for our Nation's taxpayers. In this bill, the chairman and ranking Member have taken a hard look, and in some cases a hard line, on issues of DOE's management practices. Although I see room for discussion, compromise, and positive resolution, I support the committee's efforts to bring better government to many of the Department's activities. I look forward to working with our counterparts in the Senate, and the administration, to finding mutually acceptable solutions in the areas where presently there is disagreement.

Again, many thanks to my chairman, ranking member, and fellow committee members for their assistance, bipartisanship and friendship. I would also like to thank the staffs on both sides of their aisle for their hard work.

Mr. PORTMAN. Mr. Chairman, I rise today in support of the energy and water appropriations bill. I believe it's a thoughtful approach to the difficult task of balancing our Nation's energy and water priorities in an era of fiscal restraint. I commend Chairman MCDADE for his work.

I support the $5.45 billion appropriation for the Department of Energy's Environmental Restoration and Waste Management budget, and particularly the $258.7 million included in the bill for the Fernald environmental management project located in my congressional district. This funding level represents an acknowledgement of the Federal Government's responsibility to clean up the hazardous waste sites that it created. Significant progress has been made in cleaning up our hazardous waste sites, including Fernald. But we still have a long way to go.

My approach has been to ensure that taxpayer funds for Fernald are used in the most

cost-effective manner possible to safely clean up the site. I support the accelerated cleanup plan to achieve these goals and am pleased that the committee report also advocates this approach.

I urge my colleagues to support this bill. It helps us meet our energy and water priorities responsibly, while still achieving the necessary savings to help us balance the Federal budget by the year 2002.

Mr. FAZIO of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MCDADE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

Mr. MCDADE. Mr. Chairman, I ask unanimous consent that the bill through page 35, line 20 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the bill through page 35, line 20 is as follows:

H.R. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $157,260,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Delaware Bay Coastline, Delaware and New Jersey, $656,000;

Tampa Harbor, Alafia Channel, Florida, $270,000;

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000;

Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $472,000;

Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $400,000;

Lower Cape May Meadows—Cape May Point, New Jersey, $154,000;

Manasquan Inlet to Barnegat Inlet, New Jersey, $400,000;

Raritan Bay to Sandy Hook Bay (Cliffwood Beach), New Jersey, $300,000;

Townsends Inlet to Cape May Inlet, New Jersey, $500,000; and

Monongahela River, Fairmont, West Virginia, $350,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $600,000 of the funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $470,000 of the funds appropriated herein to initiate the feasibility phase for the Metropolitan Louisville, Southwest, Kentucky, study.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,475,892,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $1,000,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Tybee Island, Georgia, $2,500,000;

Indianapolis Central Waterfront, Indiana, $7,000,000;

Indiana Shoreline Erosion, Indiana, $3,000,000;

Lake George, Hobart, Indiana, $3,500,000;

Ohio River Flood Protection, Indiana, $1,300,000;

Harlan, Williamsburg, and Middlesboro, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $27,890,000;

Martin County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,500,000;

Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,800,000;

Salyersville, Kentucky, $2,050,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $22,920,000;

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $2,379,000;

Flint River, Michigan, $875,000;

Jackson County, Mississippi, $3,000,000;

Joseph G. Minish Passaic River Park, New Jersey, $5,000,000;

Hudson River, Athens, New York, $8,700,000;

Lackawanna River, Olyphant, Pennsylvania, $1,400,000;

Lackawanna River, Scranton, Pennsylvania, $5,425,000;

Lycoming County, Pennsylvania, $339,000;

South Central Pennsylvania Environment Improvement Program, $30,000,000, of which $10,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended;

Williamsport, Pennsylvania, $225,000;

Wallisville Lake, Texas, $9,200,000;

Virginia Beach, Virginia, $10,000,000;

West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania, $3,000,000;

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of the Southeast Louisiana, Louisiana, project and to award continuing contracts, which are not to be considered fully funded, beginning in fiscal year 1998 consistent with the limit of the authorized appropriation ceiling: *Provided further,* That the Secretary of the Army is directed to incorporate the economic analyses for the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project with the economic analysis for the Albright Street section of the project, and to cost-share and implement these combined sections as a single project with no separable elements, except that each section may be undertaken individually when the non-Federal sponsor provides the applicable local cooperation requirements: *Provided further,* That section 114 of Public Law 101–101, the Energy and Water Development Appropriations Act, 1990, is amended by striking ''total cost of $19,600,000'' and inserting in lieu thereof, ''total cost of $40,000,000'': *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to combine the Wilmington Harbor—Northeast Cape Fear River, North Carolina, project authorized in section 202(a) of the Water Resources Development Act of 1986, the Wilmington Harbor, Cape Fear River, North Carolina, project authorized in section 101(a)(23) of the Water Resources Development Act of 1996, and the Cape Fear—Northeast (Cape Fear) Rivers, North Carolina, project authorized in section 101(a)(22) of the Water Resources Development Act of 1996 into a single project with one Project Cooperation Agreement based on cost sharing as a single project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $285,450,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be

necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,726,955,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Anclote River, Florida, $1,500,000; and

Raystown Lake, Pennsylvania, $4,690,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated in Public Law 104–206 to reimburse the local sponsor of the Fort Myers Beach, Florida, project for the maintenance dredging performed by the local sponsor to open the authorized channel to navigation in fiscal year 1996.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $112,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $14,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, $110,000,000, to remain available until expended: *Provided*, That funding obligated to an individual site in the Formerly Utilized Sites Remedial Action Program shall not exceed the amount obligated during fiscal year 1997 unless the following conditions are met: (1) there is a technical plan, schedule, and life-cycle cost estimate for the work to be performed; (2) the remedy selected for the site has been developed to meet, but not exceed, the standard of cleanup required for reasonably anticipated future land use and ground water uses; (3) the remedy selected has incorporated separation or other technology where practicable to reduce the amount of material that is to be excavated, removed, transported, or disposed; (4) the contracting mechanism used for the cleanup of each site will be competitive fixed-price wherever possible, but as a minimum shall include performance-based incentives; and (5) the cleanup plan has been presented to the affected communities, and State and Federal officials, and has not received substantial disagreement: *Provided further*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, and the USACE Finance Center; and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–206, $148,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $800,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $651,931,000, to remain available until expended, of which $12,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and $54,242,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That any amounts provided for the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, are in addition to the amount authorized in 43 U.S.C. 509: *Provided further*, That the unexpended balances of the Bureau of Reclamation appropriation accounts for ''Construction Program (Including Transfer of Funds)'', ''General Investigations'', ''Emergency Fund'', and ''Operation and Maintenance'' shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $10,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $120,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 C.F.R. 1506.1(c), and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,658,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $880,730,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 1701, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $497,619,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $220,200,000, to be derived from the Fund, to remain available until expended: *Provided,* That $37,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of 15 passenger motor vehicles for replacement only, $2,207,632,000, to remain available until expended: *Provided,* That $35,000,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund: *Provided,* That none of the funds provided herein shall be distributed to the State of Nevada or affected units of local government (as defined by Public Law 97–425) by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: *Provided further,* That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $214,723,000, to remain available until expended: *Provided,* That moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $83,393,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the office of the inspector general in carrying out the provisions of the Inspector General Act of 1978, as amended, $27,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $3,943,442,000.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 6 for replacement only), $5,263,270,000.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,580,504,000.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $1,000,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in Southeast Idaho; and official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1998, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursements for transmission wheeling and ancillary services, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than two helicopters through transfers, exchanges, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $189,043,000, to remain available until expended, of which $182,806,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided,* That of the amount herein appropriated, $5,432,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to

title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $970,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $162,141,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.

DEPARTMENT OF ENERGY

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures. The preceding sentence does not apply to a management and operating contract for research and development activities performed at a federally funded research and development center.

SEC. 302. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify any contract for support services unless a cost comparison conducted under the procedures and requirements of Office of Management and Budget Circular A–76 shows that the cost of performing the support services by contractor personnel is lower than the cost of performing such services by Department of Energy personnel.

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to make payments under a management and operating contract for providing products or services for use by Department of Energy employees.

SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy;

under section 3161 of the National Defense Authorization Act of Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 306. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $56,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 307. None of the funds appropriated by this Act to initiate new construction projects in fiscal year 1998 by the Department of Energy may be obligated for such a construction project until the Secretary of the Army, acting through the Chief of Engineers—

(1) performs an independent assessment of the cost, scope, and schedule of the construction project and validates the accuracy of the Department of Energy's estimates for the cost, scope, and schedule for the project; and

(2) submits to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report on such assessment.

SEC. 308. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate requests for proposals for a program if the program has not been funded by Congress.

SEC. 309. None of the funds appropriated by this Act (including funds appropriated for salaries of employees of the Department of Energy) may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 310. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $16,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $462,700,000, to remain available until expended: *Provided,* That of the amount appropriated herein, $13,000,000 shall be derived from the Nuclear Waste Fund: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $446,700,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That $3,000,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1998 appropriation estimated at not more than $16,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $4,800,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House of Representatives and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection

services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,400,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For essential stewardship activities for which appropriations were provided to the Tennessee Valley Authority in Public Law 104–206, such sums as are necessary in fiscal year 1998 and thereafter, to be derived only from one or more of the following sources: nonpower fund balances and collections; investment returns of the nonpower program; applied programmatic savings in the power and nonpower programs; savings from the suspension of bonuses and awards; savings from reductions in memberships and contributions; increases in collections resulting from nonpower activities, including user fees; or increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers: *Provided,* That such funds are available to fund the stewardship activities under this paragraph, notwithstanding sections 11, 14, 15, 29, or other provisions of the Tennessee Valley Authority Act, as amended: *Provided further,* That the savings from, and revenue adjustments to, the TVA budget in fiscal year 1998 and thereafter shall be sufficient to fund the aforementioned stewardship activities such that the net spending authority and resulting outlays for these activities shall not exceed $0 in fiscal year 1998 and thereafter: *Provided further,* That within thirty days of enactment of this Act, the Chairman of the TVA shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the proposed reductions and increased receipts to be made pursuant to this paragraph in fiscal year 1998: *Provided further,* That by November 1, 1999, the Chairman of the TVA shall submit to the Committees on Appropriations of the House and Senate an itemized listing of the amounts of the reductions or increased receipts made pursuant to this paragraph for fiscal year 1998.

TITLE V

GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

On page 22, line 2, after ''$1,580,504,000'' strike the period and insert '', including $62,000,000 for the worker and community transition program.''

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MCDADE. Mr. Chairman, I reserve a point of order against the amendment pending the gentleman's explanation.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. SKAGGS. Mr. Chairman, I assure the distinguished chairman that my intention is to ask unanimous consent to withdraw the amendment in just a moment, but I wanted to use it to bring one matter before the attention of the House.

I am concerned about the inadequate funding in this bill to take care of the legitimate demands for worker transition services and benefits under section 3161 and otherwise at former nuclear weapons sites around the country including Rocky Flats. I am also concerned that we approach the worker transition program funding issue as straightforwardly as we can with sufficient funds appropriated to the proper accounts and not invite later needs for reprogramming or for use of funds from other accounts within the department.

As the chairman of the subcommittee knows, the bill provides now, I think, for $56 million for these purposes. My amendment would raise that to $62 million, the current fiscal year amount, still less than the President has requested. I think we need to provide additional funds for this. I believe the chairman anticipates that we may make further movement in this direction in conference. I also respect his intentions and that of the gentleman from Michigan [Mr. KNOLLENBERG] in particular that we try to make all of this handled in the bill and in practice in a much more straightforward fashion.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I simply want to thank the gentleman from Colorado for bringing this matter to our attention. It is our intention and hopefully we can cooperate with him as we go through the process to see if we can work this out.

Mr. SKAGGS. I appreciate the gentleman's statement.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

Mr. MCDADE. Mr. Chairman, I ask unanimous consent that during consideration of title IV of this bill, debate on an amendment and any amendments thereto to be offered by the gentleman from Wisconsin [Mr. KLUG] regarding the Appalachian Regional Commission be limited to 20 minutes, divided equally between the gentleman from Wisconsin [Mr. KLUG] as the proponent of the amendment and myself as an opponent of the amendment.

The CHAIRMAN. Let the Chair inquire, is the pending amendment covered under that unanimous-consent request?

Mr. MCDADE. The pending amendment and all amendments thereto, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG

Page 29, line 20, after the dollar amount, insert ''(reduced by $90,000,000)''.

The CHAIRMAN. Under the previous order of the House, the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Pennsylvania [Mr. MCDADE] each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Appalachian Regional Commission was first established in 1965 to help promote the economic development of the Appalachian region. Since then the Federal Government has poured more than $7 billion into funding for projects. Some of these projects to essentially boost economic development include $750,000 from Federal taxpayers to help pay for the Carolina Panthers NFL stadium or $1.2 million for the National Track and Field Hall of Fame.

The Appalachian Regional Commission was first established back in 1965 and 3 years later, the Nixon administration began one of the first attempts to kill the Appalachian Regional Commission. Here I am 32 years after the Appalachian Regional Commission was first begun to essentially carry on this sometimes valiant and quixotic fight.

What we are here to consider tonight, Mr. Chairman, is an amendment specifically aimed at the Appalachian Regional Commission's road program. Some of these projects, back to a catalog of ARC's long and sordid history, include $2.9 million under the guise of economic development for an access road to a Pennsylvania ski resort. The bigger problem is that the roads or corridors in the Appalachian region have access already to two other funding sources, with a request for a third.

Essentially we have 13 States in the country which have been receiving an

additional boost of economic aid now for 32 years, and now they are trying to add a third source of income to still build more roads. Let me, if I can, give my colleagues one example of how absurd this entire program is.

In West Virginia, one of the corridors, known as Corridor H, has a project that would rip through 41 streams and cut through two national forests. The amazing thing involving that individual road project in West Virginia is the fact that government studies show that traffic levels along this corridor to be served by the proposed highway average less than 3,000 vehicles a day. As my colleagues will know, when driving to the U.S. Capitol in the morning, traffic is often backed up in multiple directions. Three thousand vehicles a day barely approaches the traffic at rush hour in the Capitol heading in one simple direction. In fact, the national threshold is 10,000 vehicles a day.

Let me make this important point. The Director of the Appalachian Regional Commission, Jesse White, has stated publicly that what local residents need is not more money for new roads but increased support for education and small business development.

In brief, even if my colleagues support the general principle of the Appalachian Regional Commission, which I am not prepared to do at this point, we have essentially told welfare recipients across this country, ''You've got 2 years to stand on your feet,'' and the Appalachian Regional Commission we have already committed ourselves to 32 years of funding. But even if Members buy the argument that the Appalachian Regional Commission as a whole is still necessary, I would argue very passionately this evening that $90 million more is not needed for road projects when the ARC States already have money that comes through the normal transportation cycle and through the normal economic development channel. Those are moneys that the other 37 States get. The difference is the Appalachian Regional Commission gets to ante it up one more level.

Mr. Chairman, I think it is vitally important tonight that as we attempt to balance the Federal budget, we as Republicans have an obligation and a duty and a responsibility to revisit outdated Federal programs, and as I have indicated, beginning since 1968, a whole raft of us have tried to rein in the Appalachian Regional Commission. Let us begin tonight by killing specifically the $90 million in new funding for new highways this year in this appropriation bill in front of us this evening.

Mr. Chairman, I reserve the balance of my time.

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. ROGERS. I thank the distinguished gentleman for yielding me this time and thank him for his tremendous work on this bill, incidentally, as we take up this amendment.

Mr. Chairman, of course, I rise in opposition to the gentleman's amendment. Here we go again. Two years ago, this House overwhelmingly defeated a similar amendment. With all the talk of the exploding economy around the country, I have to tell my colleagues that Appalachia has not yet experienced it. This region represents the poorest of the poor in our country. This amendment would halt a commitment we made to millions of Americans in the Appalachian region some 30 to 35 years ago. The interstate highway system through the gentleman's district has been finished. But the highway system has largely bypassed the Appalachian system, because, they said, ''We'll let the Appalachian system build the highways in Appalachia.'' That was the deal struck many, many years ago.

Now the gentleman's amendment would strike our commitment and our end of the bargain to complete what passes for an interstate system in the Appalachian region. These are not four-lane thoroughfares. These, by and large, are two-lane paved roads through the poorest part of our country. This amendment would leave vast pockets of this region without access to national markets, but also without access to local markets.

While the interstate system is nearly 99 percent complete, the Appalachian system lags way behind. It is only 78 percent complete. This Congress is providing over $21 billion on the Federal highway program. Yet this amendment would strip the poorest communities of $90 million for their highway construction. I maintain that is just not fair.

Congress has already cut the Appalachian highway funding by half. We have already cut it by half. It has delayed construction of needed roads, roads that we take for granted in other parts of the country. Even though the Appalachian system is only three-fourths complete, its impacts are already considerable. Industries and businesses have grown along the highways that we have built in this poor part of our country. This growth should be allowed to continue. Let the people of the Appalachian region join the rest of America in access to this growing economy.

I urge my colleagues, in all fairness, as we did two years ago, almost 3 to 1, reject the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time and for offering this amendment. I also commend him for his diligent search for wasteful projects in the Federal budget in an era, at a time when we are trying to balance the books.

The $90 million appropriated for the Appalachian Regional Commission road projects is bad for the environment, bad for taxpayers, and one more example of budget waste that should be eliminated.

I want to make it clear that I do strongly support the efforts of the regional commission to cut poverty rates, reduce infant mortality, provide health care access and increase high school graduation rates. This amendment does not touch any of those programs in dollars. The amendment only seeks to eliminate the $90 million that go to fund highway projects in the 13–State Appalachian region.

In the past, highway money from the Appalachian Regional Commission has funded environmentally unsound projects, such as the Corridor H highway project that my colleague has already cited. The Corridor H project does cut through two national forests. It rips up 41 streams. It would bring thousands of cars and minivans into the scenic West Virginia mountains. As my colleague has already noted, the commission has funded inappropriate projects, such as the $750,000 for the Carolina Panthers football stadium and $1.2 million for the National Track and Field Hall of Fame.

But finally, the $90 million I think is an unfair distribution of the highway funds. The State of Wisconsin has historically been a donor State under the Federal highway funding system, meaning the taxpayers there pay more in the Federal highway tax fund than they receive back for their infrastructure needs. The people of my State only ask that they get a fair distribution of the Federal highway dollars.

☐ 2245

At the same time the 13 States of the Appalachian region receive Federal highway dollars as part of the ISTEA allocation and they receive additional highway dollars through the Appalachian Region Commission.

Now where I come from that is called double dipping, and it is unfair to my constituents, and it is unfair to the taxpayers in the other 37 States in this country.

Now I am sure that there are people who represent the beautiful area, can stand up and speak about all the great things that the Appalachian Commission has done, and as I stated earlier I support most of these efforts in the programs that are being accomplished in the Appalachian region, and in fact the people of my State would love to have some of these programs back home for their use. But in our attempt to balance the budget, I believe that we can and should support programs to reduce poverty and promote economic development, but allocate funds under the appropriate avenue and venue such as ISTEA.

We cannot support pork being delivered to a few privileged States, and it is time we stop the taxpayer handout and distribute highway funds in a fair and equitable manner through ISTEA, rather than double dipping as the commission is doing with these 90 million additional tax dollars.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, before I rise in strong opposition to this amendment I want to thank the chairman and the ranking member for their help in the Marmet Lock situation and helping a lot of people in the Marmet take area get some certainty by including some money for the beginning of the Marmet Locks, and I thank the gentleman for his nonpartisan way of handling this.

First, I want to ask the two gentlemen from Wisconsin who have spoken so eloquently on corridor H, ''Have either of you ever driven corridor H? Have you ever been on that segment of road that you're protesting so much?'' The answer I think is quite evident by the silence. They have not, and they have not driven the 40 miles of corridor H that was completed from Weston to Buckhannon and then on to Elkins, and so they have not seen the economic growth that is already taking place on that.

So I would use that as evidence of the academic background that I bring, which is that the Appalachian Regional Commission studies clearly document that every county with Appalachian Road Commission highways has job growth three to four times as high as those Appalachian and rural counties without.

And so before my colleagues go and talk about corridor H, I think they ought to drive it and understand why it is that almost every elected official in that whole area supports corridor H, but let us talk about the 13 States that will also lose under this.

We started a program in this Congress a number of years ago, the ARC highway system in which we were to build over 3,000 miles of roads in almost impoverished areas, and the good news is that 75 percent of that is complete. The bad news is that we still have some miles to go. And it is not just West Virginia. I thank my colleagues for calling such attention to our State and its beauty, but it is also 12 other States: Alabama, Kentucky, Georgia, Mississippi, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia. And there are some others I probably should have included as well.

This is a project that is well underway, and I would also urge my colleagues, since they have not driven corridor H, I would urge them to drive corridor G and see what the Appalachian Regional System highway is doing for southern West Virginia. I would urge my colleagues to drive corridor D, and that is just in my State. Go to those other States as well.

Mr. Chairman, I urge rejection of this, and let the ARC finish the job that it set out to do.

Mr. McDADE, Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], my very able friend.

Mr. WICKER. Mr. Chairman, I rise in support of the Appalachian Regional Commission and against the amendment offered by my friend from Wisconsin [Mr. KLUG].

The gentleman from Kentucky is correct. A similar companion amendment was offered in 1995 at the beginning of this Republican Congress, and it was rejected overwhelmingly on a bipartisan vote, and it was rejected and the Appalachian Regional Commission was endorsed by this body because we were able to demonstrate on the basis of the facts that this program is a successful program, a program which has worked. It has provided jobs for over 108,000 people in the Appalachian region, it has helped to retain another 80,000 additional jobs, and highways are an important part of the mix. The highways are 75 percent complete, but we need to finish the rest of them.

Since the ARC with the highway program has been in place, the poverty rate in the Appalachian region has been cut in half, infant mortality has been cut by two-thirds, and out-migration has slowed. Also, Mr. Chairman, I would state to you that this is a program which is still very much needed.

In our region, per capita income is 16 percent below the national average. The poverty rate in the region is 16 percent higher than the national average. And I want to address this issue of double dipping.

Some of my friends have said well, Appalachia, through the highway portion of it, gets an extra dip into the Federal Treasury. That is not true at all. In the Appalachian region we receive 11 percent less in total per capita Federal spending than the national average.

So please do not accuse us of getting more than our fair share. If anything, we get less than the national average.

Mr. Chairman, this is level funding from the last fiscal year, it is within our budget allocation, it continues us on a path which will put us within the guidelines and bring us into a balanced budget by the year 2002.

And let us say this: My friends have talked about welfare spending. This is not welfare spending at all. This is spending to create infrastructure, to create jobs in the private sector and to turn people away from welfare and into taxpayers. It is government at its best, it is money well spent, and I am sure the Members of this body will reject the amendment just as they did in 1995.

Mr. KLUG. Mr. Chairman, I yield myself another minute or two.

Mr. Chairman, I want to, if I can for a moment, really strike at the heart of the argument. The Appalachian Regional Commission was set up in 1965 under the premise that if we poured more money from the Federal Government into this area we would get an economic boom. Now I think there is a flaw in this argument, because clearly 32 years later my opponents are down here making the case they still need more money and more years to turn it around.

My colleague and I are here from Wisconsin tonight. Wisconsin actually ranks 50th in Federal spending in the country. The unemployment rate in my home district is less than 2 percent. We have not had Federal money for 30 years so let me make the argument, if I can, that actually with increased Federal funding over the years, they have actually put Appalachia at a disadvantage because it has been dependent on Federal aid rather than standing on its own feet.

Let me also say that I understand that there are problems in Appalachia with undeveloped regions, but so are there in California and Florida and Alaska and Hawaii and New Mexico and every other State in the country. But the bottom line is 13 States have been singled out, and I would suggest after 32 years, 32 years is enough.

Mr. Chairman, I reserve the balance of my time.

Mr. McDADE. Mr. Chairman, I yield a minute and a half to the gentleman from California [Mr. FAZIO] the distinguished ranking member.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment. I do so, fully aware of the frustration that I felt, as the gentleman from Wisconsin [Mr. KLUG] has felt, with the Carolina Panther Stadium construction project. I have concluded, frankly, that we ought to remove discretion from the Governors of these States and target the money to the poorest counties within Appalachia.

But this is a job for the authorizing committee. The fine-tuning of the Appalachian Regional Commission should not be done on an appropriations bill and not done on the floor at this hour of the night. The road program is very valuable to many of the counties in these States.

Mr. Chairman, I know there are many people on our side of the aisle who will join the majority and the gentleman from Pennsylvania [Mr. McDADE] in opposing this amendment.

Mr. McDADE. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. KIM], the chairman of the committee that handles this matter.

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding this time to me.

This argument has nothing to do with how much money we put into this particular region. This amendment is to save $90 million or stop funding, no matter of $90 million on highway projects. That is why I am rising in opposition to this amendment.

If we stop funding now, the highway project will just stop, unfinished. That is not the way it should be. If we try to pick up this highway program later, it is going cost twice as much, sometimes three times as much. This is not a good practice, stopping the highway program almost in the middle of completion.

As my colleagues know, 70 percent of the total 3,025 miles of highway has been completed. We have only 22 percent to go. This is not the time to stop it.

Second, the mentioning of this duplicate roadway funding; this is not true. ISTEA funding was merely proposed by Mr. Clinton, and that funding has not been approved by this Congress yet. Even if approved, we are not talking about seeing overlapping funding. We are talking about additional funding to accelerate those highway programs so we can finish earlier rather than dragging on.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will use the rest of my time to close. Fortunately, a disagreement with my colleague from California; let me make it clear: Since 1991, ARC roads or quarters received over $599 million in funding from ISTEA for demonstration projects alone. That is on top of the funding that is done on this bill. That is money that comes out of the transportation appropriations bill, not out of energy and water. And since 1993 ARC has received $688 million in additional funding from this bill. Removing the $90 million does not stop funding the construction of roads in Appalachia, it simply allows them to get funding from the same sources that the 37 other States have to compete for.

Now my colleague from California, Mr. FAZIO, indicated his frustration with the fact that $750,000 in economic development money went into the Carolina Panthers football stadium. Let me refresh his memory on some other things. Five hundred ninety-three thousand dollars for the NASCAR Hall of Fame; $17,000 for the Alabama Music Hall of Fame; $1,200,000 for the National Track and Field Hall of Fame; and $10,000 to celebrate Bridge Day in Fayette County, West Virginia. I imagine that is to celebrate the bridge that the Federal Government also paid for along the way.

In closing, let me go back to the words of Jesse White, the Appalachian Regional Commissioner. ''We are trying to seek more balance,'' Mr. White said. ''Congress does not share those priorities.'' He wants, according to the Cumberland Maryland Times, ''more money for education and economic development, not roads. This year Congress placed $61 million in other commission programs but directed $109 million to roads.'' That was back in 1996.

I think it is time we took Mr. White up on his advice: Preserve the part of the Appalachian Regional Commission that does education and economic development, and join me and my colleagues in zeroing out the additional boost in money they get for highway projects.

Mr. MCDADE. Mr. Chairman, I yield myself the remaining time on our side.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from Wisconsin [Mr. KLUG].

A few years ago my district was expanded, as so many of us have experienced in our careers in Washington. I picked up a section of Appalachia. I was not very familiar with this new area. After spending a little bit of time there, I saw how much this particular area had been bypassed by the economic revolution that hit this country. Not just economically bypassed, but they were bypassed by the Federal road programs.

Unlike my friend from Wisconsin [Mr. KLUG] whose district benefited from 90/10 interstate financing for the highway program, this area got nothing until just a few years ago. The highway that was replaced was one of the most dangerous highways in the Commonwealth of Pennsylvania. People were killed on that road, school buses were in accidents, and children on their way to school were endangered.

Let me say that since the Appalachian Regional Commission has focused on this problem, these unsafe conditions no longer exist. The road that I am speaking of is now a safe highway and has contributed to the economic development in this area.

I want to remind my colleagues as well that this program is, in my view, one of the best intergovernmental programs that exists in the Nation. It begins at the local level. It requires State participation in the road program, a 20 percent local share, and it then must be signed off at the Federal level.

□ 2300

Local and State government involvement is something we talk about all the time. Here is a program where it actually works. I hope that the amendment will be roundly defeated.

Mr. BUNNING. Mr. Chairman, I rise in support of funding for the Appalachian Regional Commission and in opposition to the Klug amendment.

The amendment cuts ARC highway funding, a key ingredient in the effort to move Appalachia into the Nation's economic mainstream.

But, ARC funding has already been cut by almost 50 percent over the past 2 years. There's no more blood to be taken from this stone.

ARC serves the poorest and neediest in the country. In Kentucky, it has helped us reach the lonely hollers. It has linked isolated communities.

Our interstate highway system largely bypasses areas like eastern Kentucky because of the cost of building roads over the mountains. Except for a few communities on the major east-west routes, most Appalachian communities have had a hard time competing for jobs because of poor access to national markets.

But, the Appalachian Development Highway System is helping to link our people with the outside world.

The facts speak for themselves. For instance, back in the 1980's, improved transportation and roads created over half a million jobs in local economies in Appalachia. And studies show that counties with major highways have three times the job growth than those without.

More and better jobs are helping to make a difference. Since 1960, ARC has helped cut the poverty rate in Appalachia by 50 percent. Infant mortality is down by two-thirds, high school graduations have doubled.

Now, over 75 percent of the Appalachian Highway Development System is either completed or under contract. But, key parts of it remain uncompleted.

To cut off spending now that we are three-quarters of the way finished just doesn't make sense.

Mr. Chairman, most of the poor isolated communities in Kentucky and other States served by ARC desperately need this funding. They are poor, and without it they won't be able to meet Federal match requirements or leverage State or private dollars. It's essential.

Passing the Klug amendment today would be a sad setback.

Even in these budget balancing times, I don't know many Government programs or agencies that have been cut in half. And certainly not many that have as strong a track record as the Appalachian Regional Commission.

Mr. Chairman, I've worked hard over the last 11 years in Congress, fighting wasteful Government spending and opposing programs that don't work.

But, ARC isn't one of those programs. In Kentucky ARC has made a difference for the poorest of the poor and for our neediest communities.

The Appalachian Regional Commission is one of those rare Government programs that works. It deserves our support.

I urge a ''no'' vote on the Klug amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

Are there other amendments?

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Insert at the end before the short title the following:

SEC. 502. (a) LIMITATION.—No funds shall be made available under this Act for—

(1) nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology; or

(2) the demonstration of the electrometallurgical technology at the Fuel Conditioning Facility.

(b) REDUCTION.—Under the heading ''Department of Energy-Energy Programs-Energy Supply'' insert after the dollar figure the following ''(reduced by $33,000,000)'' and under the heading ''Department of Energy-Atomic Energy Defense Activities-Other Defense Activities'' insert after the dollar figure the following: ''(reduced by $12,000,000)''.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, may I make an inquiry? What is the parliamentary procedure we are operating under now?

The CHAIRMAN. The 5-minute rule.

Mr. MARKEY. The 5-minute rule? There is no time limitation?

The CHAIRMAN. Not at this point. Would the gentleman request one?

Mr. MARKEY. Not at this time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, this is an amendment which I am making with the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Florida [Mr. FOLEY], along with the gentleman from South Carolina [Mr. SPRATT], the gentleman from Oregon [Mr. DEFAZIO], and the gentleman from New Jersey [Mr. ANDREWS]. It is an amendment that is going to attempt to deal with a technology which is called pyroprocessing, which is bad energy policy, bad environmental policy, bad budget policy, and bad nonproliferation policy.

Friends, colleagues, countrymen, lend me your ears. We come to bury pyroprocessing, not to praise it. The evil that dead government programs do lives after them, while the good is oft interred with their bones. So it is with pyroprocessing. Pyroprocessing is the last living remnant of one of the biggest budget-busting boondoggles in congressional history, the failed breeder reactor program.

Pyroprocessing is not exactly a household word. In fact, if Members do not have a degree in physics they may not understand what it is, but it is in fact a chemical procedure by which separation of plutonium and uranium is in fact achieved, and the building blocks of nuclear bombs are in fact made available to those who have the technology.

There is in fact a secondary definition in the Webster's Dictionary for pyroprocessing, which is a very efficient and fast way for burning money, taxpayers' money, with boondoggle projects that have been left over as remnants from nuclear projects of the 1970's and the 1980's.

This is an amendment which is endorsed by the Citizens for a Sound Economy, by the Taxpayers for Common Sense, by the League of Conservation Voters, by the Physicians for Social Responsibility, by the Natural Resources Defense Council, by the Friends of the Earth, and by arms control groups such as the Union of Concerned Scientists and the Nuclear Control Institute, and it is on the top 10 list of the Green Scissors wasteful, environmentally destructive programs that they believe should be cut out of the Federal budget.

What more do Members want? Just about every leading budget, environmental, energy, and nonproliferation group in America says this is a bad idea, but it lives on because in fact we need someplace, I guess, that we can have some of the leftover nuclear scientists who have been left behind from the nuclear arms age to continue to work.

Mr. Chairman, the reality here is that pyroprocessing, according to the Department of Energy, is a piece of equipment that is about the size of a bathtub. Its original purpose was to be attached to the back of the breeder reactor, a nuclear reactor that could create more plutonium and highly enriched uranium than it burned.

Pyroprocessing technology would reprocess the spent fuel and extract as much of the bomb-usable leftovers as possible. That way, reasoned the nuclear industry, we could produce lots and lots of cheap nuclear electricity and still make more nuclear fuel once we pyroprocess the uranium and plutonium out of the spent fuel.

We all know what an oxymoron the phrase ''cheap nuclear energy'' has become, and in 1994, after the Cold War ended, we found ourselves with 50 tons of extra plutonium that we did have to still get rid of. Congress decided that pouring more money into the multibillion-dollar sinkhole that was the breeder reactor program was just pointless, so we killed that program.

Pyroprocessing should have been terminated along with the nuclear breeder reactor, but instead it has metamorphosed into something new but just as deadly. It entered the Federal witless protection program, hiding out in a DOE safe house. Advocates contend that the new pyro identity was that the program would be a good way to treat DOE spent nuclear fuel before it went into permanent storage at Yucca Mountain. They said it was the only way to treat that fuel in order to make it stable for permanent burial. They said pyroprocessing would take care of everything. They were wrong.

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition once again to the Markey amendment. I think this is about the third time. This amendment would zero out an appropriation of $20 million for a very important ongoing environmental nuclear waste reduction research program which is being conducted by the Department of Energy in Illinois and Idaho.

In addition, this amendment would, in the words of the Department of Energy, also, if passed, zero out an additional $25 million, and as a result, and I quote the Department of Energy, ''end all activities by the Department of Energy to place the EBR II nuclear reactor in a radiologically and industrially safe condition.''

In other words, it would end the shutdown of the EBR reactor, something which the gentleman from Massachusetts [Mr. MARKEY] and his allies have worked so hard to achieve 4 years ago, to kill that nuclear reactor.

I shall, however, refer primarily to the effect that this amendment would have in ending a very valuable and ongoing research program, the electrometallurgical treatment of DOE spent fuel. This is not commercial spent fuel, but spent fuel owned by the Federal Government.

Electrometallurgical treatment is the new technology which, if ultimately approved by the National Academy of Sciences and by the Department of Energy, will greatly reduce the volume and the toxicity of over 2,700 metric tons of more than 150 different types of spent nuclear fuel stored at the various Department of Energy sites around the Nation, in Idaho, Washington, Tennessee, South Carolina, and many other States.

It is a new and exciting research of the treatment of Department of Energy spent nuclear fuel which also locks up and makes inaccessible plutonium that all fuel, spent fuel, contains, thus eliminating the possibility of any proliferation of plutonium. It is locked up with all the hot actinides that are radioactive. If anybody touches it they are dead.

Any plutonium contained in this spent fuel would be bound up, as I have said, in highly radioactive fission waste products and then immobilized in a stable glass-ceramic waste form for burial. This is not a nuclear reactor we are talking about, it is not a breeder reactor. We are talking about burying spent nuclear fuel that is owned by the public.

All of this can be accomplished at greatly reduced cost, compared to what current technology is out there. Electrometallurgical treatment is a research program designed to take spent nuclear fuel and make it less in volume, less in toxicity and less threatening to the environment, and thus suitable for burial. I cannot understand how anybody could be afraid of that. It is environmentally sound and it does not pose a proliferation risk, and it is strongly endorsed by the administration and by the Department of Energy, who are not noted for being people who favor proliferation, by any means.

The National Research Council, composed of members from the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine, all support the continuation of this promising technology. In fact, the National Academy of Sciences is closely monitoring the feasibility of this technology upon request of the Department of Energy. They are doing a good job of monitoring it. They are critical in their judgments.

This latest finding of the National Research Council states that ''The committee continues to support the overall recommendations of its July, 1995 report,'' concluding that the Department of Energy ''should proceed with its development plan.''

Mr. Chairman, 2,700 metric tons of nuclear waste poses a dire environmental responsibility of the Federal Government and of this Congress. It is not going to go away, no matter how

much we might hate nuclear power, as some people unfortunately do. We need places in which to store spent nuclear waste. We need the technology to treat these wastes in order to lessen their volume and toxicity, and in order to assure their safe disposal in Yucca Mountain or wherever.

Indeed, the Department of Energy is obligated, under the Federal Facilities Compliance Act, to adequately prepare its spent nuclear fuel for burial and to comply with the Federal Environmental Protection Act. The Department of Energy, like all the rest of us, has to act. For Congress to zero out such research would be an act of irresponsibility.

Mr. Chairman, we debated the same kind of amendment last year and the year before that, and each time it was soundly defeated on a good, solid, bipartisan vote. I think it deserves the same fate today. I urge my colleagues to vote ''no'' on the Markey amendment.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, pyroprocessing, also known as electrometallurgical treatment, is a relic of the budget-busting breeder reactor program which Congress killed in 1994 by terminating the Advanced Liquid Metal Reactor. According to a 1995 paper on pyroprocessing prepared by Argonne National Laboratory, the basic technology was developed for the integral fast reactor program, which until recently canceled, was the United States' nuclear research and development program for advanced liquid metal reactors.

The ALMR was to be a breeder reactor that was supposed to produce more plutonium than it consumed, and pyroprocessing was to be used in extracting the plutonium from the spent fuel to be reused for civilian or military purposes. Since termination of the ALMR, supporters of the pyroprocessing technology have, in effect, searched for a mission. Now they say the technology is being developed to prepare spent nuclear fuel for proper disposal.

However, according to the publication ''Nuclear Fuel,'' the only thing certain about Argonne National Lab's effort to demonstrate whether pyroprocessing is a viable and versatile spent fuel management tool is that it will take longer and cost more to reach a conclusion on its potential than originally thought.

The review also states that completion of this development and demonstration program requires a proposed Argonne National Laboratory-West spent nuclear fuel processing program that would extend beyond fiscal year 2005, which is 6 years and at least $270 million behind schedule. The National Academy of Sciences says the DOE must clearly understand that additional funding will be necessary beyond the demonstration phase to achieve the program's objectives.

Nevertheless, it is unclear at best that pyroprocessing technology will ever meet its objective of simplifying disposal of certain types of Department of Energy spent fuel. For instance, the National Academy of Sciences has pointed out that the nuclear waste generated by pyroprocessing is probably unsuitable for Yucca Mountain. If the treated fuel is indeed stored at Yucca Mountain, radioactive materials could be released into the environment at very clear risk to health and safety.

□ 2315

The fact is, pyroprocessing is not needed. In the 1980's, 59 cans containing 17 tons of DOE spent nuclear fuel was shipped from the Argonne National Laboratories to Rocketdyne in California, where the unstable elements were neutralized.

The question then arises: Why should Congress continue to fund a program that is not needed and will cost the U.S. taxpayers hundreds of millions of dollars when there is no guarantee that its objectives will ever even be met?

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Electrometallurgical treatment or pyroprocessing is finding answers to our most difficult nuclear fuel disposal problems. This process will greatly reduce the volume and the level of toxicity of spent fuel.

Spent nuclear fuel is not amenable to geological disposal because of its nature. It ignites upon contact with air and explodes upon contact with water. Pyroprocessing changes the composition of spent nuclear fuel so that it may be disposed of by safely separating the uranium and the plutonium contained in it. As a matter of fact, this process changes the spent fuel to sodium chloride, more commonly known as table salt.

Furthermore, the Department of Energy has stated that the plutonium produced by this process is not suitable for making nuclear weapons. DOE has further stated that the material produced from this process is not attractive to those who might want to make a weapon.

Pyroprocessing is entirely consistent with the administration's nonproliferation policies. This is not an issue of nuclear proliferation. It is about developing a process that will allow for safe disposal of nuclear wastes. Some wrongfully argue that the uranium produced as a result of this process could be used to build nuclear weapons. This could not be further from the truth.

Pyroprocessing changes the condition of uranium in such a way that it is no longer capable of being used in nuclear weapons. Some may argue that nuclear power should be done away with. Well, I am not here to argue the merits of that position, but I will make one point. I will point out that until such alternatives become reality, we must make every effort to ensure that waste produced by nuclear plants is disposed of safely. Pyroprocessing makes the disposal of spent fuel safer.

The National Research Council has stated that pyroprocessing is the result of well-established science that is technologically feasible. The National Research Council has further stated that this research has the capacity to become the basis for a larger global waste management plan. In light of these facts, it would be irresponsible for us to cut funding at this time.

Nuclear waste is a reality of our modern age. As responsible leaders, it is incumbent upon us to support innovation and technology which will benefit our constituents. Pyroprocessing is such a technology.

This is not corporate welfare. ET, electrometallurgical treatment, is being developed to deal with DOE's own spent fuels. The research is being performed by the nonprofit Argonne National Laboratory operated by the University of Chicago on behalf of the DOE. It seeks to carry out the congressionally authorized mission to clean up sites across this country that supported our Nation's defense missions and to protect human health and the environment now and in the future.

Mr. Chairman, I urge my colleagues to oppose this amendment

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. As some of my colleagues have said, it has come up before, it has been soundly defeated, but it seems, like a bad penny, to keep coming back.

Mr. Chairman, I support the chairman's mark for $20 million. The chairman, by the way, who along with the ranking member worked very hard to craft a bill that I think is a bill of substance. This $20 million for the electrometallurgical processing I think is vital. It is vital R&D, and it is a program that hopefully will enable the Department of Energy to treat its own, I am saying its own spent nuclear fuel and convert it to a form that is safe for final disposal.

It is important, I think, to understand that a portion of DOE's spent fuel is chemically reactive and it cannot, and I repeat, it cannot be disposed of in its present form.

In fact it is my understanding that some of this fuel is pyrophoric. I am not a chemist, but I do know what it means and I have been told by a number of experts that it will spontaneously ignite when exposed to air.

Mr. Chairman, this is not a program directed at research for the commercial nuclear industry. It is not corporate welfare. Nothing of the kind. The commercial industry does not need, does not even need this technology. But who does? DOE does and America needs it.

Nor is it an R&D effort that will result in technology to separate out the plutonium from the spent fuel. The

plutonium remains suspended in the spent fuel. There are no valid proliferation issues associated with this technology. Rather, it is an R&D program that will render DOE's own inventory of spent fuel safe, while at the same time substantially reducing the volume of waste and the cost of characterization, handling, storage and ultimately, of course, disposal.

Mr. Chairman, this program is in its last year of funding. I urge Members to vote ''no'' on this amendment so that can be completed as requested by the department, and as recommended by the National Academy of Sciences.

Mr. Chairman, I believe, as has been done historically, this has been passed on a bipartisan basis two, three, four years going back. I think we should do it again, and I urge my colleagues to oppose this amendment.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to join this stimulating debate that is taking place at 11:20 here on electrometallurgical treatment. I know that my colleagues are fascinated by it, but the fact of the matter is, it is a very serious and important matter.

Mr. Chairman, I strongly oppose, as I have in the past, the amendment being offered by the gentleman from Massachusetts [Mr. MARKEY], my very good friend, and I would like to associate myself with the words of my colleagues who have spoken in opposition.

The gentleman from Michigan [Mr. KNOLLENBERG], my friend from Bloomfield Hills, has just raised the issue of corporate welfare. The gentleman from Illinois [Mr. RUSH] also raised that issue. The fact of the matter is this is not corporate welfare. We are not talking about the disposal of fuels that are in any way related with anything other than direct government programs. We have the Department of Energy faced with this very serious question of how to deal with this spent fuel, and we have a very creative, positive solution which is being researched and developed at Argonne.

It seems to me that as we look at this problem which is looming and continues to grow, we have a responsibility to face it.

So Mr. Chairman, I urge my colleagues to join in strong opposition to the Markey amendment. I strongly encourage them to support the position that has been moved forward by the gentleman from Pennsylvania [Mr. MCDADE], chairman of the subcommittee, and the work of this subcommittee.

It seems to me that when we look at the challenges that loom ahead, we have a responsibility to look at every creative way that we can to deal with this pressing issue, because it is not going to be an issue that will in any way go away. It is one that is going to become greater and greater. That is why the work at Argonne must continue. We have got to have once again a very strong vote in opposition to the Markey amendment, and I urge my colleagues to join with us when we cast that vote tomorrow.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Markey amendment. A number of us are supporting it for a very real reason. We are very concerned about the proliferation of nuclear weapons. We are very concerned that, as the cold war has ended, we are in a different kind of war, the kind of war that will occur when terrorists or rogue nations get access to nuclear weapons.

Mr. Chairman, we can have long and extended debates about this issue, but the bottom line is that if we continue with pyroprocessing, we are going to be allowing a process to be developed that is quite simple, not complex, and nations that do not have a lot of resources will be able to get this type of technology because once we develop it, we cannot contain the knowledge. Once the knowledge is developed, it is there to share with everyone. Terrorists will get it. That is the bottom line.

We talk about this being a serious issue. It is a serious issue. The promoters of this technique, pyroprocessing, make it very clear that this process can be developed in a very small room. When we had dialog about it, they said it could not be developed in a small room because other ancillary services would be needed that would make this product show up and be visible to many.

But, Mr. Chairman, the fact is this is a process that can be developed in a small room. It is a process that separates uranium and can also lead to the separation of plutonium. The trusted scientists that we have spoken to make it very clear that while pyroprocessing does not separate plutonium, a slight change in the process can separate this item.

Mr. Chairman, I cannot speak strongly enough. I wish I could be more eloquent about my feelings, but this is, in my judgment, something that is important to Illinois and Idaho. It is important to these two States because it is a jobs program. But it is absolutely deadly for this Nation and the world. For that reason, I support the Markey amendment and hope that tomorrow we will have the good sense to pass it.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, there are so many red herrings that are tossed out in a debate like this that we might as well put an aquarium down in the well to contain them all as they are swimming around in this debate.

Mr. Chairman, this is a technology which makes it possible to extract highly enriched uranium. Highly enriched uranium can be used to make nuclear bombs. Terrorists can find the designs for the building of nuclear bombs on the Internet. It took me 10 minutes tonight to find the documents titled ''Documentation and Design of an Atom Bomb'' on the Internet; 10 minutes.

What are they missing? They are missing the enriched uranium. What this technology does is make it possible for enriched uranium to be extracted from a very small, very simple process that our Government is funding.

Now, we have had a 25-year policy in the United States against reprocessing, and it is a policy that we try to spread across the rest of the globe. Now, what do we gain by having this tiny project, for our purposes, be funded in the United States, having it be viewed by other countries in the rest of the world who view us as hypocrites for developing reprocessing technologies, and for the long-term not expect those countries then to seek to emulate us?

Mr. Chairman, if we are in fact going to be realistic about the post-cold war era that we live in, we live in a world of deregulation. The United States and Soviet Union can no longer control the rest of the world. So as a result these issues of nonproliferation loom larger in our future.

Do we voluntarily want to undertake policies that gut a 25-year message we have sent to the rest of the world that we are not going to reprocess spent fuel in a way that can create nuclear bomb grade material?

☐ 2330

Mr. Chairman, I think that is not the right direction for our country to be heading into the 21st century. That is why I urge a yes vote on the Markey amendment. We do this because for no other purpose we must begin to seriously discuss in our country the real threats of the 21st century, the threats of nuclear materials going from Russia into Iran, from China into Pakistan or into Iraq. We must begin to discuss what we ourselves can do to give the world leadership on this issue.

If we here tonight continue to fund a project which is nothing more than a leftover from the breeder reactor debates of the 1970s and 1980s, then yes, for a very short period of time we might be able vampirelike to allow this program to suck the budgetary life's blood out of the taxpayers' pockets. But, Mr. Chairman, we will also be sending a message to a couple of dozen countries in the world that there is a technology that perhaps they as well should start to think about availing themselves of, and this technology will come back to haunt us because the next ayatollah could in fact have nuclear weapons. The process that they use could very well be this process. The internet tells them how to build it.

We should not in any way send a message that we think is appropriate for it to be built. That is why I make this amendment this evening. That is

why the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Florida [Mr. FOLEY] make this amendment this evening. It is that we begin the process ourselves of giving the world leadership on an issue that for several decades the United States and Soviet Union turned their backs.

It is now time that we turn to this issue. We are never going to blow ourselves up, the United States and the Soviet Union. What is 10 times more likely to happen is that a terrorist or a Third World country will gain access to this technology and then we will reap the whirlwind. I thank the gentleman from New Jersey so much for yielding to me.

Mr. CRAPO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was going to talk about the proliferation risk at the end of my comments, but because of the impassioned speech we just heard and the debate that we have heard, I think I will bring that discussion to the forefront. In doing so, let me point out that this research has been requested by the Department of Energy, supported by the administration, authorized by both House committees of jurisdiction and is being supported and monitored by our Nation's premier science organization, the National Academy of Sciences. I ask, do you believe that the Clinton administration with Vice President GORE heavily involved in these environmental matters would endorse the electrometallurgical technology if it constituted a proliferation risk? Would both the committees of Congress, would the National Academy of Sciences and the many other scientific groups and boards that have said this research is so critical support this if it were a proliferation risk? No, they would not.

The reason is because, even though we have had this same tired old debate on every nuclear research project for the last four years it has come up, it is always the same argument no matter what the research is on the floor at the particular time. It must be a proliferation risk because that seems to be the only thing that can be said by those who simply want to shut down nuclear research in this country.

The fact is this is not a proliferation risk. Plutonium is not and cannot be separated by this technology. The fact is that this technology blends down plutonium and binds it with other types of products so that it cannot be used in nuclear bombs. The chemistry and physics of the technology does not allow this. The plutonium is automatically bound together with fission products and other transuranic elements, and those materials make the plutonium unusable for weapons use.

Quite simply, this technology is self-protecting. And that is why this Nation, that is why this administration, that is why the committees of this Congress have endorsed it. And those who oppose it do so in my opinion because they do not support nuclear energy research and they do not want to have the beneficial results of this research to occur.

Independent nonpolitical scientific review boards convened in 1986, 1992 and 1994 have all confirmed that this technology does not present a proliferation risk. What is this technology? This technology that is currently being developed by Argonne National Laboratory is a research program designed to prepare spent nuclear fuel for proper disposal. It is interesting for me to note that many of those who oppose this technology are also opposing the legislation that will hopefully come on this floor later this year to provide for the permanent disposal of spent nuclear fuel. This technology has the potential to treat 2700 metric tons of DOE owned spent fuel, some of which has become seriously degraded, as other Members who have spoken tonight have explained.

It is important to me in Idaho not only because the research is being done there but because over the past few decades much of the spent nuclear fuel of this country has been stored in Idaho. And the State of Idaho recently in litigation with the Department of Energy has achieved a negotiated result enforced by a court order that says that the Federal Government has got to take that spent nuclear fuel, treat it and store it somewhere else. And those who would stop this research and those who would stop the implementation of storage facilities would force that spent fuel to stay in Idaho over the aquifer which we have fought so hard to assure that it must move to protect.

This research, as I said, has been supported by the administration, the committees of Congress, and the scientific review boards that have reviewed it have consistently supported it and said that it is needed research. And a special committee at the independent nonpolitical Academy of Sciences has reviewed this program extensively and is monitoring its progress.

In their report, the committee recommends that DOE assign high priority to electrometallurgical research at Argonne National Laboratory saying that it represents a promising technology for treating a variety of DOE spent fuels.

Mr. Chairman, the fact is that this research is critical to this Nation's nuclear research policy, regardless of whether one supports nuclear energy in the future, which I do, or whether one simply supports solving the problems of the existing spent nuclear fuel that needs to be handled. We must support this needed critical research and we must not listen to those who continually throw up the false argument of proliferation against every aspect of our nuclear program in this country.

Mr. FAZIO of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all let me say I think the gentleman from Massachusetts [Mr. MARKEY] in bringing this amendment to the floor even at this late hour, which I know is a frustration for him, does a service to the institution, to this committee in that he makes us rethink the position that I think most of us have come to; and that is that we must support the administration's nonproliferation goals and policies. He is obviously impassioned and deeply concerned about nonproliferation. I think his colorful rhetoric sometimes gives Members the impression that the gentleman from Massachusetts [Mr. MARKEY] just loves a fight. But we know in addition he is truly committed to keeping the pressure on in this country to make sure that we do not accidentally or without sufficient debate make decisions that we would live to regret.

I know his opposition stems from a very strong advocacy of nonproliferation and a fear that this technology could be used to reprocess spent fuel to separate out the plutonium. He believes, I am sure sincerely, that the department's research on this technology keeps the possibility of reprocessing alive.

Let me read to my colleagues what has helped convince me of the position that I take. It is a letter that was sent very recently by Terry Lash, Director of the Office of Nuclear Energy Science and Technology, writing to Chairman MCDADE. He says,

> The electrometallurgical treatment technology is not reprocessing. It cannot be used or modified to separate pure plutonium. It is technically possible, he says, to modify it to separate a highly radioactive mixture of actinides including plutonium but this material would be extraordinarily difficult to make into a weapon.
>
> This material therefore is not at all attractive to those who might want to make a nuclear explosive. It is doubtful that a rogue nation or terrorist organization could do so even if it wanted to.

I think that when we hear from our colleagues speaking sincerely, the gentleman from Florida [Mr. FOLEY], the gentleman from Connecticut [Mr. SHAYS], talking about the rogue nation, the terrorist attack, we have to look to the people whose job it is to protect us at all times from that kind of threat. And we all know it is a greater threat, as the gentleman from Massachusetts [Mr. MARKEY] says, than the kind of nuclear exchange that dominated our thinking during all of the cold war years.

In addition, indicating to us that the pure recollection reprocessing is easier to use, cheaper to set up and that can fit any facility, probably the choice of those who would be rogue nations or terrorist organizations, this letter points out that electrometallurgical technology must be conducted in airless inert environments using advanced remote handling equipment that is technologically far more challenging than the conventional pure recollection reprocessing.

So I think we have seen a real debate within the administration. I think they

have properly concluded that this is not the threat that some fear it to be. And I would hope that Members would act as we have in the last 2 years to defeat this amendment and support a rational policy which should be a bipartisan one. I think it will be reaffirmed as such this evening.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 1998''.

AMENDMENTS OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate and report the amendments.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 502. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270).

The Clerk read as follows:

Amendment Offered by Mr. SOLOMON:

Page 35, after line 20, insert the following new section:

SEC. 502. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the gentleman from New York [Mr. SOLOMON] offering the amendments en bloc?

There was no objection.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Chairman, I will not debate the amendments. I mentioned the title of the first, it being a requirement on the reporting requirements of hiring practices of veterans of the former armed forces of the United States of America. The other is an amendment that would require recruiters and ROTC units to be present on college campuses. Both of these amendments have been offered to numerous legislations and become law. I would appreciate if they could be accepted here tonight.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I want to compliment the gentleman from New York, the distinguished chairman of the Committee on Rules, on his amendments. We are pleased to accept them.

Mr. SOLOMON. Mr. Chairman, I want to thank the gentleman. I have nothing but praise for him and the ranking member and their staffs, for the outstanding job that they do on a very difficult Appropriations Subcommittee. We thank them very much for all of their efforts on behalf of the entire body.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Given the fact that I had very little background or information about what was coming on this bill, what seems to be on the surface an extraneous amendment, I have been informed that we have supported this in the past. The House has overwhelmingly done so. I will not object. But I do find it a bit out of the ordinary.

Mr. Chairman, I will accept the gentleman's amendment.

However, as we go to conference, I would ask the gentleman to furnish the committee with a more detailed description of what his amendment will do and the problem that it seeks to address.

As I understand the gentleman's amendment, it would simply make contractors who do business with the Federal Government comply with existing Federal veterans' preference law.

I also understand that should such a contractor fail to comply with the reporting requirements in the law, the contractor would be denied Federal funds.

I certainly don't object to veterans preference, and I hope this will ensure that DOE and other agencies are fulfilling their responsibilities.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. SOLOMON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 502. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MCDADE. Mr. Chairman, I reserve a point of order on the pending amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

☐ 2345

Mr. BEREUTER. Mr. Chairman, this common sense amendment is needed to ensure that the Corps of Engineers does not repeat its previous mistake, a proposal which would have devastated farms, businesses, landowners and countless communities along the Missouri River.

In 1994, the Corps issued its proposed changes to the Master Manual and made a colossal blunder by proposing to drastically increase the flow and water level of the Missouri River during the months of April, May and June. These, obviously, are the very months when States such as Nebraska, Iowa, Kansas and Missouri, especially in the area south of Plattsmouth, NE, are already most vulnerable to flooding due to snow melt and heavy rainfall in the internal watersheds that drain into the Missouri River.

It is bad enough that farmers and other landowners along the river have to contend with natural disasters, they should not be forced to deal with the kind of man-made disasters that would have been caused by the Corps' proposal. The floods and heavy spring rains of recent years offer clear and convincing proof that the proposal was seriously flawed.

At a series of two dozen hearings throughout the Missouri River Basin region, participants expressed very strong, even vociferous remarks and nearly unanimous opposition to a number of provisions in the Corps' preferred alternative. One of the most detested provisions was the increased spring rise.

Following this massive opposition to the proposed changes, the Corps acknowledged the flaws in the original proposal and expressed a willingness to reevaluate the issue. However, this Member believes this common sense amendment is desirably discussed each year to make absolutely certain that the Corps does not repeat this mistake.

Mr. Chairman, in conclusion, this Member again heard the strong concerns and objections to the current

Missouri River bottomland flooding from affected landowners and farmers in Otoe County and Nemaha County at town hall meetings this Member held on Monday of this week in Nebraska City, NE, and Auburn, NE.

Some of these individuals have had their crops destroyed by flooding in 4 of the last 5 years. Their crop insurance costs are soaring and they are understandably suffering great economic losses which do threaten their survival. Therefore, Mr. Chairman, it is important that any changes in the Missouri River Master Water Control Plan alleviate this severe flooding problem and not accentuate it.

Finally, Mr. Chairman, this Member will attempt to address this subject throughout any appropriate authorizing committees.

I have had tremendous cooperation from the chairman and the ranking member on this subcommittee, and I am very much appreciative of it. I know that the rules, or the interpretation of the rules which made this amendment possible to be considered in the last two Congresses are different.

Mr. Chairman, I recognize that the gentleman from Pennsylvania has reserved a point of order and I would be willing to hear anything that he wishes to say to me at this point, and will end my remarks by conceding the point of order to the gentleman.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania.

POINT OF ORDER

Mr. MCDADE. Mr. Chairman, I am grateful to my friend for conceding the point of order. I am constrained to put the language on the RECORD because, as the gentleman knows, he is attempting here to set a precedent, and so we need to make sure that the Parliamentarian makes a ruling.

Mr. Chairman, I object and make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2(c) of rule XXI.

The rule States in pertinent part, and I quote:

> No amendment to a general appropriations shall be in order if changing existing law, including an amendment making the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation.

The amendment changes existing laws because it is based on receipt or possession of information not currently required under existing law and thereby imposes additional duties on a governmental official. This rule was changed for the 105th Congress to specifically prohibit this loophole, a technical loophole, which was used to circumvent the prohibition of legislating on an appropriation bill.

Mr. Chairman, I ask for a ruling from the chairman.

Mr. BEREUTER. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I want to reluctantly agree, as I said, to concede the point of order and express my general appreciation for the treatment this Member has had.

The CHAIRMAN. The Chair will proceed to rule.

The gentleman from Pennsylvania makes a point of order against the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] that the amendment violates clause 2(c) of rule XXI, which precludes an amendment to an appropriation bill that changes existing law.

As the Chair ruled on July 15, 1997, clause 2(c) of rule XXI was amended in this Congress to include in the definition of an amendment ''changing existing law'' one that makes the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation. Precedents to the contrary from prior Congresses are no longer dispositive. The amendment thus constitutes a change in existing law and is in violation of clause 2(c) of rule XXI.

Accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PETRI:
>
> At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Department of the Interior who authorizes, or implements the acquisition of land for, or construction of, the Animas-La Plata Project, in Colorado and New Mexico, pursuant to the Act of April 11, 1956 (43 U.S.C. 620 et seq.) and the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, this amendment provides that no money can be spent on land acquisition or construction of the Animas LaPlata Water Project in Colorado and New Mexico.

Although this Energy and Water Appropriations bill does not contain any additional funds for the Animas LaPlata project, there is approximately $8.2 million of previously appropriated and unobligated funds that remain, and the other body has appropriated an additional $6 million for this year. I believe the House of Representatives deserves an opportunity to restate its view on this important issue.

As Members know, last year the House voted against the project by a 221 to 200 vote, removing its money from last year's appropriations bill. Nine and a half million dollars was then inserted in the bill in conference.

Fortunately, the supporters to the project have agreed that the project as originally conceived cannot be built. Yet now they have recently presented an alternative which still costs hundreds of millions of dollars, still contains a number of objectionable features, is not in compliance with existing Federal laws and, most importantly, has not been authorized. This alternative is a new project and should be authorized before it goes forward.

We appreciate the fact that the bill contains no new money for the Animas LaPlata project, and we thank the chairman for that. Our concern is that the committee report language directs that existing funds continue to be spent on the project and that spending is not limited to studies of alternatives. We do not believe any funds should be committed to the construction of a project that everyone has abandoned or an unauthorized alternative under the guise of the old project until a new alternative has been developed and authorized.

There is, in fact, a negotiation process underway in the State of Colorado led by Governor Romer and Lieutenant Governor Schoettler discussing new alternatives and other possibilities. We support this negotiation process and hope it results in an acceptable alternative. But until it does so, it is completely premature to be appropriating and spending any more money for the construction of the old project or a new one.

I would just like to have the House be very clear that no funds should be used to start construction until Congress has authorized a new alternative, and that is what this amendment attempts to do.

I would ask all my colleagues to support this amendment.

Ms. DeGETTE. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding to me. I have a question for the gentleman from Wisconsin.

As the gentleman knows, there are a number of controversies associated with this project, most notably environmental and cost concerns, and as he mentioned, there are currently negotiations underway attempting to address these problems and come up with an alternative that addresses both of these concerns. We are calling it the Romer-Schoettler process in Colorado and every place else.

What I am wondering is, if the gentleman's amendment would in any way prohibit any Department of Interior personnel from participating in the Romer-Schoettler process or in any way exclude or interfere with this resolution process?

Mr. PETRI. Mr. Chairman, reclaiming my time, as I have previously stated, the only limitation on the use of

the funds would be on activities related to the acquisition of land for the construction of the project as originally authorized.

In fact, it has always been our intention that by eliminating the funds in this way, the funds would still be available for the study and planning of a reasonable alternative.

Ms. DEGETTE. Mr. Chairman, if the gentleman would continue to yield, just so that I may follow up, there are currently approximately $8.2 million in unobligated funds in the Animas LaPlata account. Under this amendment, could these funds be used for the continued involvement of Department of Interior personnel in the Romer-Schoettler negotiations or any other negotiations designed to develop an alternative that will resolve the environmental and cost concerns associated with this project?

Mr. PETRI. Mr. Chairman, that is right. As I have stated, the only limitation on the use of funds would be on activities related to the acquisition of lands for or construction of the project as originally authorized.

It has always been our intention that by eliminating the funds in this way, the funds would be still available for the study and planning of a reasonable alternative.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PETRI

Mr. FAZIO of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California as a substitute for the amendment offered by Mr. PETRI:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

None of the funds made available in this act to pay the salary of any officer or employee of the Department of Interior may be used for the Animals-La Plata Project, in Colorado and New Mexico, except for (1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Indian Water Rights settlement Act of 1988 (Pub. L. 100–585).

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the Petri amendment and in support of an amendment that I have just offered along with the gentlemen from Colorado [Mr. SKAGGS] and [Mr. MCINNIS] as a substitute on Animas LaPlata.

The gentleman from Wisconsin [Mr. PETRI] and the gentleman from Oregon [Mr. DEFAZIO], his colleague, have been really spoiling for a fight on this subject all year long, and I think what they are showing us tonight is they are not going to allow the lack of funding for the project in our bill to stand in the way of having that debate.

In a sense, our colleagues are really asking us to revote last year's amendment because this amendment, really, has to do with spending last year's funds. The effect of their amendment would be to prevent the Interior Department's agencies and employees from doing the one thing they have said to be seeking in the past, and that is a cost effective alternative to the full-blown Animas LaPlata project.

The effect of their amendment would also be to throw in enormous obstacles in the way of the successful Romer-Schoettler process. The tribes and their neighbors are cooperating in the process in good faith. Proposals, in fact, for changes in this project are due July 31, not very many days from now.

The tribes made their proposal a few weeks ago, and when it is advanced for authorization, we will have the opportunity to debate it on its merits.

The good faith of the tribes is demonstrated by their proposal, which cuts the project cost by $400 million, almost entirely because the non-Indian irrigation components have been removed, one of the great goals of the environmental movement through the years.

Shelving the irrigation features also eliminates any water quality concerns. Two-thirds of the water would go to the tribes and depletions are limited to 57,100 acre-feet, in full compliance with the Endangered Species Act.

All of these proposed changes respond in a responsible manner to concerns the amendment sponsors have raised in previous debates.

The tribes will not accept a buy-out of their water rights. That point was emphasized by Interior Secretary Bruce Babbitt during our committee hearings. The tribes want real water, wet water, not a paper right and the promise of cash.

The tribes have been cooperative and they have been remarkably patient.

The amendment I am offering with the gentlemen from Colorado [Mr. SKAGGS] and [Mr. MCINNIS] is a substitute to the language that would not permit construction to go forward immediately. But unlike the Petri amendment, it will allow the tribes' trustee, the Department of the Interior, to participate in a process which seeks a less expensive way to fulfill our obligation to the Colorado Ute tribes.

The substitute amendment is fair, I think it is evenhanded and, better yet, it, as my colleagues have heard, has the bipartisan support of the Colorado delegation, who know more than anyone how difficult this process has been and the type of balance that is finally being obtained through this process that has long alluded us.

This has been an issue that has been before this committee for as long as I have served on it, I believe 18 years. The substitute amendment is evenhanded and will permit this process that the governor and lieutenant governor engaged in to go forward. I do not think any of us want to interfere with the downsizing and the improvement of a project that obviously has cried out for change.

□ 2400

If we let this process proceed and agreement can be reached, we can move forward to complete a scaledown and improved project rather than have to leave it for future deliberation in a way that will only serve to meet the goals of those who want no project whatsoever and have no interest in compromise.

I hope the Members will accept this as a real step forward in lieu of the kind of amendment that was offered by the gentleman from Wisconsin [Mr. PETRI], which I think would put an end to the good-faith negotiations now underway.

Mr. PETRI. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN. The Chair will state that it is too late; the substitute has already been offered.

Mr. MCINNIS. Mr. Chairman, I move to strike the requisite number of words. I rise to address the substitute amendment.

Mr. Chairman, I think it is very important. First of all, let me thank the gentleman from California. The gentleman from California has been very cooperative. The gentleman from California understands the history of the Animas-La Plata project. The gentleman from California understands the importance of bipartisan support, which this project has had through a number of Congresses, through a number of Presidents, through a number of State legislatures.

This project is in compliance with an agreement made by the United States Government with the Indian tribes of this country. We gave the Native Americans our word that we would comply with an agreement if they simply would not sue us in the courts to get the water that we originally promised them.

Let me quote from an article from a good friend of mine, Bob Ewegen, from the State of Colorado. It involves a fellow named Otto Mears:

''The Utes, for whom the San Juans had been home for generations, naturally resented the rush of the white man to the lands they considered their own. Otto Mears made removing the Indians to smaller reservations in the west his first order of business, thereby opening his area to settlement. He played a prominent role in drawing up the various treaties by which the Utes lost their lands. The first was the Brunot Treaty of 1873, named for Felix Brunot, the United States Indian Commissioner, in which the Utes gave up their San Juan area,' that is a massive area in the State of Colorado, 'for a payment of $25,000 a year.

''. . In 1880 Mears was asked to serve as one of the five commissioners to make another treaty with the Utes. The government was prepared to pay $1.8 million to the Indians for the balance of their land, 11 million acres on the Western Slope' of Colorado. 'Mears had a better idea. He gave each Indian $2 to sign the treaty, thereby saving the government, the United States Government, practically the total sum that it expected to pay.''.

''Promise them $1.8 million. Give them two bucks. How typical of the United States Government. Unfortunately, things haven't changed much since 1880. In 1988 Congress passed the Colorado Ute Indian Water Rights Settlement Act to honor water rights that were granted the Utes more than a century ago in 1868.''

Ever since, we have worked hard to pass the Animas-La Plata water project in compliance with that agreement. ''The only way that this would be is to convert these legal rights into 'wet water' that the tribes can actually use. But ALP, the Animas-La Plata, ''has been blocked by a coalition of fiscal conservatives,'' theoretically, ''and what I call 'theme park' environmentalists.''

And the article goes on. The intent of the article is the reflection of the history, the sad history of the way that the Native Americans have been treated in this country. And once again, this Congress, through the amendment of the gentleman from Wisconsin [Mr. PETRI] is about again to add to that sad history, and that is to break the word that we gave to the Native Americans.

Now that water that we stole from them originally, we agreed to give the water back to them. We did not give it back to them, so they sued us. We asked them to drop the lawsuit. We promised them we would give them wet water, not money, not beads, not an ax handle. We would give them water, a water project.

We agreed to it. This Congress agreed to it. The previous Congress agreed to it. The previous Congress agreed to it. Previous Presidents agreed to it. And now, once again, here we are on the verge of breaking the word and the honor of the United States Government.

Do not support the amendment offered by the gentleman from Wisconsin, because all we do is put into effect a participatory breach of contract with the Native Americans. I urge everyone in the Chamber to support the substitute amendment of the gentleman from California. That is what is fair. That is what is just. And frankly, that is what keeps our word with the Native Americans.

Mr. SKAGGS. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman and Members, this Nation has a moral and legal obligation to meet the water right claims of the Ute and Mountain Ute Indian tribes in southwestern Colorado. We should recognize and stipulate to that.

The second thing that I think we all recognize, and the gentleman from Wisconsin [Mr. PETRI] in particular, that the existing authorized means of accomplishing that purpose and meeting that obligation, the original Animas-La Plata project, is excessive in cost and damage to the environment. It will not and should not be built as originally designed. But we cannot let that legitimate opposition to the old Animas-La Plata configuration cloud or compromise the vigor of our commitment to meet the Indian water rights claims that are at stake here.

Unfortunately, I am afraid that the amendment offered by the gentleman from Wisconsin will have that effect, and so I oppose it. There is an important effort underway now in Colorado that has already been discussed under auspices of Governor Romer and Lieutenant Governor Schoettler, a search for a compromise between proponents and opponents of the old Animas-La Plata project. I want to see that effort through to a successful conclusion if that is at all possible.

I believe the substitute makes clear that the Nation will not renege on its commitment to the tribes. Admittedly, I think this debate may be largely symbolic. I do not know that the substitute will have a significant effect on changing the legal landscape. I am not sure that the gentleman's original amendment will have much effect either. But I do believe, and regrettably, that there is a connection between this year's amendment by the gentleman from Wisconsin and last year's, which was, I think, a much more directed attempt to end this effort altogether, and therefore there is an understandable interpretation that this represents an effort to undermine that fundamental commitment to meet the tribes' water needs and their water rights. And for that reason, we cannot let that proceed.

Mr. Chairman, I am fully aware of the problems with the original project, serious environmental problems, serious problems with cost. But the fact is, as I said, that it is legally linked by law passed by Congress and signed by President Reagan to settlement of water rights to two Indian tribes. Killing the project without providing an adequate alternative to accommodate those rights would repudiate the settlement and I am afraid lead to costly litigation.

Let us let the Romer-Schoettler process go forward. Let us try to bring the parties together to a compromised solution if we possibly can. I hope that, therefore, we will support the substitute and reject the original amendment and allow this process to go forward.

Mr. PETRI. Mr. Chairman, I rise to speak against the substitute.

Mr. Chairman, first of all, I apologize to you and Members since I had not had an opportunity to read the amendment and it was not submitted to anyone or printed in the RECORD to stand to my feet to object. I have reserved a point of order and perhaps could have saved some time, because it appears to me, at least on the face of it, that it is legislating on appropriation and would not withstand a point of order.

Leaving that aside, nonetheless, it is somewhat of a symbolic argument in that the issue really here is pending the negotiations going on in Colorado to come up with a viable project that honors the Indian treaty rights and is environmentally sensible at the same time: Do we continue down the road of a roughly $750 million project that is a road to nowhere, at great expense to the taxpayers' spending, money that is in the pipeline; or do we stop what is being done now until we have a new project that in fact there is a consensus for?

We are arguing not to throw good money after bad. Let the negotiations go forward. Do not bias those negotiations by continuing to spend money on a project really to nowhere. And, therefore, I would oppose this amendment since it would encourage and permit the spending of money that might be wasteful

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I just want to assure the gentleman, I do not want to go down that road either. That is a road that has properly now, I think, been blocked. And progress that has already been made under the discussions convened by the Governor and Lieutenant Governor I think make that clear. But I want to assure the gentleman anyway of my opposition to that original overpriced, overblown project that would have had serious environmental consequences that I agree with him are uncalled for.

Mr. PETRI. Reclaiming my time, as I said, I have not had a chance to read the amendment completely, but as best I can tell, the basic difference between the amendment that I offered and the substitute is that ours would insert in the bill language to the effect that no activity can be conducted that would provide for implementing the acquisition of land for or the construction of the current Animas-La Plata project. And that would obviously be pending the negotiations and the new project coming forward.

This substitute amendment provides, yes, you can go ahead and continue spending money and engaging in activities pursuant to the Colorado Ute Water Settlement Act of 1988; in other words, biasing the negotiations that are now going on in Colorado. I think that would be a mistake, and I urge my colleagues to vote against the substitute and support the underlying amendment.

Mr. McINNIS. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Colorado.

Mr. McINNIS. Mr. Chairman, the concern that we have about the amendment that my colleague has placed out as his amendment, while there are negotiations going on in Colorado, the Romer negotiations, your amendment gives tremendous leverage to the opponents of the project. Our position is that we should maintain the status quo in the House and that if a compromise is reached by these parties, that that compromise be free to go forward.

We are under a time limitation, a contractual time limitation, to deliver this project to the Native Americans to avoid being in breach of contract.

Mr. PETRI. Reclaiming my time, there is mutual suspicion, obviously, in this. But the report language accompanying the bill that we are considering today does contain language providing for continued spending on the project.

My amendment was an effort to overcome that support language and provide for what we regard as a more neutral field. And, hopefully, there will be some discussions before this comes out of conference and maybe the whole thing can be resolved at that point, I think, we have identified the area of difference.

Mr. REDMOND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, 41 years ago, when I was 2 years old, there were Native Americans in the American Southwest who were carrying water in buckets to their homes. Plenty of water ran through their land but there was no way to store it or transport it, and therefore, it was virtually useless.

The United States Government promised them a storage and delivery system which became known as the Animas-La Plata water project. For 41 years, this promised storage system has been studied and analyzed, and today our Native American brothers still carry water in buckets to their homes. Cost concerns have been raised and addressed, and still our Native American brothers carry water in buckets to their homes. Environmental concerns have been addressed and resolved, and still our Native American brothers carry water in their buckets to their homes.

In good faith, they have shared some of their water rights with their neighbors to entice this body to keep its word. Several weeks ago, Native American tribal leaders, local water officials, and members of the Colorado and New Mexico delegations came together to show their unified support for the Animas-La Plata reconciliation project. This significantly revised proposal cuts the cost of the original project by two-thirds. It satisfies the NEPA process, and it meets the requirements of the Indian Water Rights Settlement Act.

But tonight my colleagues, using dated information, are offering an amendment that not only prevents further funding of this project, it prevents even negotiation under the Romer-Schoettler process. The gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. FAZIO] offer this amendment despite the fact that their concerns with the original project have been addressed.

My colleagues have long been opposed to this project for its cost. The revised proposal is two-thirds the original cost of the project. They claim the original plan does not satisfy the requirements of the Indian Water Rights Settlement Act, the revised plan does satisfy those claims, and the tribes are willing to sign an agreement stating such.

My colleagues oppose the old plan because they believe the construction time limitation would be exceeded. The new project will be completed by 2005, a date the tribes have agreed upon.

□ 0015

My colleagues claim that significant environmental concerns will be raised with the construction of this project. All National Environmental Policy Act requirements will be met.

Mr. Chairman, it is time to do the right thing. It is time to fulfill the promise that the U.S. Government made decades ago to the Colorado Ute Tribes. If this body does not act tonight to support this project, our native American brothers will settle this in the courts and they will most certainly win. When they win, the U.S. Government will not only pay for the construction of the Animas La Plata Water Project, it will pay for litigation costs and for damages as well. It is time to put an end to the days that our native American brothers must carry water in buckets to their homes. Let us keep our word.

I urge my colleagues to vote in favor of the Fazio amendment to the Petri-DeFazio amendment.

Mr. Chairman, I include the following article from Colorado for the RECORD:

TWO BUCKS FOR A BIRTHRIGHT

(By Bob Ewegen)

There's a stained glass window in the Colorado Senate honoring Otto Mears as: ''The Pathfinder.''

My wife would offer a blunter title for Mears: ''The Scoundrel.''

My wife, novelist Yvonne Montgomery, is part Cherokee and thus sympathizes with the Utes, who once owned almost all of Colorado's Western Slope—thanks to one of those famous treaties solemnly binding the Great White Father to protect his red children as long as the rivers run, the grass grows and the Broncos lose the Super Bowl.

In practice, those treaties lasted until Great White Father discovered something else he wanted to steal. Then the rivers would dry up, the grass would stop growing, and the Broncos, after losing to the Jaguars in the playoffs, would ask the taxpayers to buy them a new teepee. And the Indians would lose still more of their land and water.

U.S. Rep. Scott McInnis, who represents the Western Slope and Pueblo, reminded me of that sordid past last week by facing a chapter from a delightful book by Gladys R. Bueler, ''Colorado's Colorful Characters,'' published by Pruett Press in Boulder.

Bueler notes that silver and gold were discovered in 1871 in the San Juan mountains, where Mears operated a freight business.

''The Utes, for whom the San Juans had been home for generations, naturally resented the rush of white men to lands they considered their own. Otto Mears made removing the Indians to smaller reservations to the west his first order of business, thereby opening this area to settlement. He played a prominent role in drawing up the various treaties by which the Utes lost their lands. The first was the Brunot Treaty of 1873, named for Felix Brunot, the U.S. Indian Commissioner, in which the Utes gave up their San Juan area for a payment of $25,000 a year.

''. . . In 1880 Mears was asked to serve as one of the five commissioners to make another treaty with the Utes. The government was prepared to pay $1.8 million to the Indians for the balance of their land, 11 million acres on the Western Slope. Mears had a better idea. He gave each Indian $2 to sign the treaty, thereby saving the government practically the total sum it had expected to pay.''

Promise them $1.8 million. Give them two bucks. How typical of the government. Unfortunately, things haven't changed that much since 1880. In 1988 Congress passed the Colorado Ute Indian Water Rights Settlement Act to honor water rights that were granted the Utes more than a century ago, in 1868. Ever since, McInnis and Sen. Ben Campbell have worked hard to pass the Animas-La Plata water project near Durango, the only way to convert those legal rights into ''wet water'' the tribes can actually use. But A–LP has been blocked by a coalition of fiscal conservatives and what I call ''theme park'' environmentalists.

Theme-park environmentalists are those souls, usually Easterners or transplants from the East, who profess to love the West. But what they really love is a fantasy image of the West as it never was—and they don't want the people who actually live in the real West to mess up their theme park by earning a living. They want us natives to remain in a quaint and colorful condition, ready to ferry our environmentalist overlords on their rare rafting trips or serve as their maids and bartenders at our ski resorts. But let a rancher graze a few cows in the high country, and the first yuppie backpacker to step in a cow pie will—what else?—have a cow.

The theme-park environmentalists have now replaced Otto Mears in the time-dishonored effort to cheat the Utes out of their legacy. In their latest scam, the theme parkers have promised that if the Utes will abandon their support for A–LP, the enviros will ask Congress to give them $167 million to buy up some land and water rights. Of course, the Utes already own plenty of such abstract water rights. What they need is a ''bucket''—the Ridges Basin Reservoir—to store that water so the Utes can use it when they need it.

If the fiscal conservatives in the congressional coalition opposing A–LP are fair, they'll accept the offer the Utes made last week to slash the cost of the project from $714 million to $257 million. But if Congress won't even appropriate $257 million, why should it give the Utes $167 million? The fact is, the theme-park environmentalists are just following the path blazed by Otto Mears when he promised the Utes $1.8 million and delivered two bucks.

This time, the Utes should tell the Sierra Clubbers to keep their $2—and go jump in the lake. Specifically, into a Ridges Basin reservoir filled with Ute-owned water.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fazio amendment. I am happy to join my colleagues from Colorado, from New Mexico, and from California, indeed all the members of the subcommittee that heard the testimony with respect to this project. We think they have done yeoman work in attempting to meet the criticisms that were leveled on the much different project that was proposed some time

ago. I congratulate them for a marvelous debate tonight in showing their concern for our native Americans and the need for the Government to live up to the water rights that have been agreed to. I hope the substitute amendment will be roundly accepted.

Mr. DELAY. Mr. Chairman, I rise in support of the Fazio substitute and in opposition to the Petri-DeFazio amendment. The effort to scuttle the Animas-La Plata project has arisen year after year with accusations of corporate welfare, antienvironmental impacts, and excessive cost.

But a good faith effort is being made to reach a compromise that addresses the high cost and eliminates water quality concerns. The concerns raised by the opponents of this project are being addressed.

But the Petri-DeFazio amendment would stop that effort in its tracks. It would freeze the Interior Department out of the only process that is examining alternatives to the full blown Animas-La Plata project.

Mr. Chairman, that's just not right. The Indian tribes involved in this effort, like it or not, have agreements with the Federal and State governments—the promise to meet the water supply needs of the Ute Tribes goes back over a century.

I urge my colleagues to support the Fazio amendment—it prohibits construction from going forward but allows the Interior Department to continue its role in working out a reasonable alternative to the current project. Hopefully, this approach will allow the Federal Government to fulfill the commitment it made to the Ute Indians so long ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI] will be postponed.

Mr. MCDADE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCINNIS] having assumed the chair, Mr. OXLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

IMMIGRATION REFORM TRANSITION ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-111)

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 the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to submit for your immediate consideration and enactment the ''Immigration Reform Transition Act of 1997,'' which is accompanied by a section-by-section analysis. This legislative proposal is designed to ensure that the complete transition to the new ''cancellation of removal'' (formerly ''suspension of deportation'') provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Public Law 104–208) can be accomplished in a fair and equitable manner consistent with our law enforcement needs and foreign policy interests.

This legislative proposal would aid the transition to IIRIRA's new cancellation of removal rules and prevent the unfairness of applying those rules to cases pending before April 1, 1997, the effective date of the new rules. It would also recognize the special circumstances of certain Central Americans who entered the United States in the 1980s in response to civil war and political persecution. The Nicaraguan Review Program, under successive Administrations from 1985 to 1995, protected roughly 40,000 Nicaraguans from deportation while their cases were under review. During this time the *American Baptist Churches v. Thornburgh* (ABC) litigation resulted in a 1990 court settlement, which protected roughly 190,000 Salvadorans and 50,000 Guatemalans. Other Central Americans have been unable to obtain a decision on their asylum applications for many years. Absent this legislative proposal, many of these individuals would be denied protection from deportation under IIRIRA's new cancellation of removal rules. Such a result would unduly harm stable families and communities here in the United States and undermine our strong interests in facilitating the development of peace and democracy in Central America.

This legislative proposal would delay the effect of IIRIRA's new provisions so that immigration cases pending before April 1, 1997, will continue to be considered and decided under the old suspension of deportation rules as they existed prior to that date. IIRIRA's new cancellation of removal rules would generally apply to cases commended on or after April 1, 1997. This proposal dictates no particular outcome of any case. Every application for suspension of deportation or cancellation of removal must still be considered on a case-by-case basis. The proposal simply restores a fair opportunity to those whose cases have long been in the system or have other demonstrable equities.

In addition to continuing to apply the old standards to old cases, from IIRIRA's annual cap of 4,000 cancellations of removal. It would also exempt from the cap cases of battered spouses and children who otherwise receive such cancellation.

The proposal also guarantees that the cancellation of removal proceedings of certain individuals covered by the 1990 ABC litigation settlement and certain other Central Americans with long-pending asylum claims will be governed by the pre-IIRIRA substantive standard of 7 years continuous physical presence and extreme hardship. It would further exempt those same individuals from IIRIRA's cap. Finally, individuals affected by the legislation whose time has lapsed for reopening their cases following a removal order would be granted 180 days in which to do so.

My Administration is committed to working with the Congress to enact this legislation. If, however, we are unsuccessful in this goal, I am prepared to examine any available administrative options for granting relief to this class of immigrants. These options could include a grant of Deferred Enforced Departure for certain classes of individuals who would qualify for relief from deportation under this legislative proposal. Prompt legislative action on my proposal would ensure a smooth transition to the full implementation of IIRIRA and prevent harsh and avoidable results.

I urge the Congress to give this legislative proposal prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 24, 1997.*

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, due to a family emergency, I was absent for votes taken yesterday, Wednesday, July 23.

Had I been present on rollcall No. 300 I would have voted yes; on rollcall No. 301 I would have voted no; on rollcall No. 302 I would have voted yes; on rollcall No. 303 I would have voted yes; on rollcall No. 304 I would have voted yes; on rollcall No. 305 I would have voted no; and on rollcall No. 306 I would have voted no.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PALLONE (at the request of Mr. GEPHARDT] for Wednesday, July 23, on account of a family emergency.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 8 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. REDMOND) to revise and

extend their remarks and include extraneous material:)

Mr. DICKEY, for 5 minutes, on July 25.

Mr. BURR of North Carolina, for 5 minutes, on July 25.

Mr. LEACH, or 5 minutes, on July 25.

Mr. COBLE, for 5 minutes, on July 25.

Mr. UPTON, for 5 minutes, on July 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous matter:)

Mr. BROWN of California.
Mr. SKELTON.
Mr. MCGOVERN.
Mr. KENNEDY of Massachusetts.
Mr. ENGEL.
Mr. KILDEE.
Ms. MCCARTHY of Missouri.
Ms. FURSE.
Mr. DINGELL.
Mr. BLAGOJEVICH.
Mr. DAVIS of Illinois.
Mr. VISCLOSKY.
Mr. HILLIARD.
Mrs. MALONEY of New York.
Mr. GUTIERREZ.
Mr. KLECZKA.
Mr. BALDACCI.
Mr. YATES.
Mr. MILLER of California.

(The following Members (at the request of Mr. REDMOND) to revise and extend their remarks and include extraneous matter:)

Mr. ENSIGN.
Mr. LEWIS of Kentucky.
Mr. GINGRICH.
Mr. SMITH of New Jersey.
Mr. GILMAN.
Mr. MORAN of Kansas.
Mr. YOUNG of Alaska.
Mr. HANSEN.
Mr. SOLOMON.
Mr. ARCHER.
Mr. FRELINGHUYSEN.
Mr. TAYLOR of North Carolina.
Mr. SCHIFF.
Mr. BEREUTER.
Mr. SENSENBRENNER.
Mr. KIM.

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. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes a.m.), the House adjourned until today, Friday, July 25, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4327. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances for Emergency Exemptions [OPP–300514; FRL–5730–4] (RIN: 2070–AB78) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4328. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions [OPP–300518; FRL–5731–9] (RIN: 2070–AB78) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph; Pesticide Tolerances for Emergency Exemptions [OPP–300513; FRL–5730–3] (RIN: 2070–AB78) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4330. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule—Sodium Salt of Acifluorfen; Pesticide Tolerances for Emergency Exemptions [OPP–300516; FRL–5732–3] (RIN: 2070–AB78) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4331. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 11–97 requesting Final Authority (RFA) to conclude a Memorandum of Understanding (MOU) with Canada related to the Joint Strike Fighter (JSF) Preferred Weapon System Concept, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4332. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program: Opportunities to Enroll and Change Enrollment (RIN: 3206–AH46) received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4333. A letter from the the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and Rule XLIV, clause 1, of the House Rules; (H. Doc. No. 105–110); to the Committee on House Oversight and ordered to be printed.

4334. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 961126334–7025–02, I.D. 071897A] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4335. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 071897B] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4336. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent and Trademark Fees for Fiscal Year 1998 (Patent and Trademark Office) [Docket No. 970410086–7174–02] (RIN: 0651–AA92) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4337. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Acquisition of Citizenship; Equal Treatment of Women in Conferring Citizenship on Children Born Abroad [INS No. 1736–95] (RIN: 1115–AE19) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Notice of Safety Directive 97–1 (Federal Railroad Administration) (RIN: 2130–XX01) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Delaware Bay and River, Salem River, Christina River, and Schuylkill River (Coast Guard) [CGD 05–96–010] (RIN: 2115–AE84) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation; Naval Air Station Whidbey Island Air Show, Puget Sound, Washington (Coast Guard) [CGD13–97–019] (RIN: 2115–AA97) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) (Coast Guard) [CGD 95–062] (RIN: 2115–AF26) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Radar Requirements for Towing Vessels 300 Gross Tons or More (Coast Guard) [CGD 97–034] (RIN: 2115–AF46) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4343. A letter from the Administrator, General Services Administration, transmitting an informational copy of the alteration prospectus for the Emmett J. Bean Center in Lawrence, IN, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4344. A letter from the Acting Assistant Commissioner, Internal Revenue Service, transmitting the Service's final rule—Maquiladora Industry [Coordinated Issue Revision] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4345. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— Forms and instructions [Revenue Procedure 97–32] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. COBLE: Committee on the Judiciary. H.R. 567. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. 105–199). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 98. Resolution authorizing the use of the Capitol grounds for the SAFE KIDS Buckle Up Car Seat Safety Check (Rept. 105–200). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2005. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the Death on the High Seas Act to aviation incidents, (Rept. 105–201). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 197. Resolution providing for consideration of the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–202). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BALDACCI (for himself and Mr. LAFALCE):

H.R. 2235. A bill to amend the Small Business Act to make permanent the microloan program, and for other purposes; to the Committee on Small Business.

By Mr. GILMAN:

H.R. 2236. A bill to suspend until January 1, 2000, the duty on Irganox 1520; to the Committee on Ways and Means.

H.R. 2237. A bill to suspend until January 1, 2000, the duty on Irganox 1425; to the Committee on Ways and Means.

H.R. 2238. A bill to suspend until January 1, 2000, the duty on Irganox 565; to the Committee on Ways and Means.

H.R. 2239. A bill to suspend until January 1, 2000, the duty on Irganox 1520LR; to the Committee on Ways and Means.

H.R. 2240. A bill to suspend until January 1, 2000, the duty on Irgacure 184; to the Committee on Ways and Means.

H.R. 2241. A bill to suspend until January 1, 2000, the duty on Darocure 1173; to the Committee on Ways and Means.

H.R. 2242. A bill to suspend until January 1, 2000, the duty on Irgacure 819; to the Committee on Ways and Means.

H.R. 2243. A bill to suspend until January 1, 2000, the duty on Irgacure 369; to the Committee on Ways and Means.

H.R. 2244. A bill to suspend until January 1, 2000, the duty on Irgacure 1700; to the Committee on Ways and Means.

H.R. 2245. A bill to suspend until January 1, 2000, the duty on Irgacor 252LD; to the Committee on Ways and Means.

H.R. 2246. A bill to suspend until January 1, 2000, the duty on Irgacor 1405; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself and Mr. SHUSTER):

H.R. 2247. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself and Mr. GONZALEZ):

H.R. 2248. A bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. BROWN of California):

H.R. 2249. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes; to the Committee on Science.

By Mr. ARCHER (for himself, Mr. GOSS, Mr. LIVINGSTON, Mr. SPENCE, Mr. STUMP, Mr. YOUNG of Alaska, Mr. SPRATT, Mr. TALENT, Mr. STENHOLM, Mr. CRANE, Mr. HEFNER, Mr. FROST, Mr. PORTER, Mr. HALL of Texas, Mr. HANSEN, Mr. MCCOLLUM, Mr. SHAW, Mr. SKEEN, Mrs. JOHNSON of Connecticut, Mr. OXLEY, Mr. BARTON of Texas, Mr. COMBEST, Mr. GORDON, Mr. DUNCAN, Mr. MCCRERY, Mr. PICKETT, Mr. NEAL of Massachusetts, Mr. STEARNS, Mr. TANNER, Mr. WALSH, Mr. DOOLEY of California, Mr. CAMP, Mr. CRAMER, Mr. CUNNINGHAM, Mr. SAM JOHNSON, Mr. KLUG, Mr. EHLERS, Mrs. FOWLER, Mr. HOLDEN, Mr. LEWIS of Kentucky, Ms. PRYCE of Ohio, Mrs. THURMAN, Mr. BALDACCI, Mrs. CHENOWETH, Mr. COBURN, Mrs. CUBIN, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. GANSKE, Mr. MCINTOSH, Mr. NETHERCUTT, Mr. NORWOOD, Mr. SHADEGG, Mr. THORNBERRY, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. SAXTON, and Mr. GILLMOR):

H.R. 2250. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Commerce.

By Mr. DINGELL (for himself and Mr. RAHALL):

H.R. 2251. A bill to extend authorities under the Middle East Peace Facilitation Act of 1995; to the Committee on International Relations.

By Ms. FURSE:

H.R. 2252. A bill to amend the Internal Revenue Code to provide that capital gains not be recognized if invested in certain small businesses; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. EVANS, Mr. FILNER, Ms. WATERS, Ms. BROWN of Florida, Mr. LEACH, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. BONIOR, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. RODRIGUEZ, Mr. MANTON, Mr. MATSUI, Mr. FROST, Mrs. MINK of Hawaii, Mr. CLYBURN, Mrs. THURMAN, Ms. DELAURO, Ms. ROYBAL-ALLARD, Ms. CARSON, Ms. LOFGREN, Mr. MCDERMOTT, Mr. PASTOR, Mr. MASCARA, Mr. STARK, Mr. CAPPS, Mr. KENNEDY of Massachusetts, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. UNDERWOOD, Ms. KILPATRICK, Mr. DELLUMS, and Ms. NORTON):

H.R. 2253. A bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans; to the Committee on Veterans' Affairs.

By Mr. KENNEDY of Massachusetts (for himself, Ms. WATERS, Mr. BECERRA, Mr. BONIOR, Mr. GONZALEZ, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CARSON, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. JACKSON, Ms. KILPATRICK, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MARTINEZ, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCOTT, and Mr. WAXMAN):

H.R. 2254. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in community development financial institutions; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 2255. A bill to provide that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply to a government official engaged in official conduct while on duty; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 2256. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that States do not require registration of individuals convicted of an offense that involves consensual sexual activity between individuals 18 years of age or older; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 2257. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make modifications to the temporary housing assistance program; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS (for himself, Mr. MATSUI, Mr. ENGLISH of Pennsylvania, Mr. CALVERT, and Mr. SENSENBRENNER):

H.R. 2258. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2259. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, AK, and King Cove, AK, and for other purposes; to the Committee on Resources.

By Mr. HOYER (for himself, Mr. HYDE, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SENSENBRENNER, Mr. SABO, Mr. PALLONE, and Mr. SKAGGS):

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. LEACH (for himself and Mr. GONZALEZ):

H. Con. Res. 120. Concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew; to the Committee on House Oversight.

By Ms. HARMAN:

H. Con. Res. 121. Concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran; to the Committee on International Relations.

By Mr. LANTOS:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress regarding Israeli soldiers missing in action and calling upon governments and authorities in the

Middle East to act to resolve these tragic cases; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. SCARBOROUGH introduced A bill (H.R. 2260) for the relief of Harold David Strother, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. RANGEL and Ms. ROYBAL-ALLARD.
H.R. 44: Mr. MCGOVERN.
H.R. 51: Mr. GIBBONS.
H.R. 65: Mr. MCHALE and Mr. MCGOVERN.
H.R. 100: Mr. CONYERS and Mr. MCGOVERN.
H.R. 144: Ms. STABENOW.
H.R. 146: Mr. HAYWORTH.
H.R. 209: Mr. MANTON and Mr. DEUTSCH.
H.R. 303: Mr. MCGOVERN.
H.R. 332: Mr. TIAHRT.
H.R. 399: Mr. PASCRELL and Mr. LUTHER.
H.R. 532: Mr. ADERHOLT, Mr. BARCIA of Michigan, Mr. CLYBURN, and Mr. STUMP.
H.R. 563: Mr. FOX of Pennsylvania.
H.R. 622: Mr. GOODE.
H.R. 623: Ms. BROWN of Florida.
H.R. 659: Mr. POSHARD.
H.R. 691: Mr. FRANK of Massachusetts.
H.R. 695: Mr. TIERNEY, Mr. KLUG, Mr. JENKINS, Mr. CONDIT, Mr. HALL of Texas, Mr. BACHUS, Mr. CRANE, Mr. WAMP, Mr. CASTLE, Mr. LAHOOD, Mr. GOODLING, Mr. SHIMKUS, Mr. SERRANO, Mr. HOLDEN, Mr. HOBSON, Mr. RAHALL, Mr. THOMPSON, Mr. THUNE, Mr. CLYBURN, Mr. HILLEARY, Mr. DEAL of Georgia, Mr. COLLINS, Mr. DAN SCHAEFER of Colorado, and Mr. THORNBERRY.
H.R. 715: Mr. BOEHLERT and Mr. LATOURETTE.
H.R. 755: Ms. DUNN of Washington, Mr. COBLE, and Mrs. EMERSON.
H.R. 789: Mr. GRAHAM.
H.R. 815: Mr. FOX of Pennsylvania.
H.R. 859: Mr. HANSEN, Mr. HERGER, Mr. TRAFICANT, and Mr. SAM JOHNSON.
H.R. 899: Ms. ESHOO and Mr. ROTHMAN.
H.R. 983: Ms. CHRISTIAN-GREEN.
H.R. 986: Mr. SNOWBARGER.
H.R. 991: Mr. DIAZ-BALART and Mr. DEUTSCH.
H.R. 1009: Mr. KOLBE.
H.R. 1047: Mr. RUSH and Mr. SHERMAN.
H.R. 1108: Mr. CALLAHAN.
H.R. 1126: Mr. PETERSON of Minnesota.
H.R. 1151: Mr. BLUNT, Mr. BECERRA, Mr. TALENT, and Mr. OWENS.
H.R. 1165: Mr. ANDREWS.
H.R. 1260: Ms. RIVERS, Mr. MCHUGH, Mr. MCNULTY, Mr. SCOTT, and Mr. COX of California.
H.R. 1353: Mr. TANNER.
H.R. 1362: Mr. PETERSON of Pennsylvania and Mr. TALENT.
H.R. 1437: Mr. ABERCROMBIE, Mr. PALLONE, and Ms. HOOLEY of Oregon.
H.R. 1480: Mr. RUSH.
H.R. 1539: Mr. PAPPAS.
H.R. 1541: Mr. MEEHAN.
H.R. 1544: Mr. BONIOR.
H.R. 1570: Mr. DAVIS of Illinois.
H.R. 1608: Ms. DUNN of Washington, Mr. HOSTETTLER, and Mr. BROWN of Ohio.
H.R. 1614: Ms. FURSE and Mr. FOLEY.
H.R. 1619: Mr. BAESLER.
H.R. 1801: Mrs. MORELLA, Mr. VENTO, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, and Mr. TORRES.
H.R. 1824: Ms. DEGETTE and Mr. MALONEY of Connecticut.
H.R. 1839: Mr. PETERSON of Pennsylvania.
H.R. 1880: Mr. OLVER.
H.R. 1903: Mr. FOLEY, Mr. ENGLISH of Pennsylvania, Mr. DAN SCHAEFER of Colorado, and Mr. DOYLE.
H.R. 1970: Mr. DAVIS of Illinois.
H.R. 1971: Ms. NORTON.
H.R. 1972: Mr. MCINTOSH.
H.R. 1984: Mr. BONILLA, Mr. LATHAM, Mr. EHRLICH, Mr. GANSKE, Mr. BORSKI, Mr. NEUMANN, Mr. LIPINSKI, Mr. ORTIZ, Mr. BAKER, Mr. CRAPO, and Mr. CALLAHAN.
H.R. 2040: Mr. LEWIS of Kentucky.
H.R. 2064: Ms. JACKSON-LEE.
H.R. 2118: Ms. PELOSI, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Ms. LOFGREN, and Mr. MEEHAN.
H.R. 2122: Mr. ROTHMAN.
H.R. 2129: Mr. SAWYER.
H.R. 2139: Mr. CONDIT, Ms. KAPTUR, Mr. STUPAK, Mr. KIND of Wisconsin, Mr. MCHUGH, Mr. HOLDEN, Mr. MINGE, Mr. FARR of California, Mr. WATKINS, Mr. KLECZKA, Ms. SANCHEZ, and Mr. POMEROY.
H.R. 2173: Mr. TURNER, Mr. PETERSON of Minnesota, Mr. SOLOMON, and Mr. SHERMAN.
H.R. 2185: Mr. TOWNS.
H.R. 2190: Mr. KING of New York.
H.R. 2195: Mr. ROYCE, Mr. HUNTER, and Mr. KING of New York.
H.R. 2198: Mr. MINGE.
H.R. 2200: Mr. LANTOS.
H.R. 2222: Mr. LIPINSKI.
H. J. Res. 70: Mr. HEFLEY and Mr. COX of California.
H. Con. Res. 6: Mr. GREEN.
H. Con. Res. 80: Mr. ETHERIDGE, Mr. THOMPSON, Mr. MCNULTY, Mr. KING of New York, and Mr. MCGOVERN.
H. Con. Res. 109: Mrs. EMERSON, Mr. RUSH, Mr. SPENCE, Mr. HANSEN, Mrs. MEEK of Florida, and Mr. DEFAZIO.
H. Res. 16: Mr. CRAMER, Mr. BOSWELL, Mr. VENTO, and Mr. MINGE.
H. Res. 37: Mr. HOUGHTON, Mr. PETERSON of Minnesota; Mr. SCHUMER, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TIERNEY, and Mr. EDWARDS.
H. Res. 119: Mr. MCHALE.
H. Res. 166: Mr. GILCHREST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXIII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695. Mr. ROTHMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 55. Page 44, line 21, strike ''and Liberia'' and insert '', Liberia, and the Democratic Republic of Congo''.

H.R. 2159

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

''(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

''(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

''(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other government entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.''.

H.R. 2159

OFFERED BY: MR. PAYNE

AMENDMENT NO. 57: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. Of the funds appropriated or otherwise made available by this Act under the heading ''DEVELOPMENT ASSISTANCE'' and under the heading ''CHILD SURVIVAL AND DISEASE PROGRAMS FUND'' (that are made available to the Administrator of the United States Agency for International Development for developing assistance activities), the amount made available to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) should be in at least the same proportion as the amount identified in the fiscal year 1998 United States Agency for International Development congressional presentation document for development assistance for sub-Saharan Africa is to the total amount requested for development assistance for such fiscal year.

H.R. 2159

OFFERED BY: MS. PELOSI

AMENDMENT NO. 58: In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961, strike the quotation marks and second period at the end of paragraph (3), and insert the following new paragraph:

''(4) RULE OF CONSTRUCTION.—The provisions of this subsection shall be effective only upon the enactment of a law (other than an appropriation law) that contains the same or substantially the same provisions as are contained in this subsection.''.

H.R. 2159

OFFERED BY: MS. PELOSI

AMENDMENT NO. 59: In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961, strike the quotation marks and second period at the end of paragraph (3), and insert the following new paragraph:

''(4) RULE OF CONSTRUCTION.—The provisions of this subsection shall be effective only upon the enactment of a law (other than an appropriation law) that contains the same or substantially the same provisions as are contained in this subsection.''.

In the matter proposed to be inserted by the amendment as a new subsection (i) of section 301 of the Foreign Assistance Act of 1961, insert before the quotation marks at the end the following new sentence:

The provisions of this subsection shall be effective only upon the enactment of a law (other than an appropriation law) that contains the same or substantially the same provisions as are contained in this subsection.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 60: Page 24, line 8, insert the following after ''propriations'': '':*Provided further*, That none of the funds made available under this heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights unless the Secretary determines and report to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice''.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 61: Page 95, insert the following after line 3:

LIMITATION OF FUNDS BECAUSE OF HUMAN RIGHTS VIOLATIONS

SEC. 572. None of the funds made available under the heading ''BILATERAL ECONOMIC ASSISTANCE, DEPARTMENT OF STATE, INTERNATIONAL NARCOTICS CONTROL'' may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice.

H.R. 2203

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 502. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

H.R. 2203

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 6: Page 8, line 23, after the semicolon, insert the following:

sediment remediation projects under section 401(b) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763);

H.R. 2203

OFFERED BY: MR. MARKEY

AMENDMENT NO. 7: Insert at the end before the short title the following:

SEC. 502. (a) LIMITATION.—No funds shall be made available under this Act for—

(1) nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology; or

(2) the demonstration of the electrometallurgical technology at the Fuel Conditioning Facility.

(b) OVERALL AMOUNT.—To carry out subsection (a)—

(1) the amount otherwise appropriated in this Act for ''Department of Energy-Energy Programs-Energy Supply'' is reduced by $33,000,000; and

(2) the amount otherwise appropriated in this Act for ''Department of Energy-Atomic Energy Defense Activities-Other Defense Activities'' is reduced by $12,000,000.

H.R. 2203

OFFERED BY: MR. MARKEY

AMENDMENT NO. 8: Insert at the end before the short title the following:

SEC. 502 (a) LIMITATION.—No funds shall be made available under this Act for—

(1) nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology; or

(2) the demonstration of the electrometallurgical technology at the Fuel Conditioning Facility.

(b) REDUCTION.—Under the heading ''Department of Energy-Energy Programs-Energy Supply'' insert after the dollar sign the following ''(reduced by $33,000,000)'' and under the heading ''Department of Energy-Atomic Energy Defense Activities-Other Defense Activities'' insert after the dollar sign the following: ''(reduced by $12,000,000)''.

H.R. 2203

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 9: Page 35, after line 20, insert the following new section:

SEC. 502. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, JULY 24, 1997 *No. 106*

Senate

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

PRAYER

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

Almighty God, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence and blessings to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

Make us maximum by Your spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, *God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth, Your salvation among the nations.*—Psalm 67:1–2. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COCHRAN. Mr. President, this morning the Senate will resume consideration of S. 1033, the agriculture appropriations bill.

By previous consent, there will be 10 minutes of debate equally divided between Senator COCHRAN and Senator WELLSTONE on the Wellstone amendment regarding school breakfast outreach.

Also, by consent, at 10 a.m., the Senate will proceed to a series of rollcall votes on the remaining amendments to the agriculture appropriations bill, including final passage.

Following disposition of the agriculture appropriations bill, it is the intention of the majority leader to proceed to consideration of the transportation appropriations bill.

Therefore, Members can anticipate additional rollcall votes throughout today's session of the Senate.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, 1998

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now resume consideration of S. 1033, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1033) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Wellstone amendment No. 972, to provide funds for outreach and startup of the school breakfast program.

AMENDMENT NO. 972

The PRESIDING OFFICER. By previous order, we have 10 minutes on the Wellstone amendment: 5 minutes controlled by the Senator from Minnesota and 5 minutes controlled by the floor manager of the bill.

Who seeks time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Greg Renden, an intern in my office, be allowed to be on the floor for the duration of today.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, I offered this amendment last night. We had a fairly thorough discussion. I don't think this is an adversarial relationship with my colleague from Mississippi.

Let me just briefly summarize.

This amendment revives what is called the Outreach and Start Up Grant Program for school breakfasts. Let me point out to my colleagues what this is about.

This is a Children's Defense Fund poster. ''Remember these hungry kids in China? Now they are in Omaha.'' They could be in any of our States.

We have 5.5 million American children who do not regularly get enough to eat. There was a $5 million outreach program that we eliminated last year in the welfare bill. I don't think colleagues knew what they were voting on. They did when it came to the overall welfare bill. But this was one tiny provision.

The argument that was made about this outreach program was that it was too successful. That is to say, we have 8 million children who could qualify for the School Breakfast Program but don't receive it because many school districts and States aren't yet able to set it up.

This $5 million outreach program made a huge difference. It was very successful, and, indeed, the School Breakfast Program is credited as being one of the most successful nutritional programs in our country.

I fear that too many of my colleagues do not understand that there are children in our country who go to school hungry, and we are not doing very much about it. When children go to

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

Printed on recycled paper.

school hungry, they don't do well in school, and when they don't do well in school they can't learn, and when they are adults later on they can't earn.

It is very shortsighted that we eliminated this program. We should not have done so.

Mr. President, there are 8 million children spread across 27,000 schools who go to school hungry or are malnourished or without enough to eat. The distinctions aren't that important. We can do better.

For $5 million we can have an outreach program that will enable more of our States and more of our school districts to provide a school breakfast, a nutritious meal, to children before they start school.

Mr. President, again this is an extremely effective program. Study after study has really pointed out that the School Breakfast Program makes an enormous difference. It makes an enormous difference in terms of overall test scores. It makes an enormous difference in terms of whether students drop out of school or not, whether they arrive at school on time, and how well they do.

Clearly this amendment speaks to priorities. Surely we can find $5 million.

Mr. President, the offset is from funds allocated to the crop insurance companies for which right now the total amount is $202 million. In the Senate we have $24 million more than the House appropriated. We have $52 million more than the President appropriated.

The GAO in a very critical report of this insurance program pointed out that there is $81 million more than the companies' expenses for selling and servicing crop insurance.

I am very careful to maintain the integrity of this program—a mere $5 million transfer, $5 million out of $24 million more than the House allocated, $5 million out of $52 million we have more than the President asked for, which could go to an outreach program for school breakfast.

I make this appeal to colleagues. There are too many children in our country who are malnourished. There are too many children who cannot learn. There are too many children who have rotting teeth because they don't get the decent meals that they deserve and the adequate meal that they deserve and the nutrition that they deserve. There are too many children who aren't able to concentrate in school. There are too many children who suffer from health care problems because they don't have an adequate diet.

We never should have done that. We never should have done this. We eliminated the most successful outreach program—total cost for the whole Nation, $5 million.

Surely it is not asking too much of my colleagues to allocate a transfer of this small amount of money to make sure that we provide children with an adequate breakfast, with a decent meal, so that they can start school on the right foot and do well.

Mr. President, how much time do I have left?

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

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume to remind Senators that this is an issue that came up during the welfare reform debate. The President proposed repeal of these startup grants during last year's welfare reform debate.

In addition, the Democratic substitute welfare reform bill and the Republican welfare reform bill contained a provision to repeal these grants. Funds were taken from the grant program to expand the school breakfast and summer food service programs.

Additionally, the Senate voted on a similar proposal to the Wellstone amendment on the Department of Defense authorization bill on July 9 and defeated it by a vote of 65 to 33.

The question is not whether we need to do more in terms of acquainting students and school districts and parents with the availability of these important nutrition programs. The question is: Do we need Federal dollars that could otherwise go to the feeding programs themselves to be diverted for that purpose, or do we need to divert, as the Senator suggests, funds from other parts of this appropriations bill which are needed for other matters?

Our suggestion is that we try to do a better job of working with local school districts, with parent groups, with the schools themselves, to make sure that all students are aware of the availability of these programs.

We have increased funding for all of the food nutrition programs as a whole. The WIC program, for example, has over $200 million increased funding in this bill to guarantee that the current participation rate will not be compromised as a result of our effort to reduce spending and balance the budget.

We are protecting those who are vulnerable. We are protecting those who need assistance to meet their nutrition needs in this budget.

This is a sensitive bill on this subject, and I urge all Senators to vote against this amendment.

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

I move to table the Wellstone amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, the vote on the amendments under the order will commence at 10 a.m. We have not yet reached that hour.

Let me, for the information of Senators, remind them that we have other amendments that were stated in the order as subject to votes beginning at 10 o'clock this morning with 2 minutes for debate between each amendment, which will be stacked with time equally divided.

Those amendments under the order are the Wellstone amendment; the managers' package, which was adopted last night; the Bingaman amendment on CRP, which we are advised will not be offered; the Robb amendment on farmers' civil rights, which we hope will be resolved on a voice vote. We have proposed an alternative to the Robb amendment which is under consideration now, we are told, and a Johnson amendment on livestock packers' issues. We are advised that that will not be offered.

So, with the vote on the motion to table the Wellstone amendment, and if we do not need a vote on the Robb amendment, then we will move to final passage immediately after the vote on the motion to table the Wellstone amendment.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel, a legislative fellow in my office, be granted floor privileges for the remainder of the day.

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

Who seeks recognition?

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

FARMERS' CIVIL RIGHTS

Mr. ROBB. Mr. President, I have an amendment that we have been working very hard to work out. I commend and appreciate the cooperation of the chairman and the ranking member of the Agriculture Committee.

It is an amendment that has been requested specifically by the Secretary of Agriculture to address a very serious problem. We have had documented discrimination by the U.S. Department of Agriculture against minority and impoverished farmers over an extended period of time. A report that he requested that took 90 days to compile again documented the same problem. We have reports going back to 1995 to document the problem.

To the best of my knowledge, no Senator who has worked with me or worked on this particular problem has suggested in any way, shape, or form that the problem does not exist and that we do not have an obligation to solve it. The only difficulty that we have run into is identifying the precise offset. The offset that the Secretary of the Department of Agriculture recommended is one in terms of a very small reduction in the crop insurance Program, taking it down from 28 to 27.9, I believe it is.

I hope that by the time the vote will actually be required we will have resolved this particular question. If we do not, I say and I pledge to those involved on both sides of the aisle that

we will do everything we can between now and conference to ensure that we have an offset that is consistent with the programs that the various Members are interested in protecting but, most importantly, addresses this situation.

The bottom line is that the investigative unit in the Department of Agriculture, unbeknownst to the farmers who were affected by the discrimination, was abolished 13 years ago, and they were relying on that. The Department of Agriculture says they need this particular remedy to solve the problem.

We will work with the committee and work with the conferees, if necessary, if we can't come up with the right offset. But I hope that this can be accepted, and if it is not, I hope that we get a vote on it—a very positive vote on it. We will certainly work hard to make sure that we have the appropriate offset at the appropriate time.

Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I am happy to hear the remarks of the distinguished Senator from Virginia, and I am encouraged by his attitude to try to work this out so that we will not have to prolong the time of Senators this morning on a rollcall vote if it is not necessary. We think that this is a matter of importance as well, and we hope that adequate funds can be made available so that there can be in the office of civil rights in the Department of Agriculture funds needed to carry on this important work.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 972, AS MODIFIED

Mr. WELLSTONE. I have just been conferring with my colleagues from Kansas and Arkansas. I ask unanimous consent that I be able to modify my amendment that the offset be from travel and administrative costs within the Department of Agriculture.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I have no objection.

Mr. WELLSTONE. I thank the Senator.

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

Will the Senator send the modification to the desk.

The amendment is so modified.

The amendment (No. 972), as modified, is as follows:

On page 47, line 6, strike ''$7,769,066,000'' and insert ''$7,774,066,000''.

On page 47, line 13, insert after ''claims'' the following: '': *Provided further*, That not less than $5,000,000 shall be available for outreach and startup in accordance with section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f))''.

On page 66, between lines 12 and 13, insert the following:

SEC. 728. OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

''(f) OUTREACH AND STARTUP.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

''(i) attended by children, a significant percentage of whom are members of low-income families;

''(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

''(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

''(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

''(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(2) PAYMENTS.—The Secretary shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

''(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

''(i) initiating a school breakfast program under this section; or

''(ii) expanding a school breakfast program; and

''(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

''(i) initiating a summer food service program for children; or

''(ii) expanding a summer food service program for children.

''(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

''(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

''(A) have in effect a State law that requires the expansion of the programs during the year,

''(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

''(C) do not have a school breakfast program available to a large number of low-income children in the State; or

''(D) serve an unmet need among low-income children, as determined by the Secretary.

''(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

''(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

''(ii) that do not have summer food service program for children available to a large number of low-income children in the State; and

''(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

''(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

''(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

''(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

''(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

''(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

''(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.''.

At the end of the bill, insert the following new section:

SEC. . The Secretary shall reduce funding for travel and office expenses within the Department of Agriculture sufficient to reduce spending in terms of budget authority and budget outlays by an amount sufficient to fully cover the costs of the outreach and startup grants for the School Breakfast Program.

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

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—54

Abraham	Bond	Coats
Allard	Brownback	Cochran
Ashcroft	Burns	Collins
Bennett	Campbell	Coverdell
Biden	Chafee	Craig

Domenici	Hutchinson	Roberts
Enzi	Hutchison	Roth
Faircloth	Inhofe	Santorum
Frist	Johnson	Sessions
Glenn	Kempthorne	Shelby
Gorton	Kyl	Smith (NH)
Gramm	Lott	Smith (OR)
Grams	Lugar	Snowe
Grassley	Mack	Stevens
Gregg	McCain	Thomas
Hagel	McConnell	Thompson
Hatch	Murkowski	Thurmond
Helms	Nickles	Warner

NAYS—45

Akaka	Durbin	Levin
Baucus	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Robb
Conrad	Kerrey	Rockefeller
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Specter
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NOT VOTING—1

Kennedy

The motion to lay on the table the amendment (No. 972) was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi will be recognized. Prior to the Senator speaking, however, the Senate will come to order.

Mr. STEVENS. Mr. President, we do not have order.

The PRESIDING OFFICER. The Senator from Alaska is correct.

The Senator from Mississippi is recognized.

AMENDMENT NO. 977

(Purpose: To provide additional funding for the Outreach Program for Socially Disadvantaged Farmers and earmark funds for the civil rights investigative unit)

Mr. COCHRAN. Mr. President, under the order, there is an opportunity for the offering of a Robb amendment on farmers civil rights. We have now worked out an alternative to the amendment that was first presented. I will yield the floor to the Senator from Virginia to describe his amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 977.

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

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

The amendment is as follows:

On page 7, line 3, strike ''$24,948,000'' and insert in lieu thereof ''$26,948,000''.

On page 7, line 16, before the period, insert the following: '': *Provided further,* That of the total amount appropriated, not less than $13,774,000 shall be made available for civil rights enforcement, of which up to $3,000,000 shall be provided to establish an investigative unit within the Office of Civil Rights''.

On page 34, line 6, strike ''$47,700,000'' and insert in lieu thereof ''$44,700,000''.

On page 35, line 1, strike ''$3,000,000'' and insert in lieu thereof ''$4,000,000''.

Mr. ROBB. Mr. President, I rise today to offer an amendment to the Agriculture appropriations bill that will provide USDA with the resources to reestablish the Department's investigative unit and to improve outreach efforts, ensuring equal access for all farmers in USDA programs. This amendment will allow the Department of Agriculture to resolve the backlog of complaints made by farmers who have suffered racial discrimination at the hands of USDA, and will provide the Department with the resources necessary to eradicate discrimination and improve small and minority farmers' participation in agricultural programs.

Mr. President, discrimination of any kind is offensive. But it is even more repugnant when it is practiced by people within the Federal Government—the very body that is supposed to come to the aid of the disadvantaged and the dispossessed. Sadly, Mr. President, the Department of Agriculture has had a long history of discrimination against minority and disadvantaged farmers, as well as minority and women employees.

Mr. President, for too long serving the needs of small and disadvantaged farmers has clearly not been a priority for USDA, and until recently the Department had not supported any coordinated effort to address this problem. In fact, despite decades of documented discrimination in program delivery and employment, USDA acknowledges today they have a backlog of nearly 800 racial discrimination complaints by farmers, some of which have been pending for over 7 years. Even Agriculture Secretary Dan Glickman admits that for ''far too long USDA has turned a blind eye to serious, pervasive problems with [the] civil rights system.'' Fortunately, Secretary Glickman is committed to fixing this long-standing problem, but he needs the tools to accomplish the task.

Mr. President, I have discovered that although studies, reports, and task forces from 1965 to 1997 have all documented discrimination and mistreatment of minority and socially disadvantaged customers, as well as agency employees, many do not know the extent of these long-standing problems plaguing the Department.

The reality is black farmers in the United States are dwindling at three times the rate of farmers nationwide—nearly to the point of extinction.

In December 1996, after a group of black farmers demonstrated outside the White House calling for fair treatment in agricultural lending programs, Secretary Glickman promptly called for a national forum, and appointed a Civil Rights Action Team to conduct a thorough audit of USDA civil rights issues inside and outside the department.

Within 90 days, the Civil Rights Action Team published a 121-page report confirming not only that small and minority farmers had often not been served at all, but in many cases the service provided by USDA appeared to be detrimental to their survival. Minority farmers have lost significant amounts of land and potential farm income as a result of discrimination by USDA agencies.

Secretary Glickman came to the Capitol just last week and addressed the House Agriculture Committee on racial discrimination. The Secretary admitted that his Department has ''a long history of both discrimination and perceptions of unfairness that go back literally to the middle of the 19th century.'' The Secretary acknowledged that USDA does not fully practice what they preach, and during field hearings he had spoken to people who had lost their farms and lost their family land, as he said, ''not because of a bad crop, not because of a flood, but because of the color of their skin.'' The Secretary went on to state his desire to close this chapter of USDA's history and stated his goal is ''to get USDA out from under the past and have it emerge in the 21st century as the Federal civil rights leader.''

I commend the Secretary for his leadership in candidly and openly addressing an issue that for too long has plagued the U.S. Department of Agriculture. I am convinced that his commitment to eradicating discrimination at USDA is genuine, but before we can solve the problem prospectively, we have to focus on the problem at hand, the nearly 800 pending complaints.

I initially intended to offer an amendment to the Agricultural appropriations bill that would give USDA the necessary authority and resources to eliminate any legal impediments and expedite the settlement of the nearly 800 pending discrimination complaints by farmers against the Department of Agriculture.

After speaking to Secretary Glickman on Monday, the Secretary indicated that he intends to settle claims out of the Judgment Fund and that he does not view the identification of a funding source as an impediment to entering into appropriate settlements. Because he is persuaded that existing mechanisms can be used to provide appropriate remedies to those aggrieved, my original amendment, at this time, will not be necessary.

The Secretary did alert me to two areas where he urgently needs additional funds, however. These two areas are directly related to resolving the current backlog of racial discrimination complaints by farmers, and my current amendment addresses this need.

In 1983, the civil rights investigative unit at USDA was simply abolished.

For 14 years, farmers were led to believe their cases were being investigated when in truth they were not. As a result, determinations were being made on some cases based on preliminary findings often compiled by the person accused of discrimination and the backlog of cases has grown to 798 complaints.

Without investigation, virtually none of the complaints can now be settled. That's why the Secretary needs to reestablish the investigative unit to finally resolve the longstanding problem plaguing the Department of Agriculture. The Secretary's goal is to establish a 34-person investigative unit to address the backlog by July 1998 and to ensure timely resolution of all future complaints, and my current amendment provides the Secretary with $2 million for that purpose.

Mr. President, the process for resolving complaints has failed our Nation's farmers. Today, we have to give the Secretary the necessary resources so that he may back up his sympathetic words with action. We have to begin investigating these complaints so the farmers' cases, some over 7 years old, can finally be settled.

Mr. President, the Secretary has also indicated that the funding level currently in the Agriculture appropriations bill for the Outreach for Socially Disadvantaged Farmers and Ranchers Program is insufficient. My new amendment provides USDA with an additional $1 million to improve USDA outreach efforts. The Department acknowledges that poor outreach efforts are central to the USDA's failure to meet the needs of minority farmers. Increased funding, as well as improved targeting, will improve minority participation in USDA programs and will demonstrate the Department's commitment to serving their needs.

Virginia farmers have told me the importance of this outreach effort and I agree, equal program access for all farmers is crucial.

Before President Clinton can lead this country in a discussion about race relations, we must first confront the discrimination within our Federal Government. We must resolve the underlying civil rights problems at USDA to make the system work for both customers and employees. Congress can help those individuals at the U.S. Department of Agriculture actually interested in improving USDA's ability to serve agriculture and our Nation with the necessary resources to provide appropriate remedies for those aggrieved. For it is only after USDA makes amends for its past injustices that they can face the bigger challenge of eradicating discrimination at all levels within the Department of Agriculture.

Mr. President, if reluctance to resolve these longstanding issues continues much longer, then the problem may well sadly resolve itself. Without immediate action we could lose all of our minority farmers and an important part of our heritage forever. I would certainly hope that no Member of Congress would want to see that happen.

Mr. President, very briefly, I thank the chairman and the ranking member of the Agriculture Committee. A number of Members in agricultural States presented difficulties with the original proposed solution, none more important than the current Presiding Officer who apprised this Senator of concerns about one of the original offsets. We have now worked it out, where there is agreement on both sides. It is supported by the administration.

Basically, this reestablishes the investigative unit for the Department of Agriculture.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from West Virginia is precisely correct.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. As I say, this amendment will reestablish the investigative unit for the Office of Civil Rights. It will provide the additional money necessary for the outreach for minority and socially disadvantaged farmers. This is precisely what the Secretary of Agriculture said is necessary to solve a vexing problem that has been with the department for decades. Literally it has been documented time and time again.

I thank all Senators who worked on finding the appropriate offsets so we could provide the funding that the department has requested. I believe it has been cleared and approved on both sides.

With that information, I urge adoption of the amendment at this time.

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

The amendment (No. 977) was agreed to.

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

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

The motion to lay on the table was agreed to.

PEANUT PROGRAM

Mr. SHELBY. Mr. President, I rise today to express my continued support for the peanut program.

Mr. President, just last year the Senate completed a comprehensive review of all federally sponsored farm programs. This review prompted extensive debate in this chamber—debate in which divergent positions were articulated and competing interests were expounded. Ultimately, after much hard work, consideration and compromise, the Senate produced the landmark 1996 farm bill.

The farm bill sets Federal farm policy through the year 2002 and contains fundamental changes which have impacted every facet of Federal involvement in farm programs—from crop subsidies, conservation practices and rural subsidies to credit, research and trade policies. Included in this legislation were provisions that specifically covered the peanut program, provisions which made considerable changes to the program.

This year, despite the significant work that went into putting the farm bill together, despite the fact that the farm bill reforms of the peanut program have only been on the books for little over a year and have only affected one crop, and despite the fact that thousands of farmers have made significant financial and farming commitments through the year 2002 in reliance upon the provisions of the farm bill, some Members have discussed undoing the work of the sponsors of the farm bill and dismantling the peanut program.

Mr. President, I feel any attempt to change the peanut program is unnecessary, misguided, and would ultimately destroy American peanut farming and American peanut farmers.

Mr. President, the peanut program helps support more than 16,000 family farmers, many of whom live in some of the poorest, most agriculturally dependent areas in the United States. Mr. President, the peanut program provides American consumers with a steady and large supply of safe and cheap peanuts and peanut products.

Mr. President, the peanut program works for American peanut farmers and American consumers. It has been significantly revised in recent years and these revisions will only serve to enhance the program if allowed to stand. We must allow farmers who have relied on the farm bill an opportunity to work within the new peanut program.

Mr. BYRD. Mr. President, I congratulate Senator COCHRAN, the chairman of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Subcommittee, and Senator BUMPERS, the ranking member, for bringing to the Senate Floor the Fiscal Year 1998 Appropriations Bill. This bill will provide funding for all activities of the Department of Agriculture, except those of the Forest Service, and the functions of the Food and Drug Administration, the Farm Credit Administration, and the Commodity Futures Trading Commission.

This bill, as reported by the Appropriations Committee, provides $50.7 billion in total obligational authority for the coming year. That is nearly $1.1 billion more than the bill reported by the House Appropriations Committee, and $1.6 billion below the President's request. It is within the subcommittee's 602(b) allocation.

This bill is $3.2 billion below last year's level, due largely to reductions in mandatory accounts. The subcommittee's discretionary allocation in budget authority was increased from $13.1 billion in fiscal year 1997 to $13.8 billion in this bill.

This bill provides funding for programs vitally important to all Americans. These include agricultural research necessary to keep our farmers competitive in the global marketplace, conservation programs to protect the environment and productivity of the land, rural development programs to serve the millions of Americans who live outside our cities, and programs to promote U.S. agricultural products throughout the world. Funding in this bill for the Food Safety Inspection Service and the Food and Drug Administration ensures we will have safe food and blood supplies and that pharmaceuticals and medical devices will be safe and effective.

I would like to specifically remark on the inclusion of funding for the second year of the Potomac Headwaters Land Treatment Watershed Project, a program to protect the Potomac River and its headwater feeder streams from a possible harmful accumulation of agricultural pollution. I am aware that some Members of Congress have expressed concern about the June 1, 1997, Washington Post article and an American Rivers' report that, in part, attributed pollution in the Potomac to West Virginia poultry production. These reports raised concerns but were one-sided in that they did not address the responsible actions already underway to mitigate possible problems that can be associated with poultry waste. Funding in this bill will continue the exemplary efforts by public officials and West Virginia small family farmers to balance economic interest with environmental goals by providing Federal money for technical assistance and loans to help family farmers design and institute the type of measures necessary to prevent pollution in rivers and streams. The program achieves benefits for a broad base of interests, extending from my beautiful state to the Chesapeake Bay, and is an example of government at its best. I thank the members of the committee for recognizing the widespread concerns held by the millions of people who draw their drinking water from the Potomac, and for taking action to alleviate these concerns.

In all this is a very good bill, and I am happy to support its passage. Again, I congratulate Senator COCHRAN and Senator BUMPERS for their hard work. I also commend the work of the subcommittee staff: Galen Fountain and Carole Geagley, for the minority, and Rebecca Davies, Martha Scott Poindexter, and Rachelle Graves, for the majority.

Mr. GRAHAM. Mr. President, before we complete action on the Agriculture and Related Agencies appropriations bill, I wanted to compliment the chairman, Senator COCHRAN, and the ranking member, Senator BUMPERS, for their very hard work and very able leadership.

All the Members know of the many demands placed on the subcommittee to fund many worthwhile projects. We also know that the discretionary spending available to the Agriculture Subcommittee has been reduced substantially over the last several years. This very limited funding makes it difficult to fund all the many excellent proposals that have come to the subcommittee for consideration.

Mr. President, while I understand the limitations of the subcommittee to fund all good projects, I would be less than frank if I did not mention my disappointment with a number of items that were left out of this bill. One of those projects not funded by this bill is an Extension Service training project to help bring behavioral and mental health services to rural areas.

As the Members know, the Extension Service is a long and well established institution that exists across the country in almost every county in America. In the minds of most people, the Extension Service and the Extension agents are focused on agricultural and farm issues. While this impression is true the facts also reveal that the Extension Service is called on more and more to help meet family, health, and social service needs of our rural residents. The array of services offered by the Extension Service is established at the State level by State priorities. In my State, and I am sure in other States, as well, the Extension Service is doing a great job in meeting rural needs for a broad array of services.

In Florida, for example, following Hurricane Andrew, our Extension agents were trained to provide threshold counseling services to rural residents who were under severe emotional stress following the storm. The agents were trained to identify problems, provide initial counseling and to refer severe cases to appropriate professionals. This training was provided by the University of Florida and the program received a USDA award. The University of Florida was recently invited to North Dakota to train Extension agents following the floods. Initial reports from the Director of the Extension Service in North Dakota is that the program ''exceeded expectations''.

Mr. President, for a very small amount of money this bill could have created a small program or center to be a national resource for the Extension Service. This center would train the agents from the various States to be better able to provide the counseling services that they are more and more being called on to provide. The demand for these services is due in large part to the lack of service providers in rural areas.

Mr. President, it is my hope and expectation that the Department will look at this proposal very carefully and reprogram some funds or include it in the Department's next budget request. It is a program that has been proven to work. It is a program that meets a very large need in our rural areas. In the process of this review I would also expect that the Department meet with the appropriate officials at the University of Florida who have a track record in this area.

FOOD AND DRUG ADMINISTRATION PROVISIONS

Mr. HATCH. Mr. President, there is growing awareness of the huge potential savings to consumers and taxpayers from the prompt approval of generic drugs, a fact which was one of the reasons that Congress passed the Drug Price Competition and Patent Term Restoration Act of 1984. That statute created a legal structure that benefits both consumers and the generic industry while providing strong incentives for continued investment by the brand companies in research and development.

Unfortunately, the success of the act has been limited by the inability of the Food and Drug Administration to comply with its statutory mandate to approve generic drug applications within 180 days. In fact, generic drug approvals now are taking an average of approximately 23 months, nearly four times the statutory requirement, and the number of personnel at the agency responsible for this mission has been significantly reduced. This latter fact is especially troubling since the personnel levels in several administrative areas have grown significantly.

The Appropriations Committee has taken action to address this failure. Last year, the committee directed the FDA to expend sufficient resources to ensure compliance with its statutory mandates. This year, the committee has further directed the agency to provide the relevant congressional committees 90 days after the beginning of the fiscal year with a plan that explains how the agency will meet the statutory review time for generic drug applications.

The House Appropriations Committee, apparently losing patience with the FDA, included an extra million dollars in the fiscal 1998 bill for the express purpose of increasing the speed of generic drug reviews. The committee report noted that health care costs have increased to extraordinary levels and that the timely approval of generic drugs could save billions of dollars. The committee also reports that FDA costs related to administrative functions were excessive, pointing out that expenditures for the Office of the Commissioner in fiscal year 1997 far exceeded total expenditures for the offices of the Secretary and all the Under and Assistant Secretaries at the Department of Agriculture.

It is my strong desire that the conference will give serious consideration to the House Committee's direction of funds for generic drug approvals. It is obvious that if the FDA complies with its statutory mandates, patients will be the winners, especially in terms of the tremendous savings that consumers could reap if generic competitors are sent to market more quickly. Mr. President, this seemingly small and perhaps even insignificant corner of the Federal budget has the potential to help every family in our country by reducing the cost that we all must pay

for life-saving pharmaceutical products, and I hope the conferees will give it serious weight.

In closing, I want to commend you, Chairman COCHRAN, for the splendid job you have done in crafting this legislation, and pay particular commendation to Rebecca Davies of your staff, who is indeed such an asset to the committee.

NORTHEAST DAIRY COMPACT

Mr. LEAHY. Mr. President, I want to again focus as I did yesterday on the study of the Northeast dairy compact that will be contained in the appropriations bill as it winds its way through conference with the House and then comes back to the Senate.

Under the Senate proposal, the Director of OMB will do a study on dairy, retail store, wholesale, and processor pricing in New England.

As I mentioned yesterday, many Senators are very concerned that when the price that farmers get for their milk drops that the retail price—the consumer price—often does not drop. Study after study shows this result.

Wholesale or retail stores appear to be simply making more profits at the expense of farmers. This is one of the issues OMB should examine.

But it is very important that OMB not just give us numbers. It will not be helpful to Congress, and will be misleading, if OMB just says, for example, that the average price of milk in stores during the first 6 months of the compact was a certain amount higher than some earlier amount.

It will not assist decision makers at all if OMB then simply multiplies that difference by the number of gallons bought by persons on Food Stamps and concludes that the product of the multiplication is the ''harm'' to the food stamp program.

It is important for OMB to put the information in context or they shouldn't even do the study. I do not want information that I cannot use in deciding on legislative options.

To continue with the food stamp example, if the cuts in the welfare reform bill enacted last year are 10 times, or 20 times, or 30 times more—not 30 percent more, but 30 times more—than any impact of the compact then perhaps the best legislative solution is to reduce the welfare reform cuts by one-thirtieth rather than dealing with the compact since the compact has positive benefits.

It will be extremely important, from a policy perspective, to make these types of comparisons. Also note, I do not think that any increase that shows up in retail stores is justifiable under the compact after such a huge decrease in farm prices. But, if OMB assumes some we should know if the national system of milk marketing orders, or if store profits, dwarfs the impact of the compact. This will help us with policy decisions.

A 1991 study by GAO showed a huge variation in regional pricing of milk in retail stores. Just those variations may far exceed any impact of the compact. We need OMB to look at these issues.

Without this more detailed analysis we will only be able to announce numbers on the Senate floor to support positions, but we will not be able to use the OMB study to come to good policy conclusions.

In addition, the purchase of fluid milk represents only a small fraction of total food expenditures. One study showed that fluid milk represents 3 percent of total food expenditures of the typical family. If use of discount coupons for a variety of foods, or the purchase of store brands, or shopping at less expensive stores dwarf the impacts of the compact, that should also be analyzed.

It makes a big difference if the impact of the compact is equivalent to one-fourth of 1 percent of a family's food purchasing power versus, let's say, 5 percent of the family's food purchasing power.

I also want OMB to look at the drop in food purchasing power, adjusted for inflation, that will be caused by full implementation of the welfare reform bill for our lower income households. Food stamp families live below the poverty level and these comparisons will be helpful for possible legislative solutions.

You should also look at whether some stores price dairy products to increase their profits when they already have a reasonable return on milk. Are the profit margins on dairy products higher, or lower, than for other items? Do the profit margins far exceed any potential impact of the compact? Or are they less?

It will be interesting and very helpful to see how milk prices change during the entire duration of the compact. There are news reports that some retailers are taking unfair advantage of the compact. If this is accurate, these effects should be temporary as the normal competitive forces take over. It is important to note that economists who have analyzed the compact determined that over time it could lower consumer prices by stabilizing the price that stores pay for milk.

Many reports show that stores build in an extra margin to protect against increases in milk costs since it is costly to routinely change prices. If no extra margins are required it is very likely that competitive forces would lead stores to reduce those extra margins.

Researchers such as Henry Kinnucan, Olan Forker, Andrew Novakovic, Brandon Hansen, William Hahn and others have looked at how price volatility at the wholesale level can result in increases in consumer prices for milk higher than would have occurred had wholesale prices been stable. In the New England area I am told some stores sell gallons of milk for $1.99 and some sell them for $3.29—that is a large difference and none of the difference goes to farmers.

OMB should look at that difference to help us with our policy decisions. That could, indeed, be a major contribution to better understanding the impact of the compact, or milk marketing orders, or retail store pricing—how can such a difference exist?

It is my view that the compact over time can reduce that need for extra margins since stores will not have to build in that cushion to protect against feared higher prices. And many economic studies support that point. My view is that no increase should have occurred especially after the major drop in milk prices to farmers starting late last year. I want to touch on one more issue. The statutory language talks of the direct and indirect effects of the compact.

I am a strong supporter of the compact and believe it has very positive indirect effects in addition to stabilizing the price of milk. The Secretary of Agriculture has also addressed these positive indirect effects.

I have detailed these effects in correspondence to the Secretary of Agriculture and will provide these to OMB at a later date.

I want to mention again a point I raised yesterday. The prices farmers get for their milk dropped substantially last November nationwide. They dropped quickly, and have stayed low for months.

It amounted to a 35-cent to 40-cent drop on a per gallon basis. Yet retail stores did not lower their prices to consumers except by a few pennies. This pricing practice for milk is well documented in the research and in the press.

Does this failure to drop prices by 35 cents, or even just 25 cents, a gallon have a major impact on consumers?

Will it be more than any hypothetical impact on consumers of the compact? In many areas of the country there is now a $1.40/gallon difference between the raw milk price—which farmers get—and the retail price of milk. Is that justified?

OMB should look at what that difference represents in terms of profits for transporters, stores, and wholesalers.

The Wall Street Journal pointed out that the value of milk for farmers plunged by 22 percent since October 1996—but that no comparative decline occurred in the price of milk. Another point I made yesterday was that the Wall Street Journal and the New York Times have exposed retail store overcharging for milk. This should be examined.

Farmers got one-fifth less for their milk, and someone, I presume, made a bundle. Some studies show that the dairy case is now the most profitable part of a supermarket. This should be carefully examined since most families consider milk a necessity.

Also, the time period that OMB examines may completely determine their conclusions. Something this important should not be determined by the luck of the draw.

In this regard, under the compact, farmers in New England are getting less for their milk than the average price they got for their milk last year.

It will be important for OMB to look at all the factors which affect the price of fluid milk including farm prices, labor, transportation, milk marketing orders, retail profits, co-op returns, marketing strategies, feed costs, farm expenses, and wholesaler profits.

I want to also quote from a letter that I sent to the Secretary regarding the compact relating to the indirect benefits of the compact.

You should note that a lack of farm income resulting from low dairy prices is cited as the major reason dairy farmers leave farming in New England. Production costs in New England are much higher than in other areas of the Nation while the value of the land for nonfarm purposes is often greater than its value as farmland.

This is very different as compared to vast areas of the Midwest and Upper Midwest where land is sometimes worth little except for its value as farmland. As the Vermont Economy Newsletter reported in July 1994:

In the all important dairy industry, the decrease in farm income has come from a continuation of the long term trends the industry has been facing. Should these trends persist, and there is every expectation they will, Vermont will continue to see dairy farms disappearing from its landscape during the 1990's.

One of the consequences of the exit of dairy farmers in New England is that land is released from agriculture. Given the close proximity to population centers and recreational areas in New England, good land is in high demand, and as a result there is often a strong incentive to develop the land.

What are the consequences of land being converted from farm to nonfarm uses?

One consequence is that the rural heritage and aesthetic qualities of the working landscape are lost forever. The impact of this loss would be devastating to Vermont and to much of New England. The tourists from some of America's largest urban centers are drawn to rural New England because of its beauty, its farms and valleys, and picturesque roads.

Strip malls and condominiums do not have the same appeal to vacationers.

The Vermont Partnership for Economic Progress, noted in its 1993 report, ''Plan for a Decade of Progress: Actions for Vermont's Economy,''

There are many issues that will influence the [tourism] industry's future in Vermont . . . including our state's ability to preserve its landscape.

The report went on to list among its primary goals: Maintain the existing amount of land in agriculture and related uses; and preserve the family farm as part of our economic base and as an integral factor in Vermont's quality of life. This is taken from ''A Plan for a Decade of Progress.''

The priority of these goals show that preserving farmland and a viable agriculture industry are important for the overall economic health of the region from Maine, to rural parts of Connecticut, Rhode Island, and Massachusetts, to Vermont and New Hampshire.

Other consequences of farm losses are equally destructive. The American Farmland Trust has completed cost of community services studies in four New England towns, one in Connecticut and three in Massachusetts.

These studies show the cost of providing community services for farmland and developed land. It is true that developed land brings in more tax revenues than farmland, especially when farmland is assessed at its agricultural value, as it is in most New England States. Developed land, however, requires far more in the way of services than the tax revenues it returns to the treasuries of municipalities.

For example, residential land in these four New England towns required $1.11 in services for every $1 in tax revenue generated while the farmland required only $0.34 of services for every $1 of revenue it generated. This demonstrates the major impact that losing dairy farmland has on rural New England.

National Geographic recently detailed the risk of economic death by strip malling otherwise tourist-drawing farmland. New England should be allowed to try to reverse this trend—especially in ways that help neighboring States such as under the compact.

The American Farmland Trust Study pointed out that agricultural land actually enhanced the value of surrounding lands in addition to sustaining important economic uses.

Farming is a cost effective, private way to protect open space and the quality of life. It also supports a profusion of other interests, including: hunting, fishing, recreation, tourism, historic preservation, floodplain, and wetland protection. ''Does Farmland Protection Pay?'' is the name of that study.

Keeping land in agriculture and protecting it from development is vitally important for all of New England which is one reason all six New England States have funded or authorized purchase of agricultural conservation easement programs to help protect farmland permanently. Unlike much of the Midwest, for example, once farms go out of business, the land is converted and is lost forever for agricultural purposes.

Other economic uses, from condominiums and second homes for retired or professional people from New York, Boston, or Philadelphia to shopping malls to serve them, are waiting in the wings. The pressure to develop in New England is voracious.

A 1993 report from the American Farmland Trust called ''Farming on the Edge'' showed that only 14 of the more than 67 counties in New England, were not significantly influenced by urban areas.

In fact, eight New England counties were considered to be farming areas in the greatest danger of being lost to development because of their high productivity and close proximity to urban areas. The Champlain and Hudson River Valleys were considered to be among the top 12 threatened agricultural areas in the entire country according to this study. ''Farming on the Edge'' is the name of that study.

As we go to Conference I will further explore the goals and intent behind this language.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, other amendments that were going to be offered will not be offered. The managers' package was adopted last night. The Senator from Arkansas is going to send an amendment to the desk on behalf of the Senator from New Mexico.

AMENDMENT NO. 978

(Purpose: Providing support to a Tribal College through appropriations for the Department of Agriculture for the fiscal year ending September 30, 1998, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. BINGAMAN, for himself and Mr. CAMPBELL, proposes an amendment numbered 978.

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

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

The amendment is as follows:

On page 13, line 20, strike ''$13,619,000'' and insert ''$13,469,000''.

On page 14, line 22, strike ''$10,991,000'' and insert ''$11,141,000''.

Mr. BUMPERS. This amendment would reduce the amount recommended for pesticide clearance by $150,000 and increase the Cooperative State, Education, and Extension Service research and education Federal Administration appropriation to increase the amount recommended for the geographic information system by $150,000 to include New Mexico and Colorado in this program.

Mr. COCHRAN. Mr. President, with the adoption of this amendment, it completes the managers' package. There are no other amendments in order to be offered. Indeed, we will have a vote on final passage after the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 978) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

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

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''aye.''

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—99

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

NOT VOTING—1

Kennedy

The bill (S. 1033), as amended, was passed, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes; namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further,* That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,252,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,360,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,986,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $783,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,773,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000: *Provided,* That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, modification, and repair of buildings and facilities as necessary to carry out the programs of the Department, where not otherwise provided, $123,385,000: *Provided,* That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $5,000,000, to remain available until expended; and in addition, for necessary relocation expenses of the Department's agencies, $2,700,000, to remain available until expended; making a total appropriation of $131,085,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $26,948,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further,* That of the total amount appropriated, not less than $13,774,000 shall be made available for civil rights enforcement, of which up to $3,000,000 shall be provided to establish an investigative unit within the Office of Civil Rights.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs

and liaison within the executive branch, $3,668,000: *Provided*, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than $2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,728,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $125,000, for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: *Provided*, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,098,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $53,109,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture notwithstanding 13 U.S.C. 142(a–b), as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $118,048,000, of which up to $36,327,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $738,000,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $69,100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); $20,497,000 for grants for cooperative forestry research (16 U.S.C. 582a–582a7); $27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $47,525,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $13,469,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $100,000,000 for competitive research grants (7 U.S.C. 450i(b)); $4,775,000 for the support of animal health and disease programs (7 U.S.C. 3195); $550,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $600,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $1,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $11,141,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $427,526,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $268,493,000; $2,000,000 for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)); payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade 1890

land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,549,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $9,061,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,167,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,554,000; payments for a food safety program under section 3(d) of the Act, $2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $25,090,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $10,787,000; in all, $423,322,000: *Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $437,183,000, of which $4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1998 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1998, $100,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $49,627,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $59,521,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,690,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,583,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $43,092,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, $590,614,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided,* That this appropriation shall not be available for shell egg surveillance

under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, Foreign Agricultural Service, the Office of Risk Management, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $700,659,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further,* That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $550,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further,* That this amount shall be transferred to the Commodity Credit Corporation: *Provided further,* That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $460,000,000 of which $400,000,000 shall be for guaranteed loans; operating loans, $2,395,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $34,653,000; and for credit sales of acquired property, $25,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $21,380,000, of which $15,440,000 shall be for guaranteed loans; operating loans, $71,394,500, of which $19,890,000 shall be for unsubsidized guaranteed loans and $19,280,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $132,000; for emergency insured loans, $6,008,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $249,500; and for credit sales of acquired property, $3,255,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $219,861,000, of which $209,861,000 shall be transferred to and merged with the ''Farm Service Agency, Salaries and Expenses'' account.

RISK MANAGEMENT AGENCY

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further,* That, of the amount made available under this sentence, $4,000,000 shall be available for obligation only after the Administrator of the Risk Management Agency issues and begins to implement the plan to reduce administrative and operating costs of approved insurance providers required under section 508(k)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(7)). In addition, for sales commissions of agents, as authorized by section 516 (7 U.S.C. 1516), $202,571,000.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments, as authorized subsections (a)(2), (b)(2), and (c) of section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1998, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $783,507,000 in the President's fiscal year 1998 Budget Request (H. Doc. 105–3)), but not to exceed $783,507,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1998, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided,* That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); administration of research, investigation, and surveys of watersheds of rivers and other waterways, for small watershed investigations and planning, and for technical assistance to carry out preventive measures, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C.1001–1009), and the Flood Control Act (33 U.S.C. 701); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein, for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $729,880,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,835,000 is for snow survey and water forecasting and not less than $8,825,000 is for operation and establishment of the plant materials centers: *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That this appropriation shall

be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): *Provided further*, That not less than $80,138,000 shall be available to provide technical assistance for water resources assistance (Public Law–534 and Public Law–566).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607) and, the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $44,700,000, to remain available until expended (7 U.S.C. 2209): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Assistance Act of 1978 (16 U.S.C. 2101), as amended by the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by the Act.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $4,000,000, to remain available until expended.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, and 1932, except for section 381G of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2009f), $644,259,000, to remain available until expended, of which $27,562,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, as amended; of which $568,304,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $48,393,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided*, That section 381E(d)(3)(B) of such Act is amended by inserting after the phrase, ''business and industry'', the words, ''direct and'': *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $24,500,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $15,000,000 shall be for water systems for rural and native villages in Alaska pursuant to section 306D of such Act; not to exceed $15,000,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $5,650,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amounts appropriated, not to exceed $32,163,600 shall be available through June 30, 1998, for empowerment zones and enterprise communities, as authorized by Public Law 103–66, of which $1,614,600 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $21,952,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $8,597,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any obligated and unobligated balances available for prior years for the ''Rural Water and Waste Disposal Grants,'' ''Rural Water and Waste Disposal Loans Program Account,'' ''Emergency Community Water Assistance Grants,'' ''Solid Waste Management Grants,'' the community facility grant program in the ''Rural Housing Assistance Program'' Account, ''Community Facility Loans Program Account,'' ''Rural Business Enterprise Grants,'' ''Rural Business and Industry Loans Program Account,'' and ''Local Technical Assistance and Planning Grants'' shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $3,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $2,300,000,000 shall be for unsubsidized guaranteed loans; $30,000,000 for section 504 housing repair loans; $19,700,000 for section 538 guaranteed multi-family housing loans; $15,001,000 for section 514 farm labor housing; $128,640,000 for section 515 rental housing; $600,000 for section 524 site loans; $25,004,000 for credit sales of acquired property; and $587,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $133,390,000, of which $5,290,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,308,000; section 538 multi-family housing guaranteed loans, $1,200,000; section 514 farm labor housing, $7,388,000; section 515 rental housing, $68,745,000; credit sales of acquired property, $3,493,000; and section 523 self-help housing land development loans, $20,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $354,785,000, which shall be transferred to and merged with the appropriation for ''Rural Housing Service, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $541,397,000; and in addition such sums as may be necessary, as authorized by section 521 of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1998 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $26,000,000, to remain available until expended (7 U.S.C. 2209b).

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $1,285,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490c, 1490e, and 1490m, $45,720,000, to remain available until expended: *Provided*, That any obligated and unobligated balances available from prior

years in ''Rural Housing for Domestic Farm Labor,'' ''Supervisory and Technical Assistance Grants,'' ''Very Low-Income Housing Repair Grants,'' ''Compensation for Construction Defects,'' and ''Rural Housing Preservation Grants'' shall be transferred to and merged with this account: *Provided further*, That of the total amount appropriated, $1,200,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1998, they shall remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $58,804,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $19,200,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $40,000,000: *Provided further*, That through June 30, 1998, of the total amount appropriated $3,618,750 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,500,000.

In addition, for administrative expenses to carry out the direct loan programs, $3,482,000 shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, as amended, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,076,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $10,000,000 is appropriated to the alternative agricultural research and commercialization corporation revolving fund.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $3,000,000, of which up to $1,500,000 may be available for cooperative agreements for appropriate technology transfer for rural areas program.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; $25,680,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telecommunications loans, $52,756,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $300,000,000, and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935 and 936), as follows: cost of direct loans, $11,393,000; cost of municipal rate loans, $21,100,000; cost of money rural telecommunications loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,760,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses.''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1998 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $3,710,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., as amended, $12,030,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, and cooperative agreements, $33,000,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $454,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1772 et seq.), except sections 17 and 21; $7,769,066,000, to remain available through September 30, 1999, of which $2,617,675,000 is hereby appropriated and $5,151,391,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That $4,124,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,927,600,000, to remain available through September 30, 1999, of which up to $12,000,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided*, That notwithstanding sections 17 (g), (h), and (i) of such Act, the Secretary shall adjust fiscal year 1998 State allocations to reflect food funds available to the State from fiscal year 1997 under section 17(i)(3)(A)(ii) and 17(i)(3)(D): *Provided further*, That the Secretary shall allocate funds recovered from fiscal year 1997 first to States to maintain stability funding levels, as defined by regulations promulgated under section 17(g), and then to give first priority for the allocation of any remaining funds to States whose funding is less than their fair share of funds, as defined by regulations promulgated under section 17(g): *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: *Provided further*, That State agencies required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996 only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of

the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,051,479,000, of which $1,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided,* That this appropriation shall be subject to any work registration or workfare requirements as may be required by law.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and the Emergency Food Assistance Act of 1983, as amended, $148,600,000, to remain available through September 30, 1999: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $141,165,000, to remain available through September 30, 1999.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,719,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $136,664,000, of which $3,231,000 may be transferred from the Export Loan Program account in this Act, and $1,066,000 may be transferred from the Public Law 480 program account in this Act: *Provided,* That up to $3,000,000 shall be available in fiscal year 1999 for overseas inflation, subject to documentation by USDA of actual overseas inflation and deflation: *Provided further,* That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $226,900,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $20,630,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $30,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided,* That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further,* That such sums shall remain available until expended (7 U.S.C. 2209b): *Provided further,* That, of the amount of funds made available under title II of said Act, the United States Agency for International Development should use at least the same amount of funds to carry out the orphan feeding program in Haiti during fiscal year 1998 as was used by the Agency to carry out the program during fiscal year 1997.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $176,596,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,881,000.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $3,231,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202 (a) and (b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING MARKETS EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its export guarantee program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging markets, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $935,175,000, of which not to exceed $91,204,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided,* That fees derived from applications received during fiscal year 1998 shall be subject to the fiscal year 1998 limitation: *Provided further,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $22,900,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $7,728,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act,

as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $60,101,000 including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $34,423,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1998 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 394 passenger motor vehicles, of which 391 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1997 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided of this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1998 shall remain available until expended to cover obligations made in fiscal year 1998 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 717. None of the funds in this Act may be used to retire more than 5 per centum of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 718. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 719. Of the funds made available by this Act, not more than $1,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $150,000,000.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board.

SEC. 724. Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802 (c)) is amended by inserting before the period at the end the following: '', and includes kudzu (Pueraria lobata Dc)''.

SEC. 725. Notwithstanding section 520 of the Housing Act of 1949, (42 U.S.C. 1490) the Martin Luther King area of Pawley's Island, South Carolina, located in Georgetown County, shall be eligible for loans and grants under section 504 of the Housing Act of 1949, as amended.

SEC. 726. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate the

Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri, or to proceed with a plan to close or consolidate the Food and Drug Administration's Baltimore, Maryland, laboratory.

SEC. 727. The Secretary of Agriculture, before making any reduction in the employee level required to carry out a program or activity under the jurisdiction of the Under Secretary for Rural Development, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a plan (including the justification and cost savings) for reducing the employee level below the level described in the budget submitted by the President for fiscal year 1998.

SEC. 728. Effective on October 1, 1998, section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph (4), during'' and inserting ''During''; and

(B) in subparagraph (B), by striking ''130'' and inserting ''134'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 729. STUDY OF NORTHEAST INTERSTATE DAIRY COMPACT. (a) DEFINITIONS.—In this section:

(1) CHILD, SENIOR, AND LOW-INCOME NUTRITION PROGRAMS.—The term ''child, senior, and low-income nutrition programs'' includes—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) the summer food service program for children established under section 13 of that Act (42 U.S.C. 1761);

(D) the child and adult care food program established under section 17 of that Act (42 U.S.C. 1766);

(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

(F) the school breakfast program established under section 4 of that Act (42 U.S.C. 1773);

(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of that Act (42 U.S.C. 1786); and

(H) the nutrition programs and projects carried out under part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.).

(2) COMPACT.—The term ''Compact'' means the Northeast Interstate Dairy Compact.

(3) NORTHEAST INTERSTATE DAIRY COMPACT.—The term ''Northeast Interstate Dairy Compact'' means the Northeast Interstate Dairy Compact referred to in section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256).

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) EVALUATION.—Not later than December 31, 1997, the Director shall conduct, complete, and transmit to Congress a comprehensive economic evaluation of the direct and indirect effects of the Northeast Interstate Dairy Compact and other factors which affect the price of fluid milk.

(c) COMPONENTS.—In conducting the evaluation, the Director shall consider, among other factors, the effects of implementation of the rules and regulations of the Northeast Interstate Dairy Compact Commission, such as rules and regulations relating to over-order Class I pricing and pooling provisions. This evaluation shall consider such effects prior to implementation of the Compact and that would have occurred in the absence of the implementation of the Compact. The evaluation shall include an analysis of the impacts on—

(1) child, senior, and low-income nutrition programs including impacts on schools and institutions participating in the programs, on program recipients, and other factors;

(2) the wholesale and retail cost of fluid milk;

(3) the level of milk production, the number of cows, the number of dairy farms, and milk utilization in the Compact region, including—

(A) changes in the level of milk production, the number of cows, and the number of dairy farms in the Compact region relative to trends in the level of milk production and trends in the number of cows and dairy farms prior to implementation of the Compact;

(B) changes in the disposition of bulk and packaged milk for Class I, II, or III use produced in the Compact region to areas outside the region relative to the milk disposition to areas outside the region;

(C) changes in—

(i) the share of milk production for Class I use of the total milk production in the Compact region; and

(ii) the share of milk production for Class II and Class III use of the total milk production in the Compact region;

(4) dairy farmers and dairy product manufacturers in States and regions outside the Compact region with respect to the impact of changes in milk production, and the impact of any changes in disposition of milk originating in the Compact region, on national milk supply levels and farm level milk prices nationally; and

(5) the cost of carrying out the milk price support program established under section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251).

(d) ADDITIONAL STATES AND COMPACTS.—The Secretary shall evaluate and incorporate into the evaluation required under subsection (b) an evaluation of the economic impact of adding additional States to the Compact for the purpose of increasing prices paid to milk producers.

SEC. 730. From proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970, the Secretary may use up to an additional $23,000,000 to implement a livestock indemnity program as established in Public Law 105–18.

SEC. 731. PLANTING OF WILD RICE ON CONTRACT ACREAGE.—None of the funds appropriated in this Act may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 732. INSPECTION AND CERTIFICATION OF AGRICULTURAL PROCESSING EQUIPMENT. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary.

(b) RELATIONSHIP TO OTHER LAW.—Subsection (a) shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

SEC. 733. RURAL HOUSING PROGRAMS.—(a) HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(b) HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(3) LOAN TERM.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(A) in subsection (a)(2), by striking ''up to fifty'' and inserting ''up to 30''; and

(B) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

''(2) such a loan may be made for a period of up to 30 years from the making of the loan, but the Secretary may provide for periodic payments based on an amortization schedule of 50 years with a final payment of the balance due at the end of the term of the loan;'';

(ii) in paragraph (5), by striking ''and'' at the end;

(iii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(7) the Secretary may make a new loan to the current borrower to finance the final payment of the original loan for an additional period not to exceed twenty years, if—

''(A) the Secretary determines—

''(i) it is more cost-efficient and serves the tenant base more effectively to maintain the current property than to build a new property in the same location; or

''(ii) the property has been maintained to such an extent that it warrants retention in the current portfolio because it can be expected to continue providing decent, safe, and affordable rental units for the balance of the loan; and

''(B) the Secretary determines—

''(i) current market studies show that a need for low-income rural rental housing still exists for that area; and

''(ii) any other criteria established by the Secretary has been met.''.

(c) LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.—Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

''(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.'';

(2) by striking subsection (t) and inserting the following:

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1998 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.''; and

(3) in subsection (u), by striking ''1996'' and inserting ''1998''.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998''.

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, let me thank all Senators for their cooperation and assistance in the passage of this bill, particularly those members of our subcommittee and the full Committee on Appropriations. Those who had amendments and helped improve the bill, we appreciate their help as well. I also want to make a special point to commend and thank the members of our staff—on our side of the aisle Rebecca Davies, who is the clerk of the subcommittee; Martha Scott Poindexter, who assisted her; Rachelle Graves-Bell; and our intern, Justin Brasell, who also was a help in the preparation of this bill. We had a lot of hearings. We did a lot of work developing this legislation. We appreciate the help that we got.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, let me echo the laudatory comments the Senator from Mississippi has just paid to the majority staff. I would like to also pay tribute to the minority staff as well as the majority staff. They worked extremely well with us. They were helpful to us as well as the chairman of the committee. On our side of the aisle, I want to especially thank Galen Fountain, who is seated at my left and who was my personal agricultural aide for many years before he joined the appropriations staff, and pay special tribute to him and Rebecca Davies, who probably know on a magnitude of about five times more about this bill than Senator COCHRAN and I do. We simply could not function here and get a bill like this through without the very able assistance of those people. But in addition to Galen, I also want to pay tribute to Carole Geagley and to my own personal staff member, Ben Noble. They have done a magnificent job.

Again, my sincere thanks to Senator COCHRAN, who is the chief architect of this bill. He did a magnificent job. If you watched here, as always when these appropriations bills are coming through, you see the Senators all gathered around here pleading with Senator COCHRAN and me to accept this amendment and that amendment. We would love to accept them all. It is always that way in appropriations. But the money constraints keep us from doing that. But we like to help other Senators.

As I said yesterday afternoon on the floor, it is not pork. Sometimes it is pure, unadulterated research from which the entire Nation benefits. But having said that, I think it is a good bill. We will do our very best to honor all the Senate's wishes in the conference committee. I think we will come back here with a good bill from conference.

Mr. CONRAD. Mr. President, the Agriculture appropriations bill just approved by the Senate includes funds for many important programs, and I deeply appreciate the work of Chairman COCHRAN and Senator BUMPERS in putting together this bill. While I appreciate their good work, I deeply regret that funds are not included to provide the final Federal matching funds for several Cooperative State Research, Education, and Extension Service buildings, including one at North Dakota State University, for which State and local matching funds have been provided.

I believe this is especially unfortunate because of unique circumstances faced by NDSU in their attempt to complete this important project. The Agriculture Appropriations Subcommittee provided an initial planning grant for this building in fiscal year 1992. After that, the subcommittee provided $1.65 million in the fiscal year 1994 bill as a down payment on the Federal share of this $10 million facility. Unfortunately the House Agriculture Appropriations Subcommittee indicated in its fiscal year 1996 report that the committee would no longer provide Federal funding for these buildings if the projects did not have their state and local matching funds in hand by the time Congress prepared the appropriations bills the following year for fiscal year 1997.

Mr. President, this decision created a serious problem for North Dakota because our State legislature only meets every other year. That meant North Dakota State University did not even have an opportunity to seek the State matching funds between the time the House subcommittee issued its notice in the summer of 1995 to provide no additional funding and the time the fiscal year 1997 appropriations bill was considered last summer. The first time our State legislature met following the House subcommittee's decision was January 1997, at which time the legislature provided the State match for this building. In other words, the State provided its share of funds for this building at the first opportunity they had following the announcement by the House subcommittee.

This facility is extremely important because the existing facilities at NDSU were constructed in the 1960's and do not meet USDA standards, causing animal health and production research to be curtailed. The new facility would allow expanded research into fighting anti-biotic resistant viruses, enhancing reproductive efficiency in farm animals, developing safer, more effective pharmaceuticals, improving meat animal research to improve food quality, and other important areas of research.

Mr. President, it is my strong desire that we are able to find a responsible solution to this situation. I believe terminating Federal funding for this building is premature, and I will continue to work with NDSU, USDA, and my colleagues in the House and Senate to see that this building is completed. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that my remarks be considered as morning business.

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

Mr. BUMPERS. Would the Senator from Utah yield for a moment?

Mr. HATCH. Yes.

THE MIR SPACE STATION

Mr. BUMPERS. Mr. President, everybody knows that I am sort of a Johnny-one-note on the space station. I ask unanimous consent to have printed in the RECORD an article that appeared in this morning's Washington Post, the headline of which is ''Russia Wonders If Manned Flight Is Worth Cost.'' One of the reasons I wanted to put it in the RECORD is because it echoes precisely what I said on the floor, in spades, 2 days ago.

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

RUSSIA WONDERS IF MANNED FLIGHT IS WORTH COST

(By Daniel Williams)

MOSCOW, JULY 23.—With the immediate crisis on the Mir space station largely resolved for now, space officials here have turned their attention to tangled problems on Earth.

They may be as hard to fix as the ones on Mir.

Lack of money, the bane of a space enterprise that was once Moscow's pride, is the major problem. The space program also is suffering from a battered public image that makes rallying support difficult.

Debate over the future of Mir has ignited a finger-pointing spree in newspapers over who is to blame for a recent series of mishaps including a fire, a collision with a supply craft and the erroneous disconnection of a computer system that threw Mir out of position and drained much of its power.

The central issue of the controversy here is one that also surfaces from time to time in the United States: What price manned space travel, especially when compared with unmanned expeditions?

Unmanned expeditions offer more scientific benefits per dollar, except for learning about the capabilities of human beings in space. And as painful as the failure of unmanned satellite launches, space probes and robotic landings may be, a dead satellite is not the same as a dead astronaut. That element alone makes manned flights not only more dramatic, but also more expensive as systems are piled on systems for safety's sake.

Mir is the space equivalent of an old used car, but Russia appears unwilling to give up manned flight, even temporarily. To surrender a human toehold in space is to give it up permanently, officials here argue, ''If we drop space, we will lag behind in this field forever,'' said Yuri Baturin, secretary of the Russian defense council.

One reason for sticking with Mir, even if it requires repeated tinkering under the hood, is that it makes money. The United States alone is paying Russia about $400 million for

continual use of the space station by NASA astronauts to conduct scientific experiments in space.

Although figures for how much Russia spends in space are difficult to come by, everyone agrees that the program is short of cash. On Monday, contractors and scientists held a meeting in advance of Russia's next launch on Aug. 5. Each speaker said that key preparations for the launch were complete, but several also complained they had not been paid for their work, an observer at the meeting recounted.

Economic dealings in Russia are plagued by delayed payments and unfulfilled contracts, and the space program is no exception.

Parts of the modular station are 11 years old, more than double their original life expectancy. Russian space officials have taken pains to assure everyone that the Mir was viable and in no need of being scrapped.

''I would fly to Mir,'' Sergei Krikalev, a cosmonaut and emerging spokesman for the space program, said recently.

In the past, it was highly unusual for officials here to publicly air the detail that has been made available about Mir. In the Soviet era, only successes were widely reported; operational specifics—not to mention failures—were hidden as much as possible. Although the democratic atmosphere in contemporary Russia explains some of the current openness, so too does the perception of a need for public relations.

Foreigners fly on Mir, and secrecy about conditions on the space station would be unacceptable to the foreign patrons of the flights, Russian officials say. In the United States, some politicians oppose the trips as dangerous and of little use; secrecy probably would fuel criticism there.

Inexperience with public scrutiny has led to tension with the Russian press. A few weeks ago, space officials invited reporters to witness work at the Star City cosmonaut training complex. As reporters clustered around Anatoly Solovyov, one of the next cosmonauts to go up, a scientist frantically tried to push them away. ''What if someone sneezes'' he cried out. ''What if the cosmonaut catches a virus? All this preparation will go to waste!''

Russian space officials have accused the Russian press of scandal-mongering, although many reports they initially denied were later confirmed. For example, Izvestia, regarded as the country's leading newspaper, reported that news about a death in the family of Vasily Tsibliev, the commander of Mir, had been withheld from him.

Russian officials stopped denying the story only after the Reuter news agency reported from Tsibliev's home town that the family had kept the death secret.

Space officials expressed irritation with articles about conflicts among different departments of the space program: Mission Control, the cosmonaut training center and Energia, the enterprise that designs, builds and launches rockets and space vehicles.

Newspapers reported that Energia officials blame Tsibliev for the June 25 Mir collision with a cargo vessel. The crash damaged one of the modules and resulted in an emergency reduction of about half of Mir's power.

Sergei Gromov, a spokesman for Energia, said this week that such a report was nonsensical given the interlocking structure of the Russian space program. Almost every one works for everyone else, and Energia had a big say in who was to fly.

''The cosmonauts are affiliated with the Air Force and the cosmonaut training center, but they are also personnel of our organization,'' he said. ''We choose them and pay them; they are half ours. It would be like blaming ourselves.''

Space officials acknowledged that Tsibliev probably faces a loss of bonus money for the flight because of the collision as well as the later episode that caused the temporary loss of all power on Mir: last week's accidental unplugging of a computer cable.

''He may lose some of his bonus. But he is not on trial here,'' cosmonaut Krikalev said.

Solovyov and another cosmonaut due to relieve the exhausted Mir crew prepared today for the Aug. 5 launch and for the repairs they will conduct later in the month on the crippled spacecraft.

The drumbeat of bad news about Mir prompted Izvestia to question whether openness in space was worth the national loss of morale.

The news from space ''makes one feel disappointed rather than proud of the country, which has opened the doors to another state secret,'' said the commentary published Tuesday.

Mr. BUMPERS. I thank the Senator from Utah for yielding.

UTAH SESQUICENTENNIAL

Mr. HATCH. Mr. President, it is a unique privilege and distinct honor for me to recognize, today, on the floor of the U.S. Senate, the 150th anniversary of the arrival of the Mormon Pioneers in the Valley of the Great Salt Lake on July 24, 1847.

It was spring, by the calendar, in late March of the year 1846, as some 3,000 people in 400 wagons struggled west across the rolling hills of Iowa, through snow and drizzling rain. The muddy track was nearly impassable as they lumbered on, far behind schedule and nearing exhaustion. Behind them lay the last few villages of organized territory; before them, the great unknown. Somewhere, over the horizon, beyond the sheltering forests and the waving grasslands, lay the Rocky Mountains. Previous maps showed the way into the wilderness, while scouting reports told of the romantic landscape ahead: Black clouds of buffalo sweeping across the prairie swells, great rivers and snow-capped peaks, the endless sky, and the lonely stars. Most of these wagons had never been this far West; perhaps a few had reached Missouri—Independence or Clay County. But that was no comfort. Few people in this wagon train cared to think much of Missouri—where the stench of massacre and betrayal had but recently overwhelmed the sweet scent of fresh gardens and new-mown hay. Now, as history repeated itself, their last refuge—their beautiful Nauvoo—was besieged by hateful mobs, and there seemed no other solution than to flee, yet again. These wagons were the vanguard; hundreds were on the road behind them, and thousands more, gathered on the banks of the Mississippi, were making ready to follow.

Barely 26 years before, young Joseph Smith, by his own account, had entered the woods near his father's farm to pray, when ''Suddenly, a light descended, brighter far than noonday Sun, and a shining, glorious pillar o'er him fell, around him shone, while appeared two heav'nly beings, God the Father and the Son.'' Now, scarcely grown to the fulness of his prophetic calling, this towering leader lay dead in a martyr's grave, and the faithful who had responded to the restored Gospel entrusted to him were scattered and driven, with only one hope, expressed in the hymn that would become their inspiration and epitaph: ''We'll find the place, which God for us prepared, far away in the West, where none shall come to hurt, or make afraid. There, the Saints will be blessed.''

They came from everywhere, these honored pioneers—New England, Old England, the lands of the North—wherever believers could spread the word. Some were already crusty pioneers—the likes of Daniel Boone or the Green Mountain boys —whose ancestors had settled the Tidewater counties or landed at Plymouth Rock. Others had only recently left the coal mines of Wales and the sweatshops of Manchester to take their first draught of fresh air in the New World. A few were professionals, who could doctor, or teach, or play music to ease the rigors of the trail; many were artisans—carpenters, wheelwrights, shoemakers—whose skills were sorely needed. But for all their skills and preparations, far too few were ready for the bone-deep weariness, the numbing cold, or birthing in the open air.

Critics might say that they brought their misery upon themselves—through blind faith and foolhardy dreams. Such was the litany of those who mobbed and burned and killed without mercy. Yet the saints were moved by a destiny their detractors could not have understood. It came from the lips of their fallen prophet:

> I prophesied that the Saints would continue to suffer much affliction * * *, many would apostatize, others would be put to death by our persecutors or lose their lives in consequence of exposure or disease, and some of you will live to go and assist in making settlements and build cities, and see the Saints become a mighty people in the midst of the Rocky Mountains.

As summer came to western Iowa the vanguard paused to build and plant for those who would follow, and, thus further delayed, found it necessary to spend the winter of 1846–47 on the banks of the Missouri, upriver from Council Bluffs, in Indian territory. Here, at winter quarters, they gathered and regrouped. On the 7th of April 1847, the advance company, led by Brigham Young, was once more on the move, followed in June by approximately 1,500 people organized after the Biblical model as the ''Camp of Israel.'' By July 21, after nearly 4 months on the trail, a scouting party reached the Valley of the Great Salt Lake, followed on the 22d by the main body of the advanced company. Two days later, Brigham Young himself reached the foothills at the edge of the Great Basin. Surveying the valley before him, as if in a vision, he finally spoke the now-famous words of approbation: ''This is the right place. Drive on.''

Over the next 150 years, the vision was verified and the prophecy fulfilled. Upward of 70,000 people crossed the plains in wagons and handcarts. Many a journey started from Liverpool where the faithful from throughout Europe embarked for Zion, fulfilling, as they believed, the words of the prophet Isaiah:

> And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it. And many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths * * *.

Six thousand died along the way. Some lost heart and turned back, or shrank before the daunting task of taming the harsh land and moved on to the greener pastures of Oregon and California. But more than 300 settlements in Utah and surrounding States, as well as colonies in Canada and Mexico, testify to the courage and determination of that vast majority who persevered.

Today, the desert blossoms with the fruits of their labor, while their descendants continue to build upon their firm foundation. A yearlong celebration, with the theme ''Faith in Every Footstep,'' is now in progress to honor their memory. Well-wishers and admirers in towns and cities along the trail and throughout the world have joined with Latter-day Saints in commemorating this milestone of human history—with the dedication of buildings and monuments in hallowed places, with theater and music, historical displays, and a vivid reenactment of the trek itself. It has been, and continues to be, a joyful celebration, as befits the memory of those whose sacrifice has indeed given birth to ''a mighty people.''

Mr. President, I would like to add my tribute by quoting the words of a Mormon hymn which reflects—I think, appropriately—the joy and the guiding faith of those marvelous Saints who, 150 years ago, put their fate in the hands of God and turned their faces West:

> The Spirit of God like a fire is burning!
> The latter-day glory begins to come forth;
> The visions and blessings of old are returning,
> And angels are coming to visit the earth.
> We'll sing and we'll shout with the armies of heaven,
> Hosanna, hosanna to God and the Lamb!
> Let glory to them in the highest be given,
> Henceforth and forever, Amen and amen.

Mr. President, my forebears were part of these pioneers who came across this vast territory, who suffered untold privations. My great-great-grandfather was killed by a mob. I have to say that when they came to Utah, they followed the leadership of Brigham Young and went wherever they were told to go. They believed in what they believed. They had faith in what they had faith in. And they lived up to the principles that literally made Utah such a great State and much of the West greater than it would have been.

So I am very grateful for these pioneers. I am grateful for those who made that commemorative trip this year and have gone through the deprivations and privations to show just a little bit what some of these early pioneers had gone through.

Last but not least, a number of them expressed themselves and said that this experience of going on that pioneer trek, walking it, riding in covered wagons, riding horses, and pulling handcarts was one of the greatest experiences of their lives. Unfortunately, it wasn't perhaps the greatest experience for our early forebears, the pioneers, because of the many travails and problems they had. These trails they had to break themselves, in many respects, and they did it and I am grateful for it.

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I ask unanimous consent that, like my colleague, I may be allowed to proceed as in morning business.

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

Mr. BENNETT. Mr. President, I had not expected to be here in the Senate today. I had made plans to be in Salt Lake City where the celebrations are going on for a historic event marking the 150th anniversary of the entry of Brigham Young into the Salt Lake Valley. As Senate business has been pressing, combined with a bad cold that you can hear in my throat, I decided wisdom meant that I should stay here, even though my heart is in Utah.

Mr. President, we have heard a lot from the senior Senator, appropriately, about the trek and what went on. Like him, I have forebears who were part of that great movement, which began with Brigham Young in 1847, but continued until the coming of the railroad in 1869. My grandfather, John F. Bennett, was 3 years old when his parents and his grandparents took him out of the slums of Liverpool, where they were born and raised in what would be considered the lower-lower class, walked across the great American plains to try to find a new life and a new religion in a new place. Out of that family that came from that little boy, who had no education, no hope, and in the class-ridden status of England at the time, no chance of opportunity for advancement, have come two United States Senators, a number of successful businessmen, a series of college graduates, and a tremendous family of achievement and family happiness of which I am a beneficiary.

There was indeed something magic about that trek that called people not only from the United States, but from all over the world, to go forward in the name of their religion and their faith to a place that was picked because no one else wanted it. Indeed, their leader chose this place because he had been literally driven out of the United States—some say solely because of his religion, others say because of political problems, and others say because the Mormons weren't good at getting along with their neighbors in Missouri, Illinois, and the other places where they tried to settle permanently.

I won't try to rehash that history because it doesn't really matter. What matters is that they stayed together, they traveled together, they spread their version of the Gospel of Jesus Christ throughout the world, and they called their adherence from all over the world to join with them in that tremendous sacrifice, to find a place where they could be left alone to flourish.

They were not successful. They were not left alone. Within 2 years after Brigham Young arrived, gold was discovered in California and the world started going through Utah on its way for riches. Not everyone found their way to riches, but they did help, economically, build a State—an ironic twist of events for Brigham Young, who wanted to be alone.

We have had a great deal said during this sesquicentennial year about the tremendous physical sacrifice involved in that trek. As I think of my 3-year-old grandfather, I can barely identify with how physically difficult that must have been for him and for his parents and his grandparents. I have just gone across country with a 5-year-old grandchild, courtesy of Delta Airlines, and it was a whole lot easier than taking him in a covered wagon for hundreds, if not thousands, of miles.

So I pay tribute today to the legacy that I owe to those people and what they did and what they endured. I have been back to England and have looked at my relatives who stayed there and compared what happened to those of us who are descendants of the people who were willing to make that trek with what happened to those who stayed in what they thought would be the comfort of the British Isles. It is one of the things I offer thanks for in my personal prayers, that I am descended from that branch of the family that endured that trek.

I want to make one final point about this, which I think is the important point out of this entire experience as we pay tribute to the people and who they were and what they did. As impressive as their physical sacrifice and performance was, there is something else that I want to mention that I think, in many ways, is more distinctive and more instructive for us today in our world. This was a group of people—at least the core group—who had been physically driven from their homes several times. They had been physically driven from Ohio. They sought refuge in Missouri; they did not find it. They were physically driven from Missouri and ended up penniless, with nothing but the clothes on their backs, in the State of Illinois. They started over again. They built the largest and, by some accounts, most beautiful city in Illinois. They were physically driven from there and, again,

started out with very little to go someplace where they could be left alone.

In today's world, when we see articles in books constantly written about how we are all victims, we could expect that they would have spent their time lamenting over that which they lost and focusing on their resentments and their bitterness and that which other people owed them. They did not. Oh, I am sure that there was some of that. It would only be human that there would be some regrets and tears shed for homes left. But that was not their focus. That was not their driving force. They were not driven by hatred, a desire for revenge, a sense of victimhood and petitions to get everything back that had been taken away from them.

Instead, their focus was on the future. Senator HATCH has already quoted the third verse of the hymn that they wrote and sang to themselves again and again as they endured the physical difficulties. I want to repeat it here in this context. It was not a hymn of mourning or longing for the past.

They said:

We'll find a place which God for us prepared,
Far away in the West, where none shall come to hurt,
or make afraid.
There, the Saints will be blessed.
We'll make the air with music ring,
Shout praises to our God and King, above the rest.
This tale will tell, all is well, all is well.

Mr. President, we look around the world today in Bosnia, in Northern Ireland, in the Middle East, and we find people who have suffered ancient wrongs, sometimes terrible, unforgivable wrongs, at the hands of their fellow men, in the name of politics or religion, or just plain ethnic hatred. We find people in the Middle East who remember the Crusades and feel offended by something that happened a thousand years ago and are sworn to set right those ancient grievances.

I say to them and to all of us that those who made their way across the plains 150 years ago had reason to hold grievances, but they looked not to the past but to the future. And as I rise today to pay tribute to their memory, I pay tribute not only to their physical courage in undergoing that trek and express my gratitude for the privilege of being descended from them, but I express my greater gratitude for what, in my view, is a greater legacy: that I have grown up in a circumstance where these people, however much they talk about the history of the past, are willing to forgive the past; that they are not viewing themselves anymore as that first generation, as victims, as obsessed with redressing old wrongs or attacking old antagonists. The legacy that is of greatest value to me and to the people of my State that came from those who were engaged in that great trek was their legacy of hope and optimism and a willingness to forgive and forget and look to the future.

That is what we are celebrating today as we look back on 150 years since the time they finally found their place faraway in the West, which God had in fact for them prepared, where they have indeed been blessed. Senator HATCH and I would like to be with them today, but we cannot because of our duties here in the Senate. But we thank the Members of the Senate for their indulgence in allowing us to take the time of the U.S. Senate and make this recognition of significant events in American history.

I yield the floor.

Mr. GREGG. Mr. President, before I proceed with the formal business of the Senate, I just want to congratulate and acknowledge the Senators from Utah in their extraordinarily moving and thoughtful and brilliant statements on the importance of today and the history of Utah and the Mormon Church, which has so reflected effectively the history of this country. The tempo and culture of that experience has been one which has been intertwined with our Nation's strengths and, unfortunately, some of our Nation's failures.

Their statements today, I think, as well as anything that I have ever heard, reflect the energy and enthusiasm and vitality and warmth that that church presents to its parishioners and which makes it such a dynamic force in the faith of many people across this country and across the world. So I congratulate them for their truly extraordinary statements.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate now turn to S. 1022, the Commerce, Justice, State, and Judiciary appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1022) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1998 and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. GREGG. Mr. President, I ask further unanimous consent that with respect to the Feinstein amendment regarding the ninth circuit court, there be 4 hours of debate on the amendment equally divided between the chairman and the ranking member or their designees with no second-degree amendments in order to the amendment. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on or in relationship to the amendment.

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

Mr. GREGG. Mr. President, I also ask unanimous consent that the following Appropriations Committee staff members be granted floor privileges during the consideration of this bill: Jim Morhard, Paddy Link, Kevin Linskey, Carl Truscott, Dana Quam, Josh Irwin, Scott Gudes, Emelie East, Karen Swanson-Wolf, Jay Kimmitt, Luke Nachbar, and Vas Alexopoulos.

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

Mr. GREGG. This request I just made also includes both majority and minority staff.

Mr. President, I come to the floor today to introduce this bill, S. 1022, for the fiscal year 1998 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies. This year we have taken great strides to obtain bipartisan support for this bill and to be responsive to the needs of the people within the budget that we are provided. I think we have achieved this goal.

I want to especially acknowledge and thank the ranking member of this committee who for many, many years has served on this committee and whose cooperation, effort, and knowledge has been a core element in developing this bill and achieving progress in making these agencies function effectively. And that, of course, is the Senator from South Carolina [Mr. HOLLINGS].

The bill before us includes $31.6 billion for programs administered by the Commerce, State, and Justice Departments, the Judiciary, and related agencies. That is a lot of money, $31.6 billion, but I would note that it is a bill that is frugal. It is $4 billion less than what the President's budget request, and it is over $100 million less than what the House will have passed in its bill in this area.

The essential thrust of this bill is to make sure the committee adequately funds the activities of our criminal justice system and to make sure that the States receive adequate funding to undertake an aggressive posture to control the spread of violence and crime in our Nation. As a result, we have increased funding for the Department of Justice by 5 percent over 1997 levels. This represents a fairly significant commitment to that Department, obviously.

Within the Justice Department, top priorities include fighting crimes against children; providing assistance to State and local law enforcement; countering terrorism activities; bolstering drug control efforts; and pursuing new juvenile programs.

As chairman, I directed the committee to take a close look at the needs of the juveniles in our country. In hearings this year, it was brought to my attention the threats our children face when surfing the Internet. While the Internet can be a place for the world to be at play and to be at the access of children's fingertips, that world can also have its shady side where predators lurk to exploit our children if given the opportunity.

The Federal Bureau of Investigation [FBI], along with organizations like the Center for Missing and Exploited

Children, has worked to combat pedophile activity on the Internet. In our legislation we provide funding to continue these efforts: $10 million for the FBI to apprehend the pedophiles who use the Internet in their criminal activities; $2.4 million to the local and State law enforcement agencies to form specialized cyber units to investigate and prevent child sexual exploitation; and $6.2 million for the National Center for Missing and Exploited Children to continue their efforts to educate and work with law enforcement officials in handing child exploitation cases.

Also, the committee believes it is in the national interest to improve the skills of our law enforcement personnel on all levels and supports initiatives to do this. The Community Oriented Policing Services, or COPS Program, is funded at $1.4 billion so that 100,000 extra police can be hired by our States and our communities. The President's request did not include any funding for the local law enforcement block grant. However, we have provided $503 million so that localities could obtain funding for initiatives to reduce crime and improve public safety.

Also, in response to a number of requests from law enforcement officials, we have added $10.5 million to the President's request for a regional information sharing system so that law enforcement officers throughout the country can have increased access to national crime databases.

This year the committee has taken a strong stance against the violent acts that are directed toward women and children.

Our support includes a $67.3 million increase in the funding for the Violence Against Women Act grants. We recognize the need to enhance and expand current women's assistance programs as violent crimes against them continue. Violence Against Women Act grants will be given to the States to develop and implement effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women. This funding provides domestically abused women and children with additional support services. This includes access to specially trained prosecutors and law enforcement officials. Only 20 States received Violence Against Women grants in 1996. We believe there should be sufficient funding for more States to participate in this program. Consequently, we have appropriated funds for this effort. And while we have given significant funding to the Violence Against Women Program, other grant programs still receive funding—the Motor Vehicle Theft Prevention Program, the State Prison Grant Program, and the Missing Alzheimer's Patient Program, just to name a few.

The Counterterrorism Fund received $29.5 million so that the law enforcement officials can counter, investigate, and prosecute those people who are involved in terrorist activities. In addition, the funds will be used to conduct terrorism threat assessment against Federal agencies and their facilities. Additional funds have been provided in a classified portion of the bill, which is available to all Members.

Like many Members of Congress, the committee is concerned about the proliferation of illegal drugs coming across our borders and its impact on our children. In an effort to support law enforcement efforts to combat the rampant spread of illegal drugs, the committee devoted $16.5 million to combat the trade in methamphetamine and $10 million to the effort to reduce heroin trafficking. The committee also provided substantial funding for the Drug Enforcement Administration program to provide adequate equipment for its agents. It does no good to hire new agents—and we are hiring a large number of new agents in this bill—if they do not have the equipment needed to do the job. So this bill takes care of that issue.

Over the last few years, the infrastructure needs of organizations funded by this bill have been neglected. We have made a point of providing funds to repair buildings throughout our agencies. Over $300 million will go to the FBI, the Drug Enforcement Administration, and the Bureau of Prisons to make much-needed infrastructure improvements. This money covers the costs of a new FBI forensics lab at Quantico, State prison grants to help States build new prisons, and facilities for 1,000 new Border Patrol agents we have funded through the Immigration and Naturalization Service.

As last mentioned within the Justice portion of the bill, the committee sets aside funding for a Juvenile Block Grant Program, subject to the authorization of the Judiciary Committee. It is our understanding that the authorization may address such issues as the need for increased penalties for criminal street-gang activities and prosecuting violent youth offenders as adults at the discretion of the prosecutor. This funding should assist in undertaking that effort.

This is just a brief summary of a wide range of Justice provisions that will help law enforcement combat the threats that Americans face in our daily lives.

In the area of the Commerce Department, we have made some difficult decisions, but I think they are constructive ones. We have, for example, provided strong support for the National Oceanic and Atmospheric Administration (NOAA), which provides high-quality research and provides technical data to our economy. In particular, the bill increases funding for the Coastal Zone Management Act, which is important to all coastal and Great Lakes States and provides funding for estuarine research. Since 75 percent of our Nation's population lives near the coastline, placing a priority on preserving our estuarine areas is important. Equally important is the need to conserve the resources that live in our estuaries and oceans.

The bill increases funding for protected species research. The Sea Grant Program, which conducts research of regional importance through colleges and universities, is strongly supported in this bill. While we believe NOAA is doing essential work for America, sometimes we disagree with our House colleagues on the level of funding. We intend to address this in conference, and we will go to conference with a strong bill.

The committee provides increased funding for the National Weather Service, also. Many of us are concerned that this agency has the resources necessary to ensure timely warning of severe weather, especially hurricanes and tornadoes. The bill contains funding for satellite improvements which are critical to monitoring and predicting the weather. The committee supports the modernization of the Weather Service and looks forward to working with the Department of Commerce to ensure the orderly deployment of technology needed to improve forecasting and warnings.

The largest increase in the Department of Commerce is the administration's request for additional funds to prepare for the decennial census. We have had previous discussions on the Senate floor about whether or not to use a sampling technique to conduct the census 2000. The bill contains language on this issue developed on a bipartisan basis during the consideration of the Supplemental Appropriations bill earlier this year. The increase for fiscal year 1998 does not require a decision on whether or not to employ sampling.

The committee also funds the trade development and enforcement responsibilities of the Department of Commerce at or slightly above the administration's requests. The Bureau of Export Administration has two new requirements which deserve mention. First, the Department of State's encryption export control responsibilities have been transferred to the Export Administration.

Second, with the ratification of the Chemical Weapons Convention (CWC), the Export Administration will have the primary responsibility for enforcing the convention. While funds are provided at the requested level to support the Export Administration's enforcement responsibilities, any additional funds which may be needed during fiscal year 1998 should be provided by the Department of Defense or the Department of State. There is some concern that the administration has underestimated the funds needed to enforce CWC. The Department of Commerce should not be required to shoulder all the costs of Chemical Weapons Convention enforcement.

Many Senators will be glad to hear that the committee did not agree with the administration's request to zero out public telecommunication facility

grants. We went ahead and provided $25 million for this program based on the strong bipartisan support it enjoys.

In the judiciary area of the bill, the committee had to confront some difficult issues, but I believe we have provided the American people with a better judiciary through our efforts. The appropriation is sufficient to maintain current judicial operation levels and takes into account the increase in bankruptcy caseloads and probation population. We are also providing the Justices and judges with a 2.8-percent cost-of-living adjustment requested by the President.

The largest change—and it is a change I think will be for the best—is that the ninth circuit Federal court will be split into two circuits, reducing the caseload level in each to a manageable level. During the 1996–97 session, the Supreme Court overturned 96 percent—96 percent—of the decisions reviewed by the ninth circuit. This high overturn rate is a beacon that the Ninth Circuit is not meeting the needs of the people it serves. Last Congress, Chief Judge Wallace stated in testimony before the Senate Judiciary Committee that ''it takes about 4 months longer to complete an appeal in the ninth circuit as compared to the national median time.'' The caseload continues to increase yearly.

Justice Kennedy of the Supreme Court testified before our committee on April 17 that there are ''very dedicated judges on that circuit, very scholarly judges. * * * But, [he thinks] that institutionally, and from a collegial standpoint, that it is too large to have the discipline and the control that is necessary for an effective circuit.''

While some of my colleagues may disagree, the facts lead me to believe it is past time for the ninth circuit to be split, and we are going to hear a considerable amount of debate on that issue later today.

Lastly, for the judiciary, we are providing an additional $2.2 million to the Supreme Court for renovations in an effort to comply with safety regulations and with the Americans With Disabilities Act at the Supreme Court building.

Moving on to the State Department, we have fully funded to the best of our abilities, the operations carried out by this Department. We made sure that the day-to-day functions of the State Department are funded at an acceptable level, and we are going a long way toward updating their outdated technology systems.

Maintaining infrastructure was a top priority of mine in funding this bill. To do this, we are providing $40.4 million above the President's request for the Capital Investment Fund so that desperately needed upgrades on information and communications systems can be done. It is quite alarming to hear that the State Department is still using Wang computers and that oversees, about 82 percent of the radio equipment, 55 percent of the computer equipment, and 40 percent of the telephone systems are obsolete. These are the people who are representing us in foreign countries and they deserve to have up-to-date equipment.

As a final noteworthy item, this bill covers the U.N. arrears as agreed to during the budget talks this year, in addition to supporting the bicameral U.N. reform package found in S. 903, the Foreign Affairs Reform and Restructuring Act of 1997. The international organization and peacekeeping efforts are also included in this appropriation.

This is a very quick rundown of a very complicated and expansive piece of legislation. I believe it is an extremely strong bill, complying with the ideas that have been guiding the budget process over the last few months. As I mentioned earlier, it is under the President's request and under the House bill. Yet I believe it still represents a sound and strong commitment to the agencies which it has to cover.

Before turning this over to my esteemed colleague and ranking member, I want to recognize the contributions of my staff, which have been extraordinary, the members of my staff that I outlined earlier, Kevin Linsky, Paddy Link, Vas Alexopoulos, Jim Morhard, Carl Truscott, Dana Quam, Josh Irwin, and Luke Nachbar; and I also want to acknowledge the ranking member's staff, who do such a super job—Scott Gudes, Emelie East, and Karen Swanson-Wolf. Their help has made a tremendous difference, and we would not have gotten to this point without their assistance.

I yield to my ranking member.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our distinguished chairman.

Mr. President, this Commerce, Justice, and State appropriations bill is probably the most complicated of the 13 appropriations bills. In it we fund programs ranging from the FBI to our embassies overseas, to fisheries research to the Small Business Administration. It requires a balancing act—considering the priorities of our President, our colleagues here in the Senate, and our Nation, in equitably distributing our subcommittee 602(b) allocation to the many programs in this bill. I think Chairman GREGG has done a masterful job in putting it together, and I support him in bringing this very solid bill before the Senate.

I would especially like to recognize the majority staff who are all new to this bill—Jim Morhard, Paddy Link, Kevin Linskey, Carl Truscott, and Dana Quam, and our Democratic staff—Scott Gudes, Emelie East, and Karen Swanson-Wolf. They have been working night and day to put together this bill. They have done a truly outstanding job, and have ensured a bipartisan spirit was maintained throughout this entire process.

In total, this bill provides $31.623 billion in budget authority. That is about half-a-billion dollars below the President's budget request * * * and it is right at our section 602(b) allocation. The bill is $1.4 billion above this year's appropriated levels.

JUSTICE

Once again, our bill makes it clear we're not fooling around with Justice and law enforcement priorities. The bill provides appropriations totaling $17.3 billion—an increase of $862 million above last year. Including fees we provide the Department, the total Justice budget comes to $19.3 billion.

It might be well to note historically that some 10 years ago the bill was right at $4 billion. We in the Congress run around everywhere, ''Cut spending, cut spending, cut spending.'' If you want to know where the increases in spending occur, you can look at the space program. I followed the thought, of course, of the distinguished Senator from Arkansas—who has been up in space. They say the interest is trying to get Senator JOHN GLENN back in space. My interest is trying to get the Senator from Arkansas, Senator BUMPERS, out of space. He has been up there for 2 days. But he has been doing a masterful job, trying to save moneys there.

Now, with respect to the Justice Department, the DEA, hundreds of more FBI agents, a new laboratory there, Cops on the Beat, 1,000 more Border Patrol, half a billion more in prisons—we are building prisons. If you haven't gotten a prison in your State, call us; we will be glad to build you one. Because we are not building schools in America, we are building prisons everywhere. So, everybody ought to understand, in the 10-year period under the leadership here of this Congress, trying to cut spending, we have veritably quintupled the Justice Department.

Of this amount, our Federal Bureau of Investigations, the FBI, is provided $3.1 billion, and we have funded completion of its new laboratory at Quantico as well as $10 million to enhance efforts to combat child pornography on the Internet.

As, I said, we've made sure the INS will keep our borders secure, by providing an additional, 1,000 Border Patrol agents in the Immigration and Naturalization service. Furthermore, the bill extends section 2451 of the Immigration Act. These fees allow adjustment of status for legal immigrants in the United States and result in the Immigration Service getting almost $200 million per year for border enforcement and combating illegal immigration. This is important to both INS which needs the funding, and the State Department which no longer has the consular officers overseas to provide for adjustment of status in embassies.

Within the Justice Department, we also provide $1,033 billion for our prosecutors, the U.S. attorneys. That is an increase of $55 million. I'm pleased to note that it provides for activation of

the National Advocacy Center to train our Federal and State prosecutors, and it continues State and local violent crime task forces which report to our U.S. attorneys.

So, looking at the Justice grant programs: the COPS Program is provided $1.4 billion; the local law enforcement block grant is $503 million; $590 million is recommended for State prison grants; $264 million for violence against women grants; $580 million is provided in Byrne grants and; $380 million is provided for juvenile justice programs which is over twice the amount as this year.

COMMERCE

On the Commerce Department, the bill provides $4.169 billion for the Commerce Department. That is an increase of $368 million over this year. Within this Department, the bill provides $659 million for the Census, which is an increase of $314 million. This bill does not prohibit statistical sampling, though we will continue to monitor this issue closely.

We have provided $25 million for the Public Broadcasting facilities grants and have rejected the administration's proposal to terminate this program which assists public television and radio.

The recommendation includes $200 million for the NIST Advanced Technology Program and $111 million for the Manufacturing Extension Program. So this bill supports the bipartisan budget agreement which specifically made these technology programs a priority. Another program of interest, the International Trade Administration, has been provided with $280.7 million.

The biggest account in the Department of Commerce, NOAA, has been provided with $2.1 billion. We have included $473 million for Weather Service operations, an increase of $23 million above the request. This ensures that we won't have a repeat of all the problems we have seen this year. LIke cutting the National Hurriance Center. And this bill continues support for the NOAA oceans programs and the NOAA fleet.

I just attended the commissioning of the most modern research vessel in the fleet, the *Ronald H. Brown*. I am pleased to report that, rather than the interest up here—310 million miles away whether or not some little instrument ran into a rock—in contrast, the NOAA fleet is out researching seventenths of the Earth's surface, the oceans and atmosphere, mapping the ocean floor and harbors and conducting surveys of living marine resources so that the NOAA fleet is alive and well. And we are not going to scuttle it as has been proposed here previously.

STATE

In our title for the State Department and international programs, we have included some $4 billion for the Department of State, and have supported the consolidation of our international affairs agencies. We have assigned, again, a priority to the operations and facilities of the State Department, for example we included $105 million to modernize computer and telecommunications systems.

We have included $100 million for United Nations and peacekeeping arrearages as part of the agreement that was reached with the Administration on the Foreign Relations authorization bill. The recommendation also includes $20 million for renovating housing and the U.S. Embassy in Beijing.

I have just had a conversation with the Ambassador Designate to the Court of Saint James, which has a magnificent residence there. It was done over by Walter Annenberg. It looks like a beauty to me. It doesn't look like it's falling down. But they are going to close it and get into a multimillion-dollar renovation program over 2 years, while they are in squalor in Beijing.

I can tell you here and now, we have to do something about the Property Division over in that Department of State, so that we can at least have decent housing for those who are willing to sacrifice and lead this Nation's foreign policy, particularly now in the most important nation with respect to foreign affairs, the People's Republic of China.

There is almost $400 million in the bill for international broadcasting, $200 million for international exchanges. That is the first time, of course, Mr. President, that the Fulbright and other exchanges have gotten an increase. It should be noted that no funds are included for the National Endowments for Democracy, and the distinguished chairman and I are well able to defend that particular initiative now. I imagine we will be hearing from our colleagues with an amendment. But if they want to bring this up and talk about pork, I never heard of worse ones—although we have had it. This Senator at one time opposed it; at one time supported it at the request—at the fall of the wall. We didn't have an entity that could really bring newspapers and printing presses and election fliers for democratic elections where in countries they had never held a democratic election. It looked to me it might be an exception.

The Department of State, we ought not to be embarrassed, the Department of State ought to be, really, about its front-line position, now, with the fall of the wall, in promoting democracy, individual rights, and the American way the world around. And we need not fund the chairman of the Democratic Party, the chairman of the Republican Party, the Chamber of Commerce and the AFL. I think that here we can make a savings of several million dollars.

Mr. President, this is a good bill. I support it. We have had to make some tough decisions, but under the leadership of Senator GREGG, I think we have made the proper decisions. It is nice to have worked on this State, Justice, Commerce bill, and I urge my colleagues to join in its passage.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 979

(Purpose: To authorize the Administrator of General Services to transfer certain surplus property for use for law enforcement or fire and rescue purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 979.

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

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

The amendment is as follows:

On page 65, strike lines 3 through 9 and insert the following:

SEC. 119. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

''(I) law enforcement purposes, as determined by the Attorney General; or

''(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

''(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.''.

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

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask that the previous amendment that has been proposed be set aside and I have an amendment that I will send to the desk.

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

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

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

AMENDMENT NO. 980

(Purpose: To prohibit certain corporations from participating in the Advanced Technology Program)

Mr. BROWNBACK. Mr. President, I ask that the pending amendment be set aside. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 980.

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

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

The amendment is as follows:

At the appropriate place in title VI, insert the following:

SEC. 6 . Section 28(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)) is amended by adding at the end the following:

''(12) For each fiscal year following fiscal year 1997, the Secretary may not enter into a contract with, or make an award to, a corporation under the Program, or otherwise permit the participation of the corporation in the Program (individually, or through a joint venture or consortium) if that corporation, for the fiscal year immediately preceding that fiscal year, has revenues that exceed $2,500,000,000.''.

Mr. BROWNBACK. Mr. President, this amendment deals with the Advanced Technology Program which was established to spur high-risk precompetitive research and development. It was intended to make U.S. businesses more competitive in the global marketplace by assisting them in developing technologies which they wouldn't fund on their own.

It was not established to fund research and development which would have been funded in the marketplace anyway. No one believes that the Federal Government should be in the business of taxing American families to subsidize product development, research spending for rich corporations. I think this would be in anybody's definition what former Secretary of Labor Robert Reich qualified and stated was ''corporate welfare.''

I have grave concern that the Advanced Technology Program has become just that, a corporate welfare program. While recognizing the importance of a strong Federal role in research and development, I am very concerned that the ATP program is providing too much money to companies that have clearly adequate resources of their own to fund any research that is worth their doing.

My amendment is a simple one, and it should have broad bipartisan support. My amendment says that no company with revenues in excess of $2.5 billion—revenues in excess of $2.5 billion—can receive Federal funding through the Advanced Technology Program. We are talking about revenues. This is gross revenues of a company of $2.5 billion—so this is a pretty large company we are talking about—above which you can't receive funding from the Advanced Technology Program. I think if you are having revenues of $2.5 billion or more a year, you can afford to fund your own research and development program, and you don't need the Advanced Technology Program.

We use the $2.5 billion revenue threshold because it would exclude the 500 largest companies in America, the so-called Fortune 500, from receiving welfare dollars.

I think if you are a Fortune 500 company, you can do without corporate welfare dollars. In the word of one Silicon Valley executive—and there have been a number out there to support this provision; we have a letter signed by over 100 CEO's from startup companies in Silicon Valley which say terminate the entire ATP program, get rid of the whole thing. We are saying let's hold it to the largest corporations.

One executive said this:

If you were General Motors with annual sales of $160 billion and $20 billion in the bank, why don't you fund this great idea yourself and patent it yourself?

I think the answer to this question is pretty simple, and that is, if there is a Federal subsidy program which will fund corporate R&D for free, even if the company has enough corporate R&D resources, and if that company's competitors are taking the money from the Federal Government, why not take the money from the Federal Government yourself? Therefore, we need to close that loophole so their competitors can't get it and they be forced to take it as well.

What may be most troublesome is that for every grant given to a huge company with a multibillion-dollar budget and CEO making tens of millions of dollars, there is a small company who may have a good idea but can't raise the capital and will do without Federal assistance. The small companies will do without, while the big corporations get it. What we are saying is let's keep it from going to the megacorporation and have more available to the small corporation, which is what we are trying to target in the first place.

We are not talking about a program that gives money exclusively to small business, entrepreneurs or inventors working in their garages. Some ATP money goes to small companies and universities. This amendment would make it more available to them. But the top five companies that participate in the greatest dollar volume of grants from the ATP program are some pretty familiar names: IBM, General Motors, General Electric, FORD, Sun Microsystems. I think they can afford to fund these programs on their own. They don't need corporate welfare, and we should be making more of this available to small companies.

Maybe they get it because they have a great idea or maybe they get it because they have a lobbyist in Washington that watches for these things. That may be part of it as well. Whereas, a small startup company is just busy in their garage, or wherever, trying to hustle enough to make this thing go. We want to make it more available to the small companies, the entrepreneurs and keep it out of the hands of the Fortune 500, all of which have large lobbying staffs to get hold of that here.

According to the Department of Commerce, more than 40 percent of single-applicant grants currently go to large companies—40 percent. Other ATP recipients are AT&T, Black & Decker, 3M, DuPont, MCI, Xerox, Caterpillar, Kodak, United States Steel, Honeywell, Allied Signal, and the list goes on. These industrial giants have the time and the money to fill out ATP applications, but also have the money to fund these projects on their own.

I also take this opportunity to commend Secretary Daley for initiating a review of the ATP program. As he and I have discussed, I believe this review is long, long overdue, and I appreciate that it was instigated very early on in his tenure. The Secretary recognized in his recent report on the program that the question of whether huge corporations should participate in ATP grants to the exclusion of some smaller ventures is a legitimate concern and one that he is concerned about as well. As a result of the Secretary's review, he has proposed changes in the match for single-applicant-large companies to a 60–40 match from the current 50–50 and encourage joint ventures over single applicants.

That is a laudable start, but, my goodness, that is just not far enough when we are talking about a company that has $2.5 billion in revenues, huge companies. They can afford to do this on their own. It just doesn't go far enough. At most, this would reduce the amount a large company will receive in grants by $65,000 a year, and that is not much of an incentive for companies like IBM with revenues of $76 billion annually.

To its credit, this year the Department of Commerce requested input from the public on the ATP. Among the public responses were, listen to this one:

ATP awards large companies even though a smaller company, as a single applicant, may have a better technical and business proposal. In some cases, the large company tries to get the award in a new research file just to shelf the idea and prevent someone from doing the research because it will compete with its existing markets.

Another one:

ATP should not be a time-consuming, expensive proposal preparation contest which it is now.

Another one:

ATP does not provide much assistance for individuals or shoestring startups which need assistance most.

While I am not offering an amendment to kill this program today, I do have grave concerns about it primarily because I believe there is ample private capital for good ideas. Last year alone, the venture capital industry pumped more than $10 billion into new ventures. Last year, companies raised more than $50 billion from initial public stock offerings. The top four winners of ATP grants invested more than $20 billion of their own corporate resources on research and development. We are talking about a total program, the total ATP program of right around or under $300 million.

I don't think I have the support this year to eliminate this program on an appropriations bill. Many of my colleagues believe that would be more appropriate for the authorizing process, which I think would be as well and a good place to do it as well.

So let me reiterate, today I am not offering a killer amendment. This isn't even an amendment to reduce the funding of this program. It does nothing to the funding of ATP. I am offering an amendment which will make a small change in the program to better enable it to meet its mission of providing funds for high-technology research without replacing private dollars.

I want to note something else, Mr. President, if I can, about people applying for ATP grants and companies that are applying for ATP grants. This is according to a GAO report when they were looking at whether people try to find these first outside the Government. This is the GAO:

When we asked if they had searched for funding from other sources before applying to ATP, we found that 63 percent of the applicants said they had not—

Sixty-three percent—

[and] 65 percent of the winners had not looked for funding before applying to ATP.

In other words, they are going first right to the Federal Government, to the ATP program. These are huge corporations with over $2.5 billion in revenues, the only ones we are targeting, and they are saying, ''Let us take it there first.''

This is a simple amendment and will help the small entrepreneur. It will bring some sanity back to the process. It will start to address the issue of corporate welfare, and this is a perfect case.

So, Mr. President, I think this is an appropriate amendment. At the appropriate time, I will urge its adoption and ask for the yeas and nays. I yield the floor.

The PRESIDING OFFICER (Mr. KYL). Is there further debate on the amendment?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am reminded of a little ditty they used to have on the radio each Saturday morning for my children: ''All the way through life, make this your goal; keep your eye on the donut and not the hole.''

The distinguished Senator from Kansas is really, with this amendment, trying to reduce it to a corporate welfare program. The goal, and the eye ought to be on it, was commercialization of our technology, not research. In fact, the research arm of the Defense Department, DARPA as we call it, which has billions of dollars that come over—Greg Fields, working with the National Institutes of Standards and Technology—this is now back in the late seventies because I authored this particular program—in the late seventies in talking with Mr. Fields and the authorities at the National Bureau of Standards, at the time we called it, found that we had all kinds of technology backed up in research at the National Bureau of Standards on the civilian side that was not being commercialized. In fact, what they call the rapid acquisition of manufacturing parts—it is a wonderful type program—was developed and came really out of the Bureau of Standards. A ship broke down in the Persian Gulf that was 25 years of age, and they weren't making the parts anymore, so the ship couldn't function. It took several months or a year to get the part back out to get the ship moving again and everything else.

The computerization and manufacturing at the defense level of all parts are immediately on the board. Within days, they knew how to punch the computer, get the particular manufacturer, get the part back and going again. That came out of the Department of Commerce that my distinguished colleague has been bent on trying to abolish.

Back to the commercialization. In the late 1970s, down in Houston, TX, they developed the superconductor, and right to the point, with the research initiative, these particular scientists won the Nobel Prize. But the actual commercialization was caused by our Japanese friends who correlated some 22 entities and immediately started developing and commercializing it. Oh, yes, the American scientists won the Nobel Prize; the Japanese entrepreneurs won the profits.

We are going out of business in this country. This has nothing to do with small companies or large companies. The staff, of course, has provided me—but I do not want to get into that because I support DARPA very much. But if we had this particular amendment and it took, then we could put it to DARPA and all other research over in the Defense Department, and then we could grind research to a halt. Because the reality is that the larger companies do have the better research entities. And the larger research companies also have the stock-market-turnaround, get-in-the-black, get-your-stock-increase kind of pressure.

Talk to the CEO of AT&T, a multibillion dollar company. One of the largest corporations ever in the world is in trouble because the chairman that they had momentarily, barely a year, could not turn it around and get it into the black and get it going. He is gone.

Now, Senator Danforth and I, working on this commercialization, said now we are not going to have welfare and we are not going to have pork. So we put in unusual safeguards which this Senator from South Carolina has had to fight personally to maintain.

One safeguard coming with the particular research endeavor was that we had to have this particular request approved, bucked right over to the National Academy of Engineering, and saying, ''Wait a minute. Does this really contribute to the Nation's particular research?'' We did not just want company research to increase the profits of a particular company; we wanted a research endeavor that meant something to the basic research technology advancement of the United States of America. This is a national program; it is not a welfare program; it is not a corporate-profit program.

So this is No. 1. The corporation has to come with at least 50 percent of its money. They have to have upfront money they are willing to put in, then bucked over to the National Academy of Engineering for its approval on a national basis, then going back for a third particular test of competition of which were the most deserving because this has been very, very, very limited.

Look at our agricultural boards. They have multimillions in there for California raisins and ''Don't drink the wine before its time,'' Gallo, and all of those other things. The farm boys around here know how to get things done, but the technology boys are out researching and making money and continuing to research. Then, like GE coming through my office and saying, ''We don't have time to turn this particular around,'' so go sell it to the Saudis because they have the money and they can develop it.

Mr. President, 15 years ago, I put in a bill to cut out the quarterly reporting. That is one of the real bad devices—all this quarterly reporting. The market is going up; the market is going down. Greenspan says something, it goes up billions, it goes down billions, costs or whatever it is. We have to understand the global competition has to steady the boat in this land financially. One of the great initiatives to have it steadied is to do away with quarterly reports.

We all fault the American entrepreneur and corporate leader in saying, oh, he won't invest in the long range. Our Japanese competition, they know how. In Korea, Japan, the competition in the Pacific rim, they get long-range planning. The American corporate head cannot do it under this structure. He has to get in and somehow take the best profits, the bigger profits, go for it. You might have a technology, but if it takes over 3 years, forget it, ''We don't have time. We don't have the money. Sell it to somebody else, get a joint venture with the Germans or the Brits or whatever it is.''

We are exporting our technology. And the security of the United States of America depends on our superiority of technology. We do not have as many Americans as they do Chinese. Someday we are going to find that out, Mr. President.

Running around with a little boat in the Taiwan Straits, I was on one of those aircraft carriers up in the Gulf of Tonkin 30 years ago. We did not stop 30 or 40 million little North Vietnamese coming down the Ho Chi Minh trail. I do not know how, with a couple of these boats in the Straits of Taiwan, that we are going to stop 1.2 billion

Chinese. So we better sober up in this land, emphasize our technology, get it developed. That is the thrust of the Advanced Technology Program.

So we had all the tests. Like I had commented, I had personally taken it on over on the House side. We had a distinguished colleague over on the House side that every time we got to the State, Justice conference, he wanted to write up one of these particular programs for himself. I said, ''This is not corporate welfare. This is not pork. We're going to stand by.'' We held this bill up in conference for weeks on this one particular point, that it was not corporate welfare, it was not pork. It was a studied program to commercialize, develop, and commercialize the technology that we could get financed. It is a solid program with strong bipartisan support.

Mr. President, I remember when we had the particular—if you can remember. I can hardly remember when the Republicans were in a minority, but there was a day. It was just about 4 years ago. They had a Republican task force in the U.S. Senate at that time chaired by the distinguished majority leader, Senator Dole. They had over a dozen Senators endorse this program as it is, which includes, of course, our distinguished majority leader, Senator LOTT; the former Secretary of the Navy, Senator WARNER; the chairman now of our Appropriations Committee, Senator TED STEVENS; the chairman of our Judiciary Committee, Senator HATCH—you can go right on down the list—the chairman of our Budget Committee, Senator DOMENICI; and others.

I just want the distinguished colleague and friend that I have here from Kansas to understand coming over from the House side with that Walker disease—we had a fellow over there named Bob Walker from Pennsylvania who just took on a personal kind of vendetta against doing anything about commercialization or development of technology or research except in his district. He held up the authorization for this particular measure for several years. Now it has been passed over on the House side. I thank the distinguished Republican leadership for passing that authorization bill and do not want to stultify it now by resolving it into big-little, 2½ billion or whatever it is.

I can tell you here how they move on these large entities here. They move on and do not put the money to it. They sell it. I can give you example after example where I have worked with them in this particular field, and they come by the office and say, ''I am headed to so and so just for a joint venture. I will just take it to Japan and get a 49–51 deal. At least I can get my money back out to do some more research.'' But this has been draining, veritably, the security—not just the technology, but the security—of the United States of America.

It is a well-conceived program, well-administered, just updated by our distinguished Secretary of Commerce. He has come along. I do not have the exact breakdown. I wish I had the Fortune 500 approach. We know about half of it goes to small companies. I have no objection to it going to small companies. I just have a distaste and would have to vote against that kind of division because if this kind of thing sells, then we are going to begin the big-little and it is really going to miss out on some very, very valued technological programs.

I have example after example that we could get in. I see other Senators wanting to speak. But the point here is, big, little, small, or otherwise, you have to first put up some money, at least half of it. You have to have it reviewed nationally. Some of the smaller companies, they are engaged in research, but they are not engaged in basic research. The smaller companies, by their very nature, only have the moneys for their particular endeavor, their particular profits. Therefore, they do not come. We tried to get the small companies going because that is where jobs are created, trying to get small business. We have a specific program for that. We have in here the Small Business Administration program in Senator GREGG's bill right here and now. So we take care of that when it comes to small business.

I know the administration, under Secretary Daley and his particular study here that we could put in the RECORD, says let us give even again more emphasis to it and require more than the 50 percent from the larger corporations. That particular guideline would be good. I would have hoped that the gentleman would have come with a sense of the Senate to confirm that guideline. But to actually put in law this initiative begins to develop in the minds of everyone that this is a welfare program and what we are trying to do is finance research.

We are not trying to finance research at all. We are trying to finance the development and commercialization of already established research. That really comes for the more affluent larger corporations. They come in with the great innovations because they have basic research. The small company—incidentally, I do not know that I have any—of course, down in my home State it is not welfare. I do know this.

In the debate, it ought to be understood that I had my textile folks come to me and they said that they had a technology program and they knew that I had been the father of the Advanced Technology Program, the ATP, and the manufacturing extension centers. So they said, ''We need your help over at Commerce to get this particular''—it had a computerization of the supplies coming in and going out so they would not end up with a warehouse full of bluejeans that they could not sell, whatever it was. Mind you me, I said, No. 1, ''I'll not call over there.'' I never have called over there to talk to a Secretary about it. ''This is not pork. It's not corporate welfare.'' I told that to my own textile leaders.

Mr. President, you know what they did? They went out to Livermore Labs, through the Energy Department, and got started a $350 million program in textile research. You see, with the closedown, fall of the wall and the closedown of some of the defense research and what have you, to keep Energy's budget livable and alive, they said, ''Sooey, pig. You all come. We've got money. Anybody that can do it, we are ready to go.''

That is what happened. They did not qualify at the National Academy of Engineering for this computerization. It was an advancement. It would have helped out my home industry and that kind of thing, but it had nothing to do with the overall commercialization of a national kind of research unique to the security of the United States itself. So it was turned down.

So we ought to be looking now and do not start this particular kind of initiative for defense, because we have the large companies here that do all—we put this under research in the Defense Department. United Technologies, Lockheed Martin, Texas Instruments, IBM, MIT, Hughes Aircraft, Carnegie Mellon, Northrop Grumman, Loral, Honeywell, GE. I can go down the list of millions and millions and millions. If this particular applied, I can tell you you would not get any defense research, you would not be getting the F–22, the advanced plane, and others of that kind that have come on now to maintain the national defense of the United States.

So I hope that colleagues will understand the genesis of ATP, the practical reality of financing and developing and commercializing the research. The large corporations who developed the unique research in this land of ours can make more money elsewhere, and they have been doing it like gangbusters by exporting it right and left everywhere, and we have been losing out. And we are wondering why we still have a deficit in the balance of trade.

We have gone and manufactured the actual production and commercialization. We have gone from 26 percent of our work force, 10 years ago, and manufactured down to 13 percent. Oh, yes, we are getting the software, we are getting the wonderful jobs at McDonald's and the other hamburger places and the laundries. But the actual production and high-paying jobs are going elsewhere. We are exporting them as fast as we can. We ought not to toy around with the solid nature of the Advanced Technology Program. It is not pork. It is not corporate welfare. The distinguished Senator has come up with an arithmetic formula, and if we begin to apply that to research in America, we are gone goslings.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that Tom Wood, a fellow for Senator FRIST's office be

given access to the floor during the debate of the Commerce, Justice, and State appropriations bill, and the same applies to Floyd DesChamps, a detailee from the Department of Energy with the Commerce, Science, and Transportation Committee.

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

Mr. GREGG. Mr. President, I rise in support of the amendment of the Senator from Kansas. The ATP issue has been one of the more contentious issues that we have dealt with within our committee. Last year, it was more contentious than this year because of an agreement reached between the White House and the leadership of the Senate and House. The House and Senate and the White House agreed that this program would be funded. I suspect that they agreed it would be funded because of the strength of the arguments made by the Senator from South Carolina, but I think most people appreciate the fact that I have, since my tenure on this committee, opposed funding for this program. It was over my strong objection that this decision was made. But it was made and I have agreed to live by the budget agreement and, therefore, the money for ATP is in there.

But if you acknowledge ATP even as a program that should proceed forward because of whatever arguments we are inclined to accept, it is very hard to understand how we can justify using a program, the purpose of which is to encourage the development of technologies which might not otherwise evolve. That is the key here—they might not otherwise evolve. It is very hard to justify such a program being used to fund Fortune 500 companies' research initiatives. The fact is that Fortune 500 companies, companies with over $2.5 billion in sales, have the capacity to pursue any technology they wish to pursue if they determine that it has some value, if it has some economic value and if it is going to produce some sort of worth to them. And it's very illogical to presume that those companies would not pursue those technologies if they felt there is a value and they have the wherewithal to do it. You have essentially created a piggy bank into which these companies can step or put their hands into if they desire to pursue a technology, which they probably would have pursued anyway if they had the financial wherewithal to do it. But in this instance, there are Federal dollars available, so they say let's use the Federal dollars instead.

I think it is much more logical to focus this fund on those entrepreneurs and entities which do not have that sort of flexibility, do not have in-house the capital wherewithal to fund whatever research they desire. That is why I believe we should limit access to these dollars to the smaller companies. And smaller is a relative term here. We are talking about companies up to $2.5 billion of gross sales. That is a pretty big entity. I suspect there are a lot of major companies that fall into that category. In fact, within the State of New Hampshire, I am not sure how many companies would have more than 2.5 billion dollars' worth of gross sales; it would not be many. We are retaining the availability of this program to the vast majority of corporate America and to all of the entrepreneurial world.

It is not as if we were handicapping for purposes of this exercise. In fact, there isn't enough money to go around as far as applications are concerned. There are a lot of applications that are not approved. In fact, the Senator from South Carolina cited one in his own State. It just seems much more logical to me that we take this money and, rather than giving it to folks who have the capacity to pursue this research independently and on their own and are simply using the Federal dollars to replace dollars that they would spend anyway, that we give it to companies—or make this money available to entities that do not have the financial wherewithal to pursue these programs; or if they do have it, they would be under more stress than a company that has 2.5 billion dollars' worth of income.

So the amendment of the Senator from Kansas makes an immense amount of sense. It is not a dagger in the heart of this program. In fact, I think it is a strengthening amendment for this program. It will significantly improve the nature of this program. And, really, I am a little bit surprised at the intensity of opposition to it because it appears to be an effort to logically and fairly approach this program, rather than just eliminate it, which would be something that many of us would support also.

So I think the Senator from Kansas has brought forward an excellent amendment. I hope that we can pass it. I will certainly support it.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to rise in response to some of the statements made by the Senator from South Carolina. I deeply appreciate his heart, of where it is about what we need to do to make America a stronger economy, to keep jobs, growth, high technology, and jobs growing and prospering in the United States. I think his heart is clearly in the right place and he wants to do the right thing.

I just think in a nation this big, with an economy this size, with the dynamism that we have in this country, you can't control it out of Washington. That is why the President pronounced, over a year ago, that the era of big Government is over. It seems to me that was an admission that things have changed to the point that you just can't direct all things, and all wisdom doesn't come out of Washington.

This program is one of those that we are talking about in that particular area. You are basically talking about a program here where you are going to pick winners and losers out of Washington. We have an application process that takes place here. You apply for this and give us your good idea, and we in Washington are going to think about it and see if we think you deserve to get this money or not. If your technology is one we are interested in and if we think this technology is good for our future, then we will decide to give it to you. We will decide those sort of issues from Washington.

I am not even talking about the overall program here. As I mentioned, and as Senator GREGG has mentioned as well, this is actually a strengthening amendment. We are just saying, if you are a Fortune 500 company and have revenues of over $2.5 billion a year, we are not going to make this program available to you. You are going to have to be, at least, a startup company, because the larger companies do have lobbyists here in Washington, as the Senator from South Carolina knows. They are always coming around looking for things for their companies, as they should be. Many of their companies take it because their competitor takes this. Let's remove that as an opportunity and remove this area of corporate welfare, which truly is corporate welfare.

Now I would like to clear up a couple of other points on this, if we could. One is that I am afraid, too, that some of these programs qualify in the area—we put out a big press release saying this program is going to solve all the problems of technology drifting abroad, and we are going to solve all of the problems of not having good, high-wage, high-skill jobs in the United States because we have the Advanced Technology Program. This will solve all of those problems. This will do it. I think we suffer here from a concept of having a big press release and a very small program to answer that.

Listen once again to the figures. We are talking about a program of $200 million. That is a large sum of money, but if you look at what venture capital put into new startups last year alone, which was $10 billion, this is 2 percent of what was put into this from just venture capital. And I add initial public offerings on to that, where people go to the marketplace to raise capital for a good idea, and that was $50 billion. We are talking about less than 2 percent in this particular program.

If we really want to help business in America—which I think the Senator from South Carolina clearly wants to do; he wants business to stay here in America, to grow in America, and he wants business to prosper—well, then let's do some things that would actually help business: cut taxation, regulation and litigation and manipulation out of Washington. Let's cut capital gains tax rates.

I was just in the Silicon Valley, one of the key areas in this country where startup companies are flourishing with new ideas and products that are going

global rapidly. I was there and talking about the Advanced Technology Program. I have a letter, as I mentioned, signed by over 100 CEO's of startup companies saying, ''Do away with this corporate welfare.'' That is what they called it. These are the people who, arguably, this program started for. They said:

We don't want you directing it because you move too slow; Washington moves too slow in trying to figure out what is taking place in the global marketplace. It can't react fast enough; it can't figure these out. You are going back and basically taking taxpayer dollars from the startup companies to fund more stodgy, slower moving items, many of which end up going to the private market. If you want to help us, cut the capital gains rates; do something about the litigation; as we try to raise capital in this marketplace, do something about the regulatory regime where we have 50 different entities regulating us. Much of that is needed, but can you make it more simplified? What about all the manipulation where you are trying to direct, by the Tax Code, everything we do every day.

Then they gave a great example which I thought was wonderful. There is a little startup company in the Silicon Valley that raised over $300 million in capital. That is more than the Advanced Technology Program. We are talking about $200 million in this program. They raised that much. I was speaking to a group of people about 5 miles away from this startup company that raised $300 million. I was talking to a crowd of about 100 people there. I asked them, ''Have any of you heard of this company?'' I gave the name of the company. This was a group of 100 people, 5 miles a way. This company has actually raised more money than is in the ATP Program. One person there out of the 100 had heard of it. That is a substantial amount of money, but it is not large compared to the amount of capital being raised and is needed.

If we really want to do something, let's help the overall atmosphere and not try to direct it. As I want to point out yet again, look at what we are talking about with this amendment. We are saying that if you are a Fortune 500 company, if you have over $2.5 billion in revenues, we think you can find enough capital on your own to fund ideas you think are good. Let's target it for the startup companies. That is what we are supposed to be after with this. These large companies, when they have an idea they want to pursue, have the ability to be able to pursue it. That is how you deal with this issue. If we want to really help corporate America, we have a great chance coming up to cut capital gains and deal with litigation reform, and we can actually do something real.

So those are my responses. I know the Senator from South Carolina has his heart in the right place and his concepts are clear in his mind. If we really want to help them—and I have been there and talked with them—target this and cut it away from the Fortune 500 companies.

Mr. President, I do ask for the yeas and nays on this amendment, and I believe there is some discussion about holding this vote until 2:45.

The PRESIDING OFFICER. Is there a sufficient second?

It appears there is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that at 2 p.m. the Senate proceed to a vote on or in relation to the Brownback amendment No. 980, with no amendments in order to the Brownback amendment prior to the vote.

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

Mr. HOLLINGS. Mr. President, once again, we tried to go to the fundamental that a $2.5 billion company does not have the ability to develop it or to pursue it or to commercialize it.

Now, why doesn't it have that ability? I emphasize, of course, the way the market and the financing of projects works. You have to have a quick turnaround. A lot of good, fundamental research technology is not developed and not commercialized in the United States for the simple reason that the market financing infrastructure does not allow it.

If you were chairman of the board, then we would see how long you last unless you turn around and get your stock up. And that is the name of the game in America. And they all have to play it. When they get a choice of anything beyond 2 or 3 years, then obviously the board members, everybody wants to look like good guys and making money and everything else for the stockholders. The pressure is there to go ahead and export it, get an arrangement, a split arrangement with any of the other countries that would want to try to develop it. That is our global competition.

Specifically, right here, in Business Week:

To stay in the game, Singapore is stepping up its industrial subsidies.

In September, the Government announced it will pump $2.85 billion over the next 5 years into science and technology development including research and development grants for multinationals.

No small business. I am trying to get my friend from Kansas to understand we have got the Small Business Administration. We take care of small business. We favor small business. But what we are looking at, to keep the eye on the target, is the development and commercialization of technology. And small business, if they went with good research that could really be proven to the SBA, they would get total financing right now. They would get it underwritten under the SBA technology grants. We worked that program far more than the little $200 million in this particular endeavor. They have over $800 million in grant authorization for small business.

Please, my gracious, let us go with it. Global competition is such that the smallest of the small competitor, Singapore, recently helped fund a $51 million research development facility for whom? For Sony, a $2.5 billion corporation:

Last month Lucent Technologies received a grant for a new communications research and development endeavor.

I could go on down reading these articles. I wish everybody in the National Government would be given a book by Eamonn Fingleton entitled ''Blind Side.'' We have all been running around and talking about the bank problems in Japan and, oh, Japan has all kinds of problems, and they really have their back up against the wall; they are not any competition any longer.

The fact is, Mr. President, last year while we had a 2.5 percent growth with the market booming. A rebirth in America, we have the strongest economy, Greenspan says he's never seen such a thing, 2.5-percent growth, Japan had 3.6 percent growth.

The name of the game is market share, market share. They are copying it off right and left. And at this moment, this very moment, for example, the great big automaker, United States of America, exports less cars than Mexico. Mark it down. You are down there in that area, Mr. President. Mexico exports more automobiles than the United States of America.

I just helped break ground for Honda in Timmonsville, SC. Who exports more cars than any other entity in America? Honda; the Japanese. Not General Motors, not Ford, not Chrysler. Honda.

When are we going to wake up to what's going on? Market share. If you read Fingleton's book, you go to the Ministry of Finance. Don't worry about MITI, go to the Ministry of Finance and you get your financing, your large corporations.

Now, please, my gracious, I am for the little man. I am a Democrat. Heavens above. We know the large corporate welfare crowd. But we have been for the little man against hunger. I just voted to take $5 million off administration in the Department of Agricultural budget to get more lunchroom programs. So don't talk about corporate welfare and try to identify. We are talking about global competition, which, frankly, the White House doesn't even understand.

You know why I say that. We had a course on Tuesday on NAFTA, North American Free-Trade Agreement, where we brought in Mexico in 1994, and we were going to have a sort of update on how it was doing, whether it was a success or not. They wouldn't even send an administration witness to the senatorial committee, and that's why they called off the particular hearing. They are embarrassed that they said we would create 200,000 jobs. We have lost 300,000. I will show you the Department of Labor statistics. We have lost in textiles and apparel 231,000 alone. So instead of increasing it in one direction, we have decreased it in the

other direction; we have been exporting fine, good-paying jobs in the particular industry that predominates my own State. They said, well, we are going to increase trade. We had a plus balance of trade of $5 billion and we have gone to a $16 billion minus balance.

And they say exports, exports. Well, exports are up. We are sending parts down there to be assembled into automobiles and the good automobile manufacturer is moving to Mexico. You would, too. I do not blame them. I blame us, you and me. This is the policy. In manufacturing, a third of your operating costs goes into labor, to payroll, and you can save as much as 20 percent by moving to an offshore, or down in Mexico, low wages and little or no worker or environmental protections.

When I say no particular protections, colleagues are running around on this Senate floor saying you have to have a minimum wage, you have to have clean air and clean water and plant closing and parental leave, Social Security, Medicare, occupational safety from hazard, and up and down the list. Whoopee, yea, we are great. And then we put in a policy that says you don't have to do any of that. You can go offshore for 58 cents an hour. Did you see the program on Mexico just last night on public television?

Come on. We are losing the jobs right and left. We are losing our technology right and left. Eamonn Fingleton in his book—and I called him just the other day because he has updated it now with a paperback—projected by 2000 we would be blind-sided. Today, Japan, a country as big as the State of California, manufactures more than the great United States of America. It has a greater manufacturing output. And otherwise by the year 2000 it will have a greater gross domestic product, a larger economy, and I will bet you on it. And I want them to come here and take the bets because I believe he is right. You can just see how the market share goes. You see how the GDP goes and everything else of that kind.

We are going out of business the way of Great Britain. They told the Brits at the end of World War II, the empire was breaking up, they said don't worry about it. Instead of a nation of brawn, we will be a nation of brains; instead of producing products, provide services, a service economy. Instead of creating wealth with manufacturing we are going to become a financial center.

And England today, Mr. President—I have the distinguished President's attention—England, the United Kingdom has less of an economy than little irrelevant Ireland. Mark it down. Read the Economist just a month ago. Yes, Ireland, now bigger, economically than the United Kingdom. All they have is a debating society. London is a downtown amusement park.

Come on. Are we going to head that way as we go out of business, continue to appropriate again more and more moneys and finance our campaigns with these false promises of ''I am going to cut taxes.'' Oh, the Post is running around: ''Are you for cutting taxes? Yes, I'm for cutting taxes.'' You cannot cut your and my taxes today without increasing our children's taxes tomorrow. We have deficit financing.

We will get into that debate again when they bring the reconciliation bill over. It is not the Chinese trying to get into our elections. If they want to get into our elections, do as the Japanese do. Pat Choate wrote the book, ''The Agents of Influence,'' 7 years ago. One hundred Japanese law firms, consultants here in Washington paid over $113 million. Add up the pay of the Senators and Congressmen, the 535 Members of Congress, and boy, oh, boy, you get, about $71.3 million. The Japanese in Washington by way of pay are better represented than the people of America.

When are we going to wake up? Tell the Chinese, ''For Heaven's sake, to do the same thing as the Japanese. Give it to a lawyer. Tell them to come around and find some lawyers.

But, no, we want to turn this into corporate welfare, show that we fought against corporate welfare. Absolute folly. There is no corporate welfare at all in this. It is, by gosh, trying to commercialize technology and we will not face up to the reality. We are going out of business and now we want to say to those who do the general research, the unique research, that there is no reason to try and get into anything marginal that is going to take over 3 years to develop. Sell it, move on to the next thing. Let us continue the outflow of business, the outflow of jobs, the outflow of technology, and the outflow of our security. And everybody comes around and says that's a good idea.

I think, to the President's credit, it ought to be emphasized that he put this program down as a quid pro quo in the leadership agreement. Now, the agreement has been on both sides of the aisle, the Democratic and Republican agreement, the White House and the congressional agreement that the Advanced Technology Program would be funded at this particular level and in the manner in which it is currently funded. What we are being asked for in this particular amendment is to violate that agreement. We are running right into a veto situation on a small matter while trying to make it appear as corporate welfare. The opponents of this program don't tell you about the National Academy of Engineering. You show me another grant program that has to be reviewed that way.

I wish we still had Senator Danforth here because he and I worked on this thing over the years to develop the bill's credibility, but now we are going to start tearing down its credibility, by changing it into a small business program for those small companies that can't afford to really commercialize their technology. They can't afford to engage in general research, or in unique research to begin with, on account of its small nature. They just don't have the labs and facilities that the large companies do. But we want to act as political animals up here, pollster politicians and so we are for tax cuts, when we go up and continue to increase the debt.

We have been reducing the deficit each year for 5 years. Now we are going to use the public till to run around and say we are going to cut revenues while we increase, and we are going to have to go out and borrow the money to do it, because we are in the red. We are not in the black. So we will take that multitrillion-dollar debt and interest costs of $1 billion a day and increase that for nothing.

In the last 16 years we have increased the debt from less than $1 trillion to $5.4 trillion without the cost of a single war. Mr. President, in 200 years of history with the cost of all the wars we have not even reached a trillion. Now we jump to $5.4 trillion and instead of $75 billion—$74.8 billion, to be exact, we are going to up to $365 billion, $1 billion a day. That extra $285 billion, we are spending it for nothing. And there are all these fellows talking about pork and welfare and getting rid of the waste, and using that rhetoric for their reelection next year.

''I am against taxes, I am against the Government, get rid of the Government.'' That's the big hoopla they have going on, on the other side of the Hill. They are now tasking the leadership of the contract to get rid of the Department of Commerce, to get rid of the Advanced Technology Program, to get rid of all the Government that pays for itself and keeps us secure and keeps us superior as a nation. So now they are going against jobs, against the security of the land, and for corporate welfare, based on this amendment. They say, just on account of the $2.5 billion measure, that ''the corporation has the ability to pursue it,'' their exact words. Yet, everyone knows that the CEO's do not have the ability if they are going to be a good corporate head. They are going to put their moneys elsewhere because where the turnaround is, there also is the competition, and they also know that the other governments are financing not only the research but development and taking over the market share.

We are going to holler, ''let market forces, let market forces''—well, let's look at the market that we developed here in the National Government, through measures such as minimum wage, plant closings, clean air, clean water—which we all vote for, Republican and Democrat. But the companies say, ''You don't have any of that in global competition.'' In addition, they are financing it like we finance research for the aircraft industry.

They have learned from the United States. We finance Boeing, we are proud of them. They produce and ship planes globally. Thank God we still have one industry. Now, however, we

have shipped the technology on the FSX to Japan, and Boeing has had to move the parts manufacturing into the People's Republic of China. We are beginning to lose that segment of manufacturing. We are losing the automobile industry. Now we are going to lose the aerospace industry.

They told me years ago, ''HOLLINGS, what's the matter with you? Let the developing nations, the Third World, make the textiles and the shoes and we will make the airplanes and the computers.'' Now our competition in the global competition is making the airplanes and the computers and the textiles and the shoes and we are running around here jabbering about, ''free trade, free trade, free trade, let market forces, let market forces, let market forces,'' and don't have any realization of the actual market forces that we, as politicians, created.

I hope this amendment will be defeated in consonance with the overall agreement of the leadership in the Congress and the White House on the one hand—and defeated based on common sense and competition on the other hand.

I know my distinguished colleague on the other side of the aisle, the distinguished Senator from Tennessee, Senator FRIST, has been leading now, in our committee. He has been holding hearings, and has been providing leadership on addressing the issues relating to the Advanced Technology Program. I know the others that are interested in this program, including those that I have listed—trying to emphasize, by the way, that this effort is bipartisan. Senator Danforth and I worked this out 10 years ago, and the program is working. It is working well. We need more money. Thousands and thousands of qualified grants still don't receive funding.

I asked, I say, does the Senator from Kansas have the documentation where small business really applied but the big companies got the award? If that occurred we would have it here. He said these little businesses are being denied. I know the Commerce Department, Secretary Daley. I know the administration of this particular program and they look for the small business in order to sustain the credibility and support of the program because since its beginnings, critics have been watching the Advanced Technology Program closely for the simple reason they don't understand. They think, ''Well, get rid of the Government. Find out where the pork is. Find out where the welfare is. Characterize it as welfare. Say you have these big Fortune 500 companies, they have $2.5 billion so they can do it.'' And they don't understand what they are talking about.

It is a sad day when we even propose an amendment of this kind, because it shows that we really don't understand competition, although we keep running around like parrots, ''Competition, competition, competition.'' We are the ones with these kind of amendments that destroy competition.

We are against welfare but we are the ones with these kind of amendments that create welfare.

I yield the floor.

Mr. GREGG. Mr. President, we are awaiting other Members bringing amendments to the floor. I appreciate the enthusiasm and energy of the Senator from South Carolina in his spirited defense of the ATP program, which he, as he has mentioned and which will be generally acknowledged—he is the father of.

I would say we are going to have a vote on that at 2 o'clock, and at that time I hope Members would support the amendment of the Senator from Kansas because I believe it makes sense and it is a strengthening amendment to the ATP program.

So, at this time I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I want to speak very briefly in opposition to the amendment offered by the Senator from Kansas, Senator BROWNBACK, as I understand it.

That amendment, if it were adopted, would essentially prohibit the Advanced Technology Program, which is administered through the Department of Commerce, from allowing participation of large companies.

Let me give you my own understanding of how the Advanced Technology Program works. I think it has been an extremely useful program. It has helped to keep the United States at the forefront of technology development and high-technology industry development in the world, and, to a significant degree, our leadership in that arena, in that area of high technology, is the reason why we enjoy the strong economy we enjoy today.

So I believe the Advanced Technology Program is useful. It has been a great help to many companies. It has been a great help in helping us, as a country, create jobs in the industries of the future.

In order for that program to succeed, though, we need to be sure that taxpayer funds are provided, and they are only a very small portion of the total funds that go into these technology development activities, but they are a catalyst. They bring together companies. They bring together research institutions to do this important work. Those funds also provide a bridge between the Government-funded research and the private-sector research, so that we have national laboratories, such as the two in my State, Los Alamos and Sandia, and we have many large and small companies working together to make breakthroughs in technology.

It is essential, if this program is going to succeed, that we allow the Advanced Technology Program to put the funds where the most good can be done and we not begin to structure this program as though it was some kind of a jobs program or as though it is a doling out of funds to different corporate interests. It is not that. It is an effort by the Federal Government to stimulate cooperative research in areas that show great promise.

Sometimes the people doing that work are in large companies. Sometimes there are a few individuals in a large company who are doing very important work and can benefit from collaborating with researchers in small companies or researchers in national laboratories or researchers in universities around this country.

I think it would be a great mistake for us to begin to limit the companies that can participate in the Advanced Technology Program. To do so would begin to move us down the road toward mediocrity in the technologies that are developed through use of these public funds, and I believe that is a very major mistake.

I know that there have been criticisms over the past that any time the Federal Government invests dollars in research and development activities that private sector companies are engaged in, that somehow or another that is corporate welfare. I strongly disagree with that point of view. I think the taxpayers are well served if we can invest in developing technologies that will create jobs, will produce revenue, will produce additional tax revenue in the future and will keep our economy the strongest in the world.

I very much hope that the Senate will reject the Brownback amendment when it is finally voted on, and I hope we will allow this Advanced Technology Program to continue to be the great engine of innovation and technology development that it has been in recent years.

Mr. ROCKEFELLER. Mr. President, I rise to urge the Senate to reject the amendment offered by Senator BROWNBACK that is designed to weaken a program absolutely critical to the country's technological strength. I thought that the fact that this bill contains the $200 million in funds needed for the Advanced Technology Program was a sign that we could finally get past a debate that is nothing but a distraction and a danger to our own economy.

I stand here today just as I did last year and the year before to defend this program—this investment in America's economic competitiveness. As I, along with many others in this Chamber, have stated before, this program supports American industry's own efforts to develop new cutting edge, next-generation technologies—technologies that will create the new industries and jobs of the 21st century.

Let me remind my colleagues that ATP does not, and I repeat, does not

fund the development of commercial products. Instead, this program provides matching funds to both individual companies and joint ventures for pre-product research on high risk, potentially high payoff technologies.

The Senate should give credit to Secretary of Commerce Daley, and let us work with him through the authorization process to improve the program. Secretary Daley just met his pledge to conduct a 60-day review of the program to assess the ATP's performance and the criticisms that have been levied against it.

Sure enough, his review took into account comments provided by both critics and supporters of ATP. The Department of Commerce notified more than 3,500 interested parties, soliciting comments about ATP. In fact, Senators LIEBERMAN, DOMENICI, FRIST, and I joined together and provided 1 of the 80-plus comments the Department received.

I commend Secretary Daley for the job he did in undertaking this review. As we all know, there is not a department or program that can't be improved. And as a long time and avid supporter of ATP, I believe that after 6 years of operation, experience shows us some areas that indeed can be improved. This review has done just that. I agree with his suggestion to place more emphasis on joint-ventures and consortia and more emphasis on small and medium-size single applicants. I also support his proposal to shift the cost-share ratio for large single applicants to 60 percent, and I will further review his suggestions to encourage state participation.

As ranking Democrat on the Science and Technology Subcommittee, which has oversight of the ATP, I look forward to working with my colleague Senator FRIST to review this report and to make any necessary legislative changes during consideration of legislation to reauthorize the Technology Administration.

Secretary Daley's review could not have been done at a better time. As I stated, this program has been in existence for 6 years, and this review was conducted on those 6 years of experience. The proposals set forth in this review strengthen a very strong program that is one of the cornerstones to the Nation's long-term economic prosperity.

Some of us in the Senate, Senator HOLLINGS, Senator BURNS, Senator LIEBERMAN, and myself, to name just a few, have been fighting every year for the past 4 years to keep the ATP alive. We welcomed the Secretary's review because we knew that it would validate the arguments we've been making for the past 4 years. A new element also is emerging in this debate that is validating what we have been saying. That new element is the success stories that are finally emerging. The mere ideas receiving grant money 4, 5, and 6 years ago are now technologies entering the market place and enhancing our economy and our livelihood.

Let me close with some success stories that are starting to emerge.

In Michigan for example, there are already two success stories, the first relating to the auto industry and the second relating to bone marrow transplants.

In September 1995, an ATP-funded project, the ''2 millimeter (2mm) program,'' was completed. As a result of this grant, new manufacturing technologies and practices that substantially improve the fit of auto body parts during automated assembly of metal parts was developed. This technology has substantially improved the fit of auto body parts during assembly, resulting in dimensional variation at or below the world benchmark of 2 millimeters, the thickness of a nickel. What does this mean for this Nation's economy? It means that U.S. auto manufacturers can make cars and trucks with less wind noise, tighter fitting doors and windshields, fewer rattles, and higher customer satisfaction. In addition, there is a cost savings between $10 and $25 per car to the consumer, and maintenance cost savings is estimated between $50 and $100 per car. In addition, this improved quality is estimated to give the U.S. auto manufacturers a 1- to 2-percent gain in market share. Equally important is that this newly developed technology is applicable in the sheet metal industry, and industries as diverse as aircraft, metal furniture fabrication, and appliance manufacturing. Quality improvement from this technology could result in an increase in total U.S. economic output of more than $3 billion annually.

In 1992, Aastrom Biosciences, a 15-person firm in Ann Arbor, MI, proposed a bioreactor that would take bone marrow cells from a patient and within 12 days produce several billion stem, white, and other blood cells—cells that can be injected into the patient to rapidly boost the body's disease-fighting ability. The technology looked promising but was too risky and long-term at that point to obtain significant private funding.

The national benefit of this program was that it provided a reliable device that would allow blood cells from a patient to be grown in large quantities would reduce health care costs, require fewer blood transfusions, and greatly improve the treatment of patients with cancer, AIDS, and genetic blood diseases. Aastrom submitted a proposal identifying the economic opportunity and technical promise, and in 1992 the ATP co-funded a research project that developed a new prototype bioreactor. Today, after completing the ATP project and proving the technology, the company has over 60 employees, and another 30 providing contract services, a practical prototype, and over $36 million in private investment to develop their new blood cell bioreactor into a commercial product.

In North Carolina, Cree Research of Durham, won an ATP award in April 1992 to develop improved processing for growing large silicon-carbide crystals—a semiconductor material used for specialized electronic and optoelectronic devices such as the highly desired blue light-emitting diodes [LED's]. In 1992, this market was limited because of difficulties in growing large, high-quality single crystals. With ATP support, Cree Research was able to double the wafer size, with significant improvements in the quality of the larger wafers. Since 1992, LED sales are up by over 850 percent as a result of the ATP-funded technology.

In Texas, a company has developed a cost-effective, microchip-based DNA diagnostic testing platform which contains both a family of diagnostic instruments and disposables. This successful prototype has demonstrated single molecule detection at a tenfold throughput advantage over conventional technologies. Numerous patented products will result from this technology in a market—molecular tools for diagnostics—which is expected to reach $2 billion by the year 2004.

ATP funded projects from 5 and 6 years ago are becoming success stories all across the Nation.

Mr. President, ATP is working, and the U.S. economy is benefitting; 288 awards have been given thus far, including 104 joint ventures, and 184 single applicants. Small businesses account for 106 awards and are the lead in 28 of the joint ventures. For the $989 million in ATP funding committed by the Federal Government, industry has committed $1.03 billion in cost sharing. The success stories, however, show us Mr. President, that the Federal funding and the cost sharing is just the seed money for enormous contributions to our national economy and our global competitiveness. Necessary seed money that bridges the innovation gap in this country between basic research and emerging technologies. I encourage my colleagues to continue their support of this worthy and successful program, and to reject this amendment that will take us backwards and help our foreign competitors while weakening our own economy.

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of Senator BROWNBACK's amendment to the Commerce, Justice, and State appropriations bill for fiscal year 1998. This amendment prohibits the awarding of grants from the Advanced Technology Program [ATP] within the Department of Commerce to corporations with sales greater than $2.5 billion.

This amendment offered by the Senator from Kansas is a good amendment that should enjoy bipartisan support. After all, I hear my colleagues on both sides of the aisle talking year after campaign year about eliminating corporate welfare. Therefore, I assume a vote to limit grants to the wealthiest corporations in the Nation should be an easy one. Let's be clear about what

firms we are talking about. The companies that have been awarded the largest grant amounts are IBM, General Motors, General Electric, Ford, and Sun Microsystems, among others. Do these sound like corporations in need of one, two or three million dollar grants? To me, these profitable firms sound like companies that could certainly find private sector funding. And this belief is not without basis. In fact, the General Accounting Office [GAO] surveyed 89 grant recipients and 34 near-winners that applied for ATP funding between 1990 and 1993. Of the near-winners, half continued their research and development projects despite a lack of ATP funding. Among those who received grants, 42 percent said they would have continued their R&D without the ATP money.

The Federal Government should not be in the business of providing corporate subsidies. However, we should fund basic science projects that do not have short-term profit-making potential, and would otherwise not be funded by the private sector. The Senator's amendment is a step toward reversing this trend toward funding applied research that ultimately produces handsome profits for these companies. Under his reasonable proposal, the most profitable firms, companies that realize more than $2.5 billion in sales, would not be eligible for ATP subsidies. While I would prefer to see these corporate subsidies eliminated from our budget, I would be pleased to know that Federal funding is not going to enormously profitable corporations.

Defenders of the ATP corporate welfare program argue that these grants allow research that otherwise would not go forward. How do we know, when many of the grant recipients did not even seek private sector money before coming to the Federal Government? In fact, GAO found that 63 percent of the ATP applicants surveyed had not sought private sector funding before applying for a grant. Other opponents of this amendment are the same Senators who oppose the efforts of the Republicans to ease the tax burden on Americans. At the same time these Members deny taxpayers the chance to keep some of their own money, they turn around and give the hard-earned tax dollar to billion dollar corporations.

However, after hearing so many Senators speak out against corporate welfare, I am confident that this amendment will be approved by a wide margin. I urge my colleagues to support the amendment.

Mr. LIEBERMAN. Mr. President, I rise to speak on the Department of Commerce's Advanced Technology Program or ATP. This is an important program and I have long appreciated Senator HOLLINGS' work in founding and continuing it. The amendment offered by Senator BROWNBACK would prohibit ATP awards to companies with revenues that exceed $2.5 billion. I oppose Senator BROWNBACK's amendment and would like to thank Senator FRIST for his floor statement explaining why he too has voted against the amendment. Like Senator FRIST, I think there are several solid reasons as to why Senator BROWNBACK's amendment should be opposed.

My first concern is process—this is an attempt to legislate a very complex issue now being considered by the authorizing committee, on an appropriations bill. The Senate Commerce Committee, Science and Technology Subcommittee under Senator FRIST, the Subcommittee Chair, and Senator ROCKEFELLER, ranking Democrat, are planning legislation on ATP, including a careful look at this issue, later this session. I believe in this case that the Senate should vote to wait and see what action the authorizing committee takes.

I would also highlight recent changes to the ATP proposed by Commerce Secretary William Daley that may assist in resolving this debate. The Secretary's action plan for changes is very responsive to recommendations I and other Members of Congress made. Specifically the evaluation criteria will be changed to put more emphasis on joint ventures or consortia. This will help ensure that the program funds only pre-competitive research and development; for if competitors in the development phase cooperate in research and development, they are very unlikely to allow access to each other's product development efforts.

Secretary Daley has mandated that the cost-share ratio for large companies, applying as single applicants, will be increased to a minimum of 60 percent. Proposals will also be reviewed by venture capital experts to ensure that private sector financing would not be available and a government role is needed. When combined with changes in the evaluation criteria favoring small and medium sized businesses, these changes will result in virtually all ATP grants being awarded to either consortium or small and medium sized company single applicants.

Finally, modifications to the ATP's rules and procedures would help facilitate cooperative ventures between industry and universities and national laboratories. To date, university and Federal laboratory participation has been hindered over concerns regarding intellectual property and project management.

After studying the Secretary's report, I believe that the ATP will emerge both as a more effective program and one with a significantly reduced political profile. Its new structure appears to have answered criticisms raised and is consistent with the bipartisan ideas endorsed by the Senate Science and Technology Caucus of which I am a member.

I believe that the changes introduced by Secretary Daley, now under review by the Commerce Committee, are a better way to ensure the continued effectiveness of the Advanced Technology Program than the pending amendment which would completely ban large companies from all participation in the ATP. Large companies play a key role in the innovation process through their organizational ability, resources and market experience. To entirely preclude their participation in the ATP would be a mistake. I will vote to oppose this amendment and look forward to Senator FRIST's subcommittee review.

Mr. President, 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. HUTCHISON. 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. HUTCHISON. Mr. President, I want to speak on this bill.

I thank Senator GREGG, our subcommittee chairman, and Senator HOLLINGS, our ranking member, for help, for cooperation and commitment to the most important issue facing my State, and that is bolstering the front line of our Nation's defense in the war on drugs.

The U.S. Border Patrol has been funded in this bill. It has been funded to the extent that we will be able to add 1,000 new Border Patrol agents during fiscal year 1998. This bill provides adequate funding for their training and supervision. Moreover, it reflects the ongoing commitment of Congress to put 5,000 new Border Patrol agents on the line and to regain control of our borders by the year 2002.

Mr. President, I have to tell you that this was a hard-fought effort. The Immigration Reform Act passed last year directed the administration to submit a budget request to Congress which included funding for 1,000 new agents. Regrettably, they only requested funding for 500. I and Senator GRAMM have had many discussions with the Attorney General and the INS Commissioner. I am convinced of their commitment to secure our borders. I think they really are sincere. But now they must back that up with the requested resources in future years.

Over the past several months, I have felt and expressed a sense of hopelessness in our Nation's war on drugs. I feel this hopelessness because no matter where I travel in Texas, I meet people who have lost loved ones to drug violence. I know ranchers and farmers along our border who have been intimidated by drug smugglers. They have had their homes shot at in broad daylight. I know of Customs agents of Mexican-American heritage who have been told by drug smugglers to look the other way as cocaine, heroin, marijuana, and methamphetamines are smuggled across the border because their families back in Mexico will be harmed if they do not.

Just this morning, a friend of mine called me to tell me about his friend

who lives in Carrizo Springs. He described gangs of drug thugs and illegal immigrants who are terrorizing residents of this small Texas community. They are scared and they feel helpless. These Texans have the misfortune to live along the front lines of a business that provides $10 billion to the Mexican economy each year—the drug market.

The Office of National Drug Control Policy reports that approximately 12,800,000 Americans use illegal drugs. Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States. And 10.9 percent of all children between 12 and 17 use illegal drugs and 1 child in 4 claims to have been offered illegal drugs in the last year.

Drug-related illness, death and crime cost the United States approximately $67 billion each year, including costs for lost productivity, premature death, and incarceration.

I strongly believe and share the view that effective treatment and prevention is needed to break the cycle that links illegal drugs to violent crime. It is the only way to protect our children and save their future.

Mr. President, our southern neighbor, Mexico, is the source of between 20 and 30 percent of the heroin, 70 percent of the marijuana, and 50 to 70 percent of the cocaine shipped into the United States. If the flow of drugs is going to stop, the front line of that war will be along our Nation's border with Mexico. The United States-Mexico border is 2,000 miles long, and Texas has 1,200 miles of that border.

You can see how that border goes. You can see that, of the 2,000, 1,200 miles is along Texas. Texas has been and will continue to be the key battleground in this war.

I am pleased that we have been able to work with the Border Patrol and the committee to correct disparities in placing Border Patrol along the border. As you can see from this chart, Texas has 1.7 agents for every 1 of our 1,254 miles—1.7 for this 1,254-mile border. New Mexico and Arizona do not fare much better. California has 16.3 agents for every one mile of the border. I cannot go home and tell my constituents that we are doing all we can in the war on drugs if Congress and the administration fail to provide the funding for more Border Patrol agents.

Two of Mexico's largest drug cartels, the Juarez cartel and the Matamoros cartel operate from El Paso here and Brownsville, respectively. You can see from this chart that from the Matamoros cartel, the gulf cartel, the drugs go in and over to the eastern seaboard. From the Juarez cartel, it goes into Colorado and Chicago, the Midwest. From the Tijuana cartel, it goes into California, goes to the Pacific Northwest. So you can see what is happening to our country and what not closing the border can do to the amount of illegal drugs that are coming into our country.

As we work on this funding for fiscal year 1998, I will be asking many questions about deployment of resources from the DEA and from the Border Patrol because we must put the resources where the threat lies. Two-thirds of the illegal immigration and the illegal drugs flowing through Mexico and into our country go through Texas, through McAllen, through Eagle Pass, and through the Del Rio Border Patrol sectors. Two-thirds of the illegal immigration and the illegal drugs go through these corridors. Yet as we have said, there are only 1.7 agents per mile in Texas, and we must do something about that, and that is what this bill is going to address today.

The bill that we pass will fully fund 1,000 new Border Patrol agents. We need this help. It is the highest priority I have. As long as drugs are coming through Mexico into the United States through this border, it should be the highest priority for everyone.

That is why I cannot say enough times how pleased I am that the chairman of the subcommittee, Senator GREGG; Senator HOLLINGS, the ranking member of the subcommittee; as well as our chairman, Senator STEVENS, all agreed that this was a crisis that affects all of us. It is not just the border States; it is all of the States that these drugs funnel into. Nothing is a greater priority than stopping the flow of illegal drugs into our country. When 1 child in every 4 has been offered illegal drugs, we cannot look them in the eye and say we are protecting their future if we do not stop those illegal drugs.

So I want to work with the Attorney General and the Commissioner of INS and General McCaffrey, who is our drug czar, who is trying to grapple with this issue. I want to say to them, no resource is going to be withheld if it will stop the illegal drugs and the illegal immigration into our country that has criminalized our borders.

This bill addresses that today, and I will ask the Attorney General and the Commissioner of INS to help us by deploying the full 1,000 and making sure that we stop the centers where these people are coming through Texas. If we can stop it right now, then our children will have a better future.

Thank you, Mr. President. Once again I thank the subcommittee chairman. I think, if we can work together on a bipartisan basis, we can make a difference for the future of our country. And this is a major first step.

Thank you, Mr. President. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in my judgment, there is an urgent need that independent counsel be appointed to investigate and prosecute campaign finance violations arising out of the 1996 Federal elections. The efforts to persuade Attorney General Reno to make that application for independent counsel have thus far failed. It is my view that it is important to consider alternatives in order to have independent counsel appointed.

In my judgment, there are two possible alternatives available. One would be a lawsuit to ask the United States Court of Appeals for the District of Columbia, the appropriate panel on independent counsel, to appoint independent counsel, notwithstanding the refusal of the Attorney General to make that application.

The general rule of law is that a public official may not be compelled to perform a discretionary function, an area of law which I had some experience with as district attorney of Philadelphia. However, there is a narrow ambit, even when considering a discretionary rule, where there may be an application for relief if there is an abuse of discretion by the public official. It is my legal judgment that there has been such an abuse of discretion by the Attorney General in this situation.

Another alternative would be to legislate in the field, to make it abundantly plain that independent counsel should be appointed here, and that the circuit court would have the authority to do so. In my opinion, there is a realistic likelihood of success on litigation at the present time.

Although the independent counsel statute poses certain problems which make it to some extent uncertain, I believe there is a legal basis for proceeding to have the court appoint independent counsel without any modification of pending law. There is the alternative of legislating on this bill which is before the Senate, to make certain modifications of the independent counsel law, which would remove any conceivable doubt about the authority of the circuit court to appoint independent counsel.

Mr. President, on the issue of the exhausting of remedies on requesting that independent counsel be appointed by Attorney General Reno, the record is replete with a whole series of requests having been made by individual Members of Congress and then by the Judiciary Committee of the U.S. Senate. The issue was focused on very sharply with Attorney General Reno in oversight hearings which we had several months ago. I had an opportunity to question the Attorney General on this subject and pointed to two specific instances which, in my judgment, cried out for the appointment of independent counsel.

President Clinton has publicly complained about having been denied national security information which he thought he should have and has complained that such information was denied to him by the FBI and the Department of Justice. In questioning Attorney General Reno on this subject in the Judiciary oversight hearing, she defended that denial of information on the ground that there was a pending criminal investigation and that as a matter of balance, it was her judgment as Attorney General that the information should not be turned over to the President.

On the record in that Judiciary Committee oversight hearing, I disagreed

with her conclusion on the ground that the Attorney General did not have the authority to decide what the President should or should not see on national security matters; the President as Commander in Chief and Chief Executive Officer of the United States has an absolute right to that information. If there were to be a denial to the President, it was not the function of the Attorney General or the FBI to deny that information. However, if the Attorney General felt that a denial of information was warranted under the circumstances, that was a very powerful showing that independent counsel ought to be appointed. If the President of the United States is in any way suspected, that provides a very strong basis that his appointed Attorney General ought not be conducting that investigation. It ought to be handled by independent counsel.

It was pointed out to Attorney General Reno in the course of that oversight hearing that this followed directly her testimony on confirmation where she strongly endorsed the concept of independent counsel both as a matter of avoiding conflict of interest and, as Attorney General Reno said at that time, avoiding the appearance of conflict of interest. Notwithstanding that, she has refused to make an application for the appointment of independent counsel.

A second line of questioning which I pursued with the Attorney General involved the issue of violations of the campaign finance laws. On that subject, there has been substantial information in the public domain about the President's personal activities in preparing television commercials for the 1996 campaign. There is no doubt—and the Attorney General conceded this—there would be a violation of the Federal election law if, when the President prepared campaign commercials, they were advocacy commercials, contrasted with what is known as issue commercials. The activity of the President in undertaking that activity has been documented in a book by Dick Morris and also in public statements by his chief of staff, Leon Panetta.

The Attorney General, during the course of the hearing, disputed my contention that the commercials were, in fact, advocacy commercials. I then wrote to the Attorney General the next day, on May 1, and set forth a series of commercials which President Clinton had edited, or prepared, and asked her if those were, in fact, advocacy commercials. In the letter, I cited the Federal Election Commission definition of express advocacy, which is as follows:

> Communications using phrases such as ''vote for President,'' or ''reelect your Congressman,'' ''Smith for Congress,'' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identifiable Federal candidate.

Mr. President, it is my submission that reasonable people cannot differ on the conclusion that the commercials that President Clinton prepared were express advocacy commercials. This is an illustration of a commercial:

> Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on 8 million. The Dole-Gingrich budget would have slashed Medicare $270 billion and cut college scholarships. The President defended our values, protected Medicare, and now a tax cut of almost $1,500 a year for the first two years of college. Most community college is free. Help adults go back to school. The President's plan protects our values.

It is hard to see how anyone could contend that that is not an express advocacy commercial. It certainly fits within the definition of the Federal Election Commission, which is that the language taken as a whole can have no other reasonable meaning than to urge the election and defeat of a clearly identified Federal candidate. That commercial refers to two Federal candidates, and one is President Clinton. It extols his virtues, obviously speaking in favor of the President. That commercial refers to another candidate, former Senator Dole, arguing about his failings.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, my letter dated May 1, 1997, be printed in the Congressional RECORD.

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

(See exhibit 1.)

Mr. KERRY. Mr. President, can I ask the Senator from Pennsylvania what his intentions may be with respect to the floor, timewise?

Mr. SPECTER. I expect to speak at some length, Senator KERRY, and to introduce an amendment to the present bill. There is a vote scheduled for 2 o'clock, and I will have a considerable amount to say, which will not all be said by the time the vote comes up.

Mr. KERRY. Well, Mr. President, if I could inquire again of the Senator—and I appreciate his indulgence here. I did want to speak with respect to the amendment that is pending for the vote at 2 o'clock. It is my understanding that the amendment being submitted by the Senator will not be voted on at 2. So I ask the distinguished Senator if he might be willing to agree to permit some period of time—and I don't need a lot— before 2 o'clock so that I might speak on the pending amendment.

Mr. SPECTER. May I inquire of the Senator from Massachusetts, how much time he would like to have?

Mr. KERRY. I would be pleased to have 6 or 7 minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent that my presentation be interrupted for 7 minutes so that Senator KERRY may speak and that I be entitled to regain the floor.

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

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I want to speak with respect to the amendment that seeks to make it more difficult for large companies to be able to participate in the Advanced Technology Program. As a matter of background, Mr. President, for years in this country, we had a structure where we had the Bell Laboratories, or IBM, and other very large entities who were engaged in major research and technology. And for years, this country's economy benefited enormously because of the remarkable amount of private sector and public sector research. The defense industry and other industries had an enormous amount of spinoff. If you look at something like the experience of Route 128 in Massachusetts, or the Silicon Valley, everybody understands that some of the great technology jobs of the present time come from the 1960's and 1970's spinoffs through that investment.

The fact is that our economic structure has changed very significantly in the 1990's. We no longer have that kind of broad-based technology research fueled by the Federal Government. We have a much more specific and targeted kind of research that takes place. And as a result of that, both the Federal Government and the private sector have narrowed the kind of basic science and research that we do, which often results in those spinoffs, which has provided the remarkable foundation of the economic growth we are experiencing now in our Nation.

It is also ironic that, at the very time that we are doing that, Japan and other countries are increasing their technology investment. I believe, last year, Japan committed to a 50-percent increase in their national commitment to science and basic technology research.

So the truth is that, a number of years ago, the Commerce Committee, with the leadership of Senator HOLLINGS, Senator ROCKEFELLER, myself and others, created what is known as the Advanced Technology Program, which is a way to joint venture in the United States between our universities and our laboratories and various entities in the private sector, in order to maximize what was a diminishing ability to move science from the laboratory to the shelf, to the marketplace. It would be most regrettable to turn around now and reduce the capacity of a large company to be able to be part of a consortium, to be able to joint venture with smaller companies in an effort to fill that vacuum and make up for that scientific research.

In point of fact, Mr. President, let me just share a couple of success stories from the Advanced Technology Program from 16 different States in our country. The Advanced Technology Program put together a device that would allow blood cells from a patient to be grown in large quantities, consequently reducing health care costs, requiring fewer blood transfusions and improving treatment possibilities for patients with cancer, AIDS, and genetic blood diseases. It developed manufacturing technologies and practices

that substantially improved the fit of auto body parts during automated assembly of metal parts, which resulted in United States auto manufacturers making cars and trucks with less wind noise, tighter fitting doors and windshields, fewer rattles, and higher customer satisfaction, and potentially increasing United States auto manufacturers' gain in the world market. Another example of success was a development of a new way to solder electronic circuit boards that uses less solder, and is more precise, more efficient, and environmentally benign than current technologies. In addition, there was a development of a process to develop ultrafine ceramic powders that can be heat pressed into parts such as piston heads and turbine blades, and those significantly impact parts manufacturing.

Somebody might sit there and say, well, OK, Senator, these things are all well and good, why didn't these companies just go do it on their own? Why should the Federal Government be involved in supporting that? The answer to that is the reason that we ought to keep this program going: The reality is that the way money functions in the marketplace, it seems it's the best return on investment, fastest or safest, but it doesn't often commit to take some of the higher risks, particularly given the change within the marketplace today. It is a known fact—you can talk to any venture capitalist, and talk to anybody out there seeking the capital—that it is only because of programs like the Advanced Technology Program, where the Government is willing to share not only in the risk, but in the burden of trying to find the processes and the technologies, that we can advance in helping to bring together the special combinations, where we have been able to make things happen that simply would not happen otherwise.

We have created jobs, we have advanced ourselves in the world marketplace. We have maintained our competitive edge as a consequence of this commitment. And to create this arbitrary, sort of means-tested, very precise process of eliminating a whole group of companies that have great technology, but may not be willing to share it with smaller companies absent this joint risk, would be an enormous loss to the American competitive edge. That is the reason that it is so important for the United States to continue this effort. It is also a fact that while large firms are able to pay for their own research and development, they are not always going to pay for the longer term, higher risk, broader applied technology principles that other nations or other companies might benefit from without paying for it.

So, Mr. President, I strongly urge colleagues not to respond to the sort of simple view of this adopting a notion that a large company is automatically able to take care of itself and eliminate this program. We need large companies in combination with small, we need large companies lending expertise to our universities, we need large companies to be part of this combination. Without this combination, those companies, Mr. President, will not make this commitment and America will lose in the marketplace. I urge my colleagues to reject the Brownback amendment. I thank the Senator from Pennsylvania again for his courtesy.

Mr. SPECTER. Mr. President, I was in the process of my contention that the commercials prepared and/or edited by President Clinton constituted express advocacy, and I asked that my letter of May 1, 1997, to Attorney General Reno be printed in the RECORD.

I now ask that the reply from Attorney General Reno, dated June 19, 1997, be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes ''express advocacy'' within the meaning of regulations of the Federal Election Commission (''FEC''). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' FECA, and exclusive jurisdiction with respect to civil enforcement of FECA. 2 U.S.C. §437c(b)(1); *see* 2 U.S.C. §437d(e) (FEC civil action is ''exclusive civil remedy'' for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, ''Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.'" *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), *quoting Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute ''express advocacy'' under the FEC's rules will require consideration not only of their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds,* 59 F.3d 1015 (10th Cir. 1995), *vacated,* 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute ''express advocacy'':

''Here in Colorado we're used to politicians who let you know where they stand, and I thought we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

''Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts.''

839 F. Supp. at 1451, 1455–56. The court held that the ''express advocacy'' test requires that an advertisement ''in express terms advocate the election or defeat of a candidate.'' *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that ''express advocacy'' was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Solicitor General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the ''express advocacy'' standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC. Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contract me if I can be of any further assistance.

Sincerely,

JANET RENO.

Mr. SPECTER. Further, I ask unanimous consent that a letter from the Federal Election Commission, dated June 26, 1997, be printed in the RECORD.

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

FEDERAL ELECTION COMMISSION,
Washington, DC, June 26, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: Your letter of May 1, 1997 to Attorney General Reno has been referred by the Department of Justice to the Federal Election Commission. Your letter asks for a legal opinion on whether the text of certain advertisements constitutes ''issue advocacy'' or ''express advocacy.''

As the Attorney General's June 19, 1997 letter to you correctly notes, the Federal Election Commission has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' the Federal Election Campaign Act (''FECA''). 2 U.S.C. §437c(b)(1). The Commission's policymaking authority includes the power to issue rules and advisory opinions interpreting the FECA and Commission regulations. 2 U.S.C. §§437f and 438.

Your May 1 letter notes that the Commission has promulgated a regulatory definition of ''express advocacy'' at 11 CFR 100.22. While the Commission may issue advisory opinions interpreting the application of that provision, the FECA places certain limitations on the scope of the Commission's advisory opinion authority. Specifically, the FEC

may render an opinion only with respect to a specific transaction or activity which the requesting person plans to undertake in the future. See 2 U.S.C. 437f(a) and 11 CFR 112.1(b). Thus, the opinion which you seek regarding the text of certain advertisements does not qualify for advisory opinion treatment, since the ads appear to be ones previously aired and do not appear to be communications that you intend to air in the future. Moreover, ''[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of [section 437f].'' 2 U.S.C. §437f(b).

While the FECA's confidentiality provision precludes the Commission from making public any information relating to a pending enforcement matter, I note that past activity such as the advertisements you describe may be the subject of compliance action. If you believe that the advertisements in question involve a violation of the FECA, you may file a complaint with the Commission pursuant to 2 U.S.C. §437g(a) noting who paid for the ads and any additional information in your possession that would assist the Commission's inquiry. The requirements for filing a complaint are more fully described in the enclosed brochure.

I hope that this information proves helpful to your inquiry. Please feel free to contact my office (219–4104) or the Office of General Counsel (219–3690) if you need further assistance.

Sincerely,

JOHN WARREN MCGARRY,
Chairman.

Mr. SPECTER. Mr. President, the essence of the Attorney General's response to me was that she would not respond on the legal issue, notwithstanding she is the Nation's chief law enforcement officer. She passed the buck over to the Federal Election Commission. The Federal Election Commission passed the buck back, saying that these were matters that had already occurred, so they didn't come within advisory opinions. One way or another, Mr. President, we will have a determination as to what is involved there. The alternative of proceeding in court is one which we are currently examining, and as I have noted, there is an issue as to whether that can be done on the existing statute.

I do believe there is a legal basis for so proceeding, but on a novel bit of litigation of this sort, no lawyer can be absolutely certain as to what the result would be. But in the context of what we have on the record with the Attorney General's refusal to appoint independent counsel, in a context where she is denying the President of the United States national security information, and her refusal to proceed to appoint independent counsel where the Attorney General concedes that there has been a coordinated effort by the President so that the only remaining issue is whether there is an advocacy commercial, which on their face, I submit, these commercials are. The problems have been compounded with the conduct of the Attorney General and the Justice Department in the course of the last several days where they have opposed applications for immunity requested for consideration by the Governmental Affairs Committee.

The Governmental Affairs Committee, as is well known, is currently investigating illegal or improper activities in the 1996 Federal elections. A modus operandi has been worked out there which would allow the Attorney General to come in and give the committee the Attorney General's opinion as to whether immunity should be withheld or granted.

The law is plain that the committee has the jurisdiction to make that determination, where the statute gives the Attorney General a period of time to object and additional time for the purpose of putting the Department of Justice's case together. Due to the problems created by the decisions involving Admiral Poindexter and Colonel North go to a point where limited immunity is granted, the prosecutor must prove the case from independent sources and the prosecutor can put a case together, can, so to speak, bundle the case before immunity is granted.

So when the request was made for applications for immunity for five individuals, the Attorney General responded, the Department of Justice responded that they objected to the grant of immunity. That was, so to speak, the straw which broke the camel's back and the chairman of the committee, Senator THOMPSON, made a very forceful public statement on Tuesday saying that he had lost confidence in the Department of Justice to conduct an impartial and appropriate investigation, and that the refusal to agree to those grants of immunity was just beyond the pale, a conclusion with which I agree.

On the basis of the equities here, I believe a very, very strong case can be made out to have the Court, in its supervisory authority, appoint independent counsel notwithstanding the absence of an application by the Attorney General. However, in consultation with my colleagues, I have decided to introduce an amendment to the pending bill which would make certain modifications in the independent counsel statute. These modifications would create new authority for the Congress to seek judicial appointment of an independent counsel where there is a determination that the Attorney General's failure to do so is an abuse of discretion. This authority would reside in the Judiciary Committee, where the full committee or a majority of the majority party members or a majority of the nonmajority party members could petition the Court to appoint an independent counsel where the full committee or a majority of either party's committee members determines that the Attorney General's failure to appoint an independent counsel is an abuse of discretion. This carefully crafts a procedure so that there is a limit of standing as to who may come in and ask for the appointment of independent counsel.

The amendment, which I propose to introduce, would further provide for a judicial determination on independent counsel with a specification that upon receipt of a congressional application, the Court shall appoint independent counsel where the Court has determined that the Attorney General's failure to appoint an independent counsel is an abuse of discretion.

There are considerations on constitutional issues here, but I believe that other relevant issues must also be considered. Regarding the context of the current factual situation and carefully limiting the petitioning authority to the Congress, and in the context where the Attorney General herself has emphasized the importance of the independent counsel provision, including the avoidance of appearance of impropriety, it is my judgment that this law would pass constitutional muster and would provide an important addition in the interest of justice to solve the problem which we now confront, where the overwhelming weight of evidence—and I don't use that term lightly. It is evidence. It has evidentiary value—calls for the appointment of independent counsel.

There is pending at the present time an amendment so I cannot introduce my amendment now. A subsequent amendment is pending. But it is my intention, as I say, Mr. President, to introduce this amendment. There have been some preliminary indications that the introduction of this amendment might tie up the bill, and I do not intend to tie up the bill. If that is the consequence of the introduction of an amendment, if a filibuster were to follow, I would not persist and subject this appropriations bill to a filibuster. I firmly believe that it is in the public interest in a very serious way to have independent counsel appointed, and it is obvious that all the entreaties to the Attorney General have thus far been unsuccessful and litigation is an option which may be pursued. However, this statutory change would make it certain that the Court would have the authority and that the petitioning parties would have appropriate standing to have independent counsel appointed.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes ''issue advocacy'' or ''express advocacy.''

The Federal Election Commission defines ''express advocacy'' as follows:

''Communications using phrases such as 'vote for President,' 'reelect your Congressman,' 'Smith for Congress,' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate.'' 11 CFR 100.22

The text of the television commercials follows:

''American values. Do our duty to our parents. President Clinton protects Medicare.

The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gringrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

''60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote no, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

''America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

''Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Now they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

''The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

''Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values.''

Sincerely,

ARLEN SPECTER.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak on the underlying amendment briefly, the amendment offered by the Senator from Kansas with regard to his efforts to really hone NIST's Advanced Technology Program to serve the public, the amendment to the Commerce, Justice, State, and Judiciary appropriations bill.

I do wish to thank my colleague, the Senator from Kansas, for his efforts to accomplish what we all want to do, and that is to have NIST's ATP serve in the best way possible the public, using taxpayer dollars. And I, too, am very optimistic and feel very confident that this can be done, yet I want to rise and speak against the amendment and stress that the approach is different than what I would like to take and therefore explain it.

I am chairman of the Commerce Science, Technology and Space Subcommittee, the committee through which the reauthorization and the authorization for this ATP takes place. That subcommittee right now is looking at all of the information in a very systematic way to see how we best can evolve that program to provide absolutely the best return on our Nation's investment.

I feel strongly that the proper place to effect such changes should be in a more comprehensive approach rather than a shotgun approach, and that is through the committee structure, through the committee that is charged with the reauthorization of NIST's ATP, and that is what we are doing.

Just last week an excellent report was released by the Commerce Department. It is a 60-day report. It put forth recommendations, four reform efforts in place, suggestions, recommendations—conducted by the Commerce Department. And I dare say I bet there has not been a Senator in the room who has read through that report released just last week.

I think the report is a good first step. We need to go much further than that, but I would rather do that on an authorizing bill rather than having it tagged on an appropriations bill in more of a shotgun fashion.

Our subcommittee is right now working on a reauthorization bill that addresses the longstanding concerns which people have with the Advanced Technology Program so that it can be become a really more effective vehicle for stimulating innovation in this country, and that is what we want to do, stimulate innovation.

I welcome the input to our subcommittee of all interested parties, including my colleagues from the Commerce Committee and the Senator from Kansas, who is also on the Commerce Committee, in order to craft this more comprehensive legislation. Therefore, I rise to express my opposition to this particular amendment offered by the Senator from Kansas and hope that we will begin the opportunity through the appropriate authorizing subcommittee to effect real change, more comprehensive change where we can consider all of the available data in order to accomplish the necessary change in the NIST's Advanced Technology Program through this reauthorization process. I hope my colleagues will join me in opposition to this amendment, recognizing that we will be addressing all of these issues through the appropriate reauthorizing committee, that of science, technology and space.

I yield the floor.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question now occurs on amendment No. 980, offered by the Senator from Kansas [Mr. BROWNBACK].

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''no.''

The result was announced, yeas 42, nays 57, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—42

Abraham	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Coats	Inhofe	Smith (NH)
Collins	Kempthorne	Smith (OR)
Craig	Kohl	Snowe
Domenici	Kyl	Thomas
Enzi	Lott	Thompson
Faircloth	Lugar	Thurmond
Feingold	Mack	Wyden

NAYS—57

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bennett	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Boxer	Glenn	Moynihan
Breaux	Graham	Murkowski
Bryan	Grams	Murray
Bumpers	Hagel	Reed
Burns	Harkin	Reid
Byrd	Hollings	Robb
Cleland	Hutchison	Rockefeller
Cochran	Inouye	Roth
Conrad	Jeffords	Sarbanes
Coverdell	Johnson	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Torricelli
DeWine	Landrieu	Warner
Dodd	Lautenberg	Wellstone

NOT VOTING—1

Kennedy

The amendment (No. 980) was rejected.

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

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

Several Senators addressed the Chair.

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

Mr. LUGAR. I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. LUGAR. I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 981

(Purpose: To make appropriations for grants to the National Endowment for Democracy)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself, Mr. MCCONNELL, Mr. LEAHY, Mr. GRAHAM, Mr. LIEBERMAN, Mr. ROTH, Mr. DODD, and Mr. MACK proposes an amendment numbered 981.

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

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

The amendment is as follows:

On page 113, line 7, after the word ''expended.'' insert the following new heading and section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment Democracy Act, $30,000,000 to remain available until expended.

On page 100, line 24 strike ''$105,000,000'' and insert ''$75,000,000''.

Mr. LUGAR. Mr. President, I ask unanimous consent that no second-degree amendment to my amendment be in order.

Mr. BUMPERS. Objection.

Mr. KERRY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I understand while I was reserving the right to object somebody else actually lodged an objection.

Mr. BUMPERS. Mr. President, I object to the request.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR addressed the Chair.

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

Mr. KERRY. Mr. President, point of personal privilege, I would simply like to indulge the attention of the Chair. I do this in the most gentle, appropriate way as possible.

I have the utmost respect for the Senator from Indiana. The rules of the Senate are, Senators are recognized as a right of first voice heard by the Chair. Three voices were raised on this side of the aisle. And while I have enormous respect and affection for the Senator from Indiana, I do not think his voice had even been expressed, but he was recognized.

I think the Chair should proceed, if I may say, by the rules of the Senate.

The PRESIDING OFFICER. His voice was expressed. I happened to be looking in his direction and recognized him.

The Senator from Indiana.

Mr. LUGAR. Mr. President, the amendment that I introduce comes to the floor because no funding for the National Endowment for Democracy is in this bill. It has been zeroed out. The bill as written proposes to eliminate the National Endowment for Democracy, a program that has been enthusiastically supported by every administration, Republican and Democratic, since President Ronald Reagan's first term, and by every Congress, Republican and Democratic, since 1983, when it was first launched.

The amendment we are proposing would continue funding for the National Endowment for Democracy at this year's level, namely $30 million. It does not seek an increase in funding. But it proposes that the funding continue.

The amendment would shift $30 million from the State Department Capital Investment Fund in the bill to the National Endowment for Democracy.

I point out, Mr. President, that even with the $30 million shifted from the State Department Capital Investment Fund, that fund will still exceed by $11 million the administration's request.

The capital investment fund is an important initiative. Many of us have written to Secretary Albright and the President about the importance of strengthening the State Department's technological and communications capability. They are significant and important deficiencies in the State Department. And this bill will go a long way to correct them.

But, Mr. President, the administration requested a total of $64 million for these purposes. The bill before us includes a funding level of $105 million, some $41 million over the President's request. Therefore, Mr. President, I am pleased to announce the administration favors our amendment, it favors support of the amendment because it provides for the National Endowment for Democracy and all that had been requested, and more, for the Capital Investment Fund of the State Department.

Let me point out, Mr. President, an important editorial that appeared in the Wall Street Journal this morning that very succinctly sums up the case that we make.

The Wall Street Journal editorial states—and I quote:

A United States Senate accustomed to forking up multibillions will debate the government's equivalent of the widow's mite today, a $30 million appropriation to fund the National Endowment for Democracy. An appropriations subcommittee chaired by New Hampshire Republican Judd Gregg decided not long ago in a fit of austerity to defund the NED, on grounds that it was a relic of the Cold War. The same subcommittee awarded the State Department $100 million, $40 million more than it requested, just to buy computers.

We don't think for minute that a title with the word ''democracy'' in it imparts virtue to a federal enterprise in and of itself, and we confess to having had some skepticism of our own about the NED some years after it was founded in 1984. But a closer look at what the NED has been up to produces some surprises.

Its rather unusual design seems to have encouraged considerably more initiative in its mission of spreading democracy around the world than would be expected of the usual federal agency. Maybe that's because it is not a federal agency, but a free standing foundation with its own board of directors supported by both federal and private money. It channels its grants through four institutes, two of which are operated by the two major U.S. political parties.

One achievement of this Ronald Reagan brainchild was to help Poland's Solidarity break the grip of the Soviet Union in the Cold War days. But it is doing some rewarding work today as well.

Its Republican branch, the International Republican Institute, help set up free elections in Mongolia last year, turning that once-Communist country into a democratic, free market paragon. IRI also is helping villages in China learn how to conduct free and fair elections of local governing committees something they are entitled to do under Chinese law. The Democrats, through their National Democratic Institute for International Affairs, are doing similar work. American politicians are helping teach practical politics at the very foundations of democracy, and doing it on a shoestring.

Is this of value to the U.S.? You only have to ask yourself whether the world is safer with a democratic or an authoritarian China to answer that question. The fact that private corporations are willing to fund special NED projects in non-sensitive situations offers evidence that enlightened businesses value the stability that democracy and a rule of law bring to the countries where they seek to operate. Bulgaria is one such place where new democrats are being offered such aid.

Since news of the defunding became known, the NED has had an outpouring of support from people around the world who have direct knowledge of its contributions.

Hong Kong democratic leader Martin Lee, who faces tough battles ahead in coping with Hong Kong's new Beijing landlords, penned a letter to Senator Connie Mack begging him to help save the NED, Senator Bob Graham has heard from Sergio Aguayo of the Civic Alliance, which has had a strong hand in promoting the multiparty democracy now taking root in Mexico. Jack Kemp, Jeane Kirkpatrick and William Bennett, along with such varied Senate personalities as Richard Lugar, Chris Dodd, John Kyl and Ted Kennedy have weighed in one behalf of NED.

The NED recently sent out an invitation to kindred groups in Germany, Britain, Canada, Sweden and the Netherlands to a meeting in Taiwan in October it will co-sponsor with Taiwan's Institute for National Policy Research. The purpose of this gathering in one of the world's newest democracies is to foster NED-type groups in still more countries. What a shame it would if the U.S. Senate collapsed with an attack of parochialism on the eve of such a bold endeavor.

That is the end of the Wall Street Journal editorial.

Mr. President, I simply make the point that the NED is not a cold war relic. The President of the United States, currently, President Bill Clinton, just as Ronald Reagan at the inception of this, sees the value of this type of activity.

President Clinton has said if we are going to make a difference in Chinese democracy, the National Endowment for Democracy and its International

Republican Institute is on the spur of what needs to happen by promoting the organization of elections in local villages. And this we are doing. These things do not happen by chance.

The President has commended the idea that the National Endowment for Democracy has been involved in Mongolia, has commended the work that is occurring in situations where not only free and fair elections have occurred, but in its unique way the National Endowment for Democracy, by placing labor leaders in nations that have gained democracy, helps build labor unions.

The Chamber of Commerce, by placing businesspeople under the National Endowment for Democracy's auspices, helps market economics get started. Are these important to the United States? You bet they are.

The fact is, a free and fair election can occur, and the cold war may be over, but our Nation needs to relate to other nations that have ongoing sensitivity toward labor-management relationships, market economics, price finding in the markets, freedom of speech, and political dialog that our political parties have fostered.

The suggestion, Mr. President, is this could be done by private enterprise all by itself. But that would have no particular legitimacy. The backing by the Congress, by the administration, by every living Secretary of State, every living National Security Adviser, every living President, of this idea ought to at least weigh in with this body.

There may be Members second-guessing all of these people and saying they are simply out of it. But I would advise Members, they are very much with it. They understand the dynamics of what has to happen in the world and why it is important for these four groups in the National Endowment for Democracy to band together throughout several administrations and with a continuity of effort to make a substantial difference in the world.

Mr. President, I cited a few moments ago letters that have been written. I want to mention specifically one from the Laogai Research Foundation, and a name that all will recognize in this body, Harry Wu, its executive director. He simply says:

> Tomorrow (Thursday), in a letter he wrote to me yesterday, in a vote on the Senate floor, you will be presented with a choice to either support the N.E.D. or [to] kill it. I understand that particular . . . programs may, from time to time, draw the ire of lawmakers. [But] may we suggest that when this is the case, leaders such as yourself [must] suggest . . . what internal changes need to be made.
>
> In other words, don't throw out the baby with the bathwater.
>
> If the United States intends to maintain its leading role in world affairs, continued Congressional support of the National Endowment for Democracy is imperative.

I have cited a letter that was written by Jeane Kirkpatrick, Jack Kemp, William Bennett, Lamar Alexander, Steve Forbes, Vin Weber, a whole galaxy of people involved in Empower America. They are important voices, living, active voices, not relics of the cold war. They understand the dynamics of what we ought to be doing in American politics.

They are joined, as I have suggested earlier, by Sandy Berger, currently the National Security Adviser, and by all the National Security Advisers since the NED was created.

Mr. President, I want to cite specifically a letter from Martin Lee, chairman of the Democratic Party in Hong Kong. Not long ago, many in this Senate honored Martin Lee. Prior to the turnover in Hong Kong, most of us were worried about Martin Lee and democracy.

I simply cite Martin's letter in which he says:

> My main purpose in writing now is to express my concern about proposals I understand are before the Senate to consider eliminating funding for the National Endowment for Democracy. I know you have always been a strong supporter of NED and the important work it does around the world, but I wanted to write to express my conviction the National Endowment for Democracy is indeed indispensable in a world where democracy and freedom are not entrenched and where—to cite the example of Hong Kong—all democratic institutions can be wiped out by fiat.
>
> In Hong Kong and elsewhere in Asia—
>
> Martin Lee says
>
> and around the world, the struggle to preserve democracy, political freedom and the rule of law is far from being won.

Let me just simply say, Mr. President, this is serious business. What is being proposed here in our amendment is that $30 million for computers and technological equipment the State Department did not seek be restored to the National Endowment for Democracy that they did ask for. The request of the President is for this money, leaving fully all of the requests that the administration made for the equipment.

Mr. President, what we have before us we need to see very clearly. There are Members of the body who simply want to kill the National Endowment for Democracy. Now, I resist that idea, and for good reason. The experience of most of us in this Chamber, I hope, would be to say that we have to be active on the front lines, and we have to be active as Republicans, Democrats, labor union members, and business people in our own expertise and synergy and continuity; we have to be active not simply in setting up those activities our diplomacy can do—free and fair elections—but the centers of support of commerce, of labor, of freedom of speech and press and contract law and the details that, alone, make continuity possible and second and third elections in countries transitioning to democracy possible. Mr. President, I do hope that Members will support this amendment. I think it is very important for the foreign policy and security of this country. I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 982 TO AMENDMENT NO. 981

(Purpose: To make appropriations for grants to the National Endowment for Democracy)

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LUGAR, Mr. LEAHY, Mr. GRAHAM, Mr. LIEBERMAN, Mr. ROTH, Mr. DODD, and Mr. MACK, proposes an amendment numbered 982 to amendment No. 981.

The amendment is as follows:

On page 113, line 7, after the word ''expended.'' insert the following new heading and section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment Democracy Act, $30,000,000 to remain available until expended. This shall become effective one day after enactment of this Act.

On page 100, line 24 strike ''$105,000,000'' and insert ''$75,000,000''.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, independence is the first step toward democracy—hardly the last. As our own nation's history records, 87 years after our revolution, President Lincoln stood at Gettysburg to remind a deeply wounded nation——

> It is for us, the living to be dedicated . . . to the unfinished work which they who fought here have thus far so nobly advanced . . . the great task remaining before us—that this nation, under God shall have a new birth both of freedom—and that government of the people, by the people and for the people shall not perish from the earth.

We all, at one point or another in our school careers, memorized that famous address. Eighty seven years after our Nation's birth—when we had a strong, well established representative government—Lincoln spoke of our unfinished work—because we saw our democracy, our Government and Nation divided and devastated by civil war—a war which serves as a caution that even healthy, strong democracies suffer attack and setbacks.

One hundred years after President Lincoln reminded us of our unfinished work, President Reagan stood before the British Parliament in 1982 and predicted the certain end of communism.

But, in forecasting communism's imminent demise, President Reagan called upon his country, our allies and our American political parties to ''contribute as a nation to the global campaign for democracy gathering force.''

This remarkable speech set in motion the people and events which established the National Endowment for Democracy.

President Reagan's message was as simple and pure as it was powerful and enduring—the mission he defined was to create a world illuminated by individual liberty, representative government and the rule of law under God.

Eighty-seven years after our revolution, we needed to recommit ourselves to that purpose at Gettysburg. President Reagan renewed the call and, now, we must rededicate and redouble our efforts to secure democracy around the globe.

With the end of the cold war, this mission and our responsibilities have only just begun. It is not ending, it is the beginning.

The National Endowment for Democracy—and especially its four core institutes—offer the best, most effective, and strongest tools we have available to consolidate the gains we have made in dismantling the structure of Communist and totalitarian governments.

We need to remember that tearing down the weak practices and government architecture of communism is not the same thing as creating or sustaining strong, viable democratic principles, laws and institutions.

Communism has indeed been cast on the ash heap of history. The question remains what will take its place.

Virtually every nation which suffered behind the Iron Curtain has enjoyed some form of free and fair elections—but the first election is not as important as the second then third when there is a real test of democratic principle and practice—when those who have enjoyed elected office must relinquish power if the principle of self determination is to survive. In other words, only after an orderly transition of power from election to election occurs can democracy truly take root.

The key to self-determination—the core of democracy—is the active engagement of citizens in their government. NED and its institutes, in turn are the key to building and encouraging this deep, informed involvement.

These organizations carry out this important work in a number of ways.

In Burma, NED funding is keeping the faint but fervent hopes for freedom and democracy alive. Let me explain why their work is so vital.

Burma and North Korea have a lot in common with the Stalinist era in the Soviet Union. A ruthless 400,000 man military force, led by the State Law and Order Restoration Council—SLORC—have systematically destroyed the education system and detained, tortured, and executed anyone opposing their brutal rule.

NED is a lifeline for the courageous opponents who resist SLORC inside Burma and the large, exiled community who struggle every day to restore the results of the 1990 elections and their leader Aung San Suu Kyi to office.

With less than $200,000 NED has kept alive the only uncensored, independent newspaper circulated inside Burma. The New Era, a monthly newspaper, is vital to the effort to raise awareness of SLORC's violations of human rights and civil liberties, to assure independent reporting of events and to provide counterbalance to SLORC's daily campaign to smear and slander Aung San Suu Kyi.

Let me point out that it's a crime in Burma to have a copy of this newspaper, yet in spite of threats of imprisonment and death, an extraordinary network of students and citizens take this risk to assure monthly delivery and circulation of the New Era.

The NED also supports the Democratic Voice of Burma which produces and transmits a daily morning and evening broadcast of news, features and ethnic language programming as well as broadcasting recordings of Aung San Suu Kyi's speeches, the texts of U.N. decisions and other information of intense interest to Burma's citizens.

Beyond sustaining the independent media, NED supports efforts to strengthen cooperation among the more than 15 ethnic groups which work in peaceful opposition to the military junta. This support has enabled the National Coalition Government of the Union of Burma under the direction of elected Prime Minister Dr. Sein Win to continue to represent to the outside world the views and aspirations of the legitimately elected parliamentarians of Burma.

Although they are victims of one of the world's most repressive regimes, Dr. Sein Win works with his colleagues inside and outside Burma, calling for peaceful dialog to restore democracy to his beleaguered nation.

Burma is just one example of the Endowment's exceptional service to the cause of democracy.

I have also observed the crucial role they have played in the New Independent States of the former Soviet Union.

Each of these countries illustrate my earlier point that while trappings of communism have been dismantled, it is far too early to judge the transition to democracy a complete success.

Communities across the region desperately need precisely the kind of training and support available through NED. One of the most compelling reasons why NED is so vital is illustrated by the work done through their core grantee in Russia.

Although we are all concerned about the reactionary elements which continue to dominate the Russian Parliament, there is some reason to be hopeful. During the last election, in every community and town where the International Republican Institute ran training programs and supported efforts to strengthen local political parties, reformers were elected to office—reformers who shared our interests in free market economies and individual liberties.

Obviously, reformers do not control a majority yet, but IRI's impressive record suggests we should be substantially expanding our support for endowment activities to secure the kinds of governments and societies which share our interests.

The cold war may be over, but repression and authoritarian impulses are alive and well.

NED nourishes the ambitions of all those who want to participate and shape their own great experiment in democracy—Muslim women in the Middle East, journalists under fire in Cambodia, trade unions in Belarus, political scientists in Azerbaijan, legal defense funds in Latin America—all benefit from NED's small grants—all contribute to building the foundation which sustains a healthy democracy.

The National Endowment for Democracy and its core grantees work citizen by citizen and community by community to transform individual aspirations of self-determination into the governing nations which Ronald Reagan defined so well—nations which preserve and protect individual liberty, representative government and the rule of law under God.

NED deserves our support. It does a good job and it does it in service to our national interests. Each democracy which grows is one more trading partner, one less crisis which may require our political or military intervention.

We abandon this extraordinary campaign for democracy gathering force at our own peril.

Ms. MIKULSKI. Mr. President, I am proud to strongly support and cosponsor the McConnell amendment to restore modest funding for the National Endowment for Democracy. I commend the distinguished chairman of the Foreign Operations Subcommittee for his continued leadership on this important matter.

The National Endowment for Democracy is a proven, cost-effective investment in democracy. It represents our national interests and our values.

As a member of the Commerce, State, Justice Subcommittee, I am disappointed that no funds were provided for a program that so effectively strengthens democracy around the world. Today we seek to restore funding to continue this important tool of American foreign policy.

The cold war may be over—but dictatorships and military juntas still exist. Democracy is still fragile in too many countries. Rigged elections still occur, and freedom of speech is not a universal right. The National Endowment for Democracy provides the tools of democracy. It encourages a free press, unions, and multiparty elections. It supports women's participation in the electoral process. It assists grassroots organizations that support democracy and human rights.

The National Endowment for Democracy has a remarkable track record. It was one of the early supporters of the Solidarity movement in Poland. It helped to draft South Africa's constitution.

But NED does not rest on it laurels. Today, in Albania, Burma, and Cuba—NED is supporting democracy. It provides assistance to the only independent newspaper in Bosnia. It is helping

to empower women in Turkey. It is helping Asian organizations to fight against the use of child labor.

Mr. President, the cold war is over—but American leadership is still important. We are still the strongest voice for democracy. I urge my colleagues to join me is supporting the National Endowment for Democracy—one of our most important tools in supporting democracy around the world.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I rise today to speak in favor of the pending amendment, which will restore $30 million of funding for the National Endowment for Democracy.

Mr. President, unless we reverse the decision that has been made by the Appropriations Committee, the Senate will be on record as eliminating this unique, flexible, low-cost, public-private partnership, an important foreign policy instrument, an instrument that has proven important today in furthering U.S. interests, as important today as it was in 1983 when established with the active support and leadership of President Ronald Reagan.

Mr. President, the Senate has debated the future of the National Endowment for Democracy virtually every year in recent years. Every year, proponents of continuing the Endowment have prevailed, but the fight has taken a toll. NED's budget has been whittled down by almost 15 percent over the last 3 years, and its authorization is now flat for the next 2 years. Any further cuts will severely hamper NED's ability to carry out its important programs. That is why so many of us are here today concerned that its current budget be sustained at the requested level of $30 million.

Mr. President, although we once again are debating NED's future, this recurring debate has been, and continues to be, more about our future and our view of the world than it does this one Federal initiative for democracy. It is also about how the American people view America's role in the world. In examining that world view, several fundamental questions must be answered.

First and foremost is the question of whether it is in the interest of the United States of America to remain actively engaged in world affairs.

Second, is it in our interest to creatively promote peaceful democratic change? To put it another way, is it in our interest to stay one step ahead of tomorrow's costly conflicts by promoting peaceful democratic change today?

Finally, does the National Endowment for Democracy make a positive contribution to advancing these interests?

Mr. President, I submit that the answer to each of these questions is yes. I would briefly wish to cite two examples.

First, in our own hemisphere, the United States has had a long and, I suggest, painful and destructive history of being involved in our hemisphere only when we faced an immediate security, political, or economic crisis. Once the crisis passed, our interests waned and then evaporated.

Mr. President, in large part because of some of the things that the United States led in the last 50 years, we now have a period of democratic government within our hemisphere that we have never known since Christopher Columbus discovered the new world. Those democracies, from Guatemala to Argentina, are new. They are enthusiastic. But they lack the kinds of deep roots that will assure their longevity. It is exactly nations such as that and building those roots that will sustain democracy that the National Endowment for Democracy has exhibited, and it is in exactly those circumstances within Latin America and the Caribbean that the endowment has played such an important role, and I submit will play an even more important role in the future.

Another prime example is China. Those who understand and care about the need for long-term democratic change in China strongly support the National Endowment for Democracy. That is because the National Endowment for Democracy is working with human rights activists to bring to life abuses by the current regime. The endowment is also creatively exploring openings at the local level to help officials establish independent elections.

NED is on the ground working in China every day in ways that very directly further United States national interests. No other agency of this Government is equipped to carry out the kind of innovative grassroots work as is the National Endowment for Democracy.

If we are to successfully engage China over the long term, if we are positively to influence United States-China relations, if we are to reverse our past history and demonstrate a sustained commitment to democratic institutions within our nearest neighbors in the Western Hemisphere, the National Endowment for Democracy must necessarily be an essential ingredient in that United States policy.

Indeed, the long-term impact we are confident NED to have in China is on display today in Mexico, where the Endowment's support of the Civic Alliance, a coalition of non-governmental organizations in that country, paved the way for electoral reform that resulted in the freest elections in Mexico's history. The result has been a deepening of democracy, and a sense among the Mexican people that casting ballots can produce positive change in their lives. The result is a government which is far more stable and responsive to the people's needs. The Mexican people benefit, and so do we.

Mr. President, China and Mexico are only two examples of NED's work. Indeed, the Endowment is helping dissidents in over 90 countries, including dissidents who are fighting for democratic change in Cuba, Burma, Nigeria, Belarus, Serbia, and Sudan. NED is working to strengthen democratic institutions in Russia, Ukraine, and South Africa. This is vitally important work. And there are many informed observers who see it the same way.

Former Secretaries of State Baker, Eagleburger, Haig, Kissinger, Shultz, and Vance are on record in support of NED. According to them:

> During this period of international change and uncertainty, the work of the NED continues to be an important bipartisan but non-government contributor to democratic reform and freedom. We consider the non-governmental character of the NED even more relevant today than it was at NED's founding * * *

Former National Security Advisors Allen, Carlucci, Brzezinski, and Scowcroft also are on record in support. They have stated that:

> The endowment, a small bipartisan institution with its roots in America's's private sector, operates in situations where direct government involvement is not appropriate.
>
> It is an exceptionally effective instrument in today's climate for reaching dedicated groups seeking to counter extreme nationalist and autocratic forces that are responsible for so much conflict and instability.
>
> Eliminating this program would be particularly unsettling to our friends around the world, and could be interpreted as sign of America's disengagement from the vital policy of supporting democracy. The endowment remains a critical and cost-effective investment in a more secure America.

Mr. President, I ask unanimous to have printed in the RECORD an exchange of correspondence I recently had with National Security Advisor Sandy Berger. He responded in a July 21 letter reaffirming strong administration support the NED and ''our opposition to any effort reduce or eliminate NED funding.''

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

THE WHITE HOUSE,
Washington, July 21, 1997.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR BOB: Thank you for your letter of July 16 regarding funding for the National Endowment for Democracy (NED).

I welcome the opportunity to reaffirm strong Administration support for the NED and our opposition to any effort to reduce or eliminate NED funding. As you correctly note, the President is a dedicated supporter of the NED, as it has been in the forefront of U.S. efforts to promote democracy, civil society and the rule of law around the world. Moreover, it has done so at very little cost to the American public, leveraging modest resources with great effectiveness.

I should also note that the NED, established by President Reagan and strongly supported by each of his successors, has served as a model for democracy-promotion efforts by our democratic friends and allies.

For all of these reasons, we enthusiastically endorse your efforts to restore funding for the NED, and we are prepared to work closely with you to ensure that objective.

Best regards.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

U.S. SENATE,
Washington, DC, July 16, 1997.

Hon. SAMUEL R. BERGER,
Assistant to the President for National Security Affairs, The White House, Washington, DC.

DEAR SANDY: The Commerce-Justice-State Appropriation will soon be debated on the Senate floor. As you may know, the Appropriations Committee is recommending that all funding for the National Endowment for Democracy be eliminated.

NED's numerous Senate supporters, including myself, regard this as a serious mistake, since it would cripple the ability of our country to assist the various democratic networks abroad whose continued sustenance is so critical to our national security.

The President has been a dedicated supporter of the Endowment in the past. It would be helpful if he would commit the Administration to reaffirming that support by backing the efforts of the Endowment's friends in the Senate to restore its funding.

Sincerely,

BOB GRAHAM,
U.S. Senator.

Mr. GRAHAM. Mr. President, I would like now to take this opportunity to clarify some misconceptions that have arisen regarding NED and its work over the years. Two of those misconceptions are contained in the report accompanying the bill we are now debating.

The report states that, because NED was created to support democratic movements behind the Iron Curtain, it is no longer needed. Nothing could be further from the truth. Indeed, NED was never intended to be a cold war institution.

In Ronald Reagan's speech that helped launch the Endowment, he offered the following vision of NED:

> . . . To foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

He referred to the work of Western European parties assisting counterpart institutions and of the foundation looking into ''how the United States can best contribute as a nation to the global campaign for democracy now gathering force.''

It is true that the Endowment supported Solidarity and other dissidents behind the Iron Curtain.

But that represented a small percentage of its funding. In fact, in the early years of the Endowment, approximately half of its funds went to support the growing democratic movements in Latin America.

This had nothing to do with the cold war and everything to do with the reason NED was created and the reason it exists today—because America believes that the spread of democracy is good for the people of these countries, and ultimately, for the people of the United States as well.

NED's work in the Middle East, in East Asia, in Central Asia, in Africa, in Bosnia, in Mexico, demonstrates that in the post-cold-war world, efforts to foster civil society are even more relevant today than they were when the Endowment was created.

The report accompanying this bill goes on to state that NED was never intended to be a ''private-public partnership.'' According to the Congressional Research Service, which carefully researched NED's legislative history, ''While NED was originally established as a private entity, private funding was not required. Neither the congressional debate in 1983, nor the National Endowment for Democracy Act—the law establishing NED—indicates private source funding would be required.''

It is true that NED does raise some funds in the private sector, primarily to support its International Forum for Democratic Studies, which is a research center and clearinghouse for worldwide information about democracy. In addition, NED has calculated that its funding leverages over 70 cents for every program dollar it grants.

The essential point, however, is that the founders of NED never imagined that this would be a privately funded effort. To the contrary, because NED serves the national interest, it is an entirely worthwhile expenditure of the Federal Government.

Several other misperceptions have dominated this debate in the past. Let me address them as well.

Opponents have suggested that the Endowment duplicates those of the Agency for International Development. AID Administrator Brian Atwood reported to the House Committee on International Relations in March 1996, following an extensive review of hundreds of programs funded by his agency and those of the Endowment. His report stated:

> We found that USAID and NED do not duplicate, but rather complement each other's efforts.

In the same report, Atwood outlined a series of steps that AID and NED have taken together to make sure that this lack of duplication continues.

NED and its supporters also have been accused of keeping a GAO report calling for a reassessment of NED's funding from being issued. This is a nonissue originally raised in print by a long time NED opponent. The facts are quite simple:

The General Accounting Office, after an exhaustive study of U.S. Government programs to promote democracy, concluded that there was no significant overlap between those funded by NED and official agencies.

Referring to the stops that have been taken between AID and NED to make sure the lack of duplication between their programs continues, a GAO official wrote to House International Relations Chairman GILMAN and Ranking Member HAMILTON that the Agency's concerns about potential overlap had been allayed.

Another charge frequently made against NED is its funding is used disproportionately for travel. Some of the over 300 programs that are funded annually by the Endowment involve the use of experts from the United States and abroad who travel pro bono basis to share their knowledge and experiences with grassroots Democrats.

Many of these trips are under adverse circumstances to places that can hardly be regarded as vacation spots and the trips are not only working trips but frequently quite rigorous for participants. The amount of free time that is donated by these experts is rather significant in dollar terms.

Opponents also charge NED with funding meaningless conferences. NED funds in fact are used to assist organizations working inside countries. Occasionally NED funds gatherings of democrats in exile who cannot operate in their home countries. Countries such as China and Cuba fall in this category.

An example of a conference pointed to as insignificant by some NED critics is a meeting held in 1995 in Zagreb, Croatia. In fact this particular conference brought together activists from all the countries of the former Yugoslavia at the height of the war to exchange information.

The meeting succeeded in matching funders and civic groups in the region in desperate need of help. Apart from bringing together democrats in a war situation the meeting has led to a number of worthwhile projects in a region that desperately needs to build up its civil society.

Mr. President, NED deserves our support. I urge my colleagues to support a restoration of this funding.

Mr. KERREY. Mr. President, I rise today to offer my support for the pending amendment. I have long been a supporter of the National Endowment for Democracy because I believe that it serves to promote U.S. interests by fostering democracy throughout the world.

NED was established by Congress in 1983 as a nonprofit, bipartisan organization designed to promote democratic values by encouraging the development of democracy in a manner consistent with U.S. interests, assisting pro-democracy groups abroad, and strengthening electoral processes and democratic institutions. NED accomplishes these goals by providing funding to a wide variety of grantees that operate programs in more than 90 countries throughout the world.

Mr. President, many of my colleagues may be aware of the work that NED-funded grantees have done in Eastern Europe and the countries of the former Soviet Union. These Newly Independent States have benefited immensely from programs designed to help develop the rule of law, grassroots campaigns, party organization, and private sector enterprise. And while the development of truly democratic institutions is a slow process, I believe that over the long run it remains in the interest of the United States to continue our commitment to those who are struggling to build stable, democratic governments.

While NED's work in the newly independent states is commendable, of

equal importance—and often with less publicity—NED grantees are also hard at work in countries like Nigeria, Burma, Cuba, and Mongolia where pro-democracy forces are most in need of assistance, and where the ability of the United States to make a positive impact is at its greatest.

Mr. President, even though in the past decade the world has witnessed a remarkable transformation, and the forces of democracy are on an upswing throughout the world, it remains a fact that approximately two-fifths of the world's population continues to live under authoritarian rule. There clearly remains a need for continued vigilance and support of those groups still striving to achieve democratic reforms. While Congress may have created the National Endowment for Democracy during the cold war, I firmly believe that fostering democracy remains as important today as it was 14 years ago.

Because of the continued need for U.S. assistance to pro-democracy forces, I was disappointed that the Senate subcommittee did not fund the President's request of $30 million for NED. It is for this reason that I fully support the amendment before the Senate that will fund the National Endowment for Democracy for fiscal year 1998.

Mr. President, there is a reason that four former National Security Advisers to the President have said that the elimination of NED funding would signal America's disengagement from the vital policy of supporting democracy. There is a reason that seven former Secretaries of State from both Republican and Democratic administrations have voiced their belief that NED funding is as vital today as when the program was created. And finally, there is a reason that brave, pro-democracy activists like Harry Wu and Vaclav Havel tell us that NED funding is essential to advancing the cause of democracy. Mr. President, the reason is that they, like many of my colleagues here today, realize that America must maintain its commitment to the ideals and principles of democracy.

Mr. DODD. Mr. President, I rise to support the restoration of funding for the National Endowment for Democracy in the Justice, State, Commerce appropriations bill. The amount is very modest—$30 million—and the same level of funding as the NED currently receives for this fiscal year.

What is the NED? It is a grant-making organization that is governed by an independent, nonpartisan board of directors. NED monies are utilized to fund the activities of the four independent institutes—the National Democratic Institute, the International Republican Institute, the Free Trade Union Institute, and Center for International Private Enterprise.

In addition to funding the programs of these institutes, NED also provides grants directly to support democratic activist groups throughout the world. This includes grass roots organizations in Nigeria and Zaire, women's groups in moderate Islamic countries, civic groups who worked to make the recently held Mexican elections open and transparent, pro-democracy groups in Cuba, China and Burma. These are just a small handful of the activities funded by NED.

The endowment also sponsors the Journal of Democracy, a well known and highly regarded scholarly publication on global democracy issues. The journal is part of the work of the International Forum for Democratic Studies—NED's research center. In addition to the publication of the journal, the Forum holds important conferences on issues of particular relevance to democratic societies, such as civil-military relations, economic reform, and the role of political parties.

In other words, NED has become an important focal point for democracy-promotion activities around the globe.

For those who say they don't know what NED or the grantee agencies have been doing with the funds they receive, I would urge them to take a long look at the annual report which NED issues every year. I have with me the latest report for 1996—that report goes into great detail where the monies are being spent. It is my view that if my colleagues would take a look at this publication they would be impressed with the extensive activities being undertaken with relatively small amounts of money.

Mr. President, I strongly agree with President Clinton's assessment of the NED. Earlier this year he said of the NED, ''through its everyday efforts, the Endowment provides renewed evidence of the universality of the democratic ideal and of the benefits to our Nation of our continued international engagement.''

I urge my colleagues to support the restoration of funding for the Endowment.

Mr. BIDEN. Mr. President, I rise in support of the amendment to restore funding for the National Endowment for Democracy [NED].

Last month the Senate expressed its overwhelming support for the NED when it passed the Foreign Affairs Reform and Restructuring Act of 1997—90 to 5. That legislation provided $30 million, full funding, for the NED.

Even more recently we voted unanimously to congratulate Mexico on its elections. The NED provided critical support to the Civic Alliance in Mexico, a nonprofit election monitoring and civic education group that played a key role in that success story.

When the Reagan administration proposed the NED, I thought it was a bad idea and voted against it. After seeing all of the good work they have done and are doing, I have been converted to a supporter.

The NED continues to play a critical role in promoting democracy and democratic values, and is vital to U.S. national interests.

Mr. President, let me make this clear—NED is not a foreign aid program. This is because it builds self-sufficiency by working with indigenous groups that demonstrate a real commitment to democratic principles.

NED only receives $30 million, but is very cost-effective. It makes hundreds of grants annually in over 90 countries for civic education, media, human rights, and other organizations dedicated to supporting those who desire democracy.

NED funds support political party training and the establishment of opposition newspapers, helping to promote an independent press. For example, NED has done important work in China through its support of Chinese human rights activists.

Another well-known example is Burma, where the NED has strongly supported Aung San Suu Kyi and the pro-democracy movement there.

Still another important aspect of the NED is that it is rooted in the U.S. private sector, and operates in situations where direct government involvement is not appropriate.

It is particularly effective in reaching those groups seeking to counter nationalist and autocratic forces that are responsible for so much conflict and instability.

The NED provides a successful and cost-effective mechanism for spreading our democratic values and enhancing American security.

This point was made today in a Wall Street Journal editorial that highlights and praises the NED's effective and innovative approach to democracy promotion.

Elimination of this program could be interpreted as a sign of America's disengagement from the vital policy of supporting democracy around the globe.

I urge my colleagues to continue to support this critical democracy-building organization.

Mr. HATCH. Mr. President, once more we are engaging in the increasingly repetitive argument over whether the U.S. Senate should support one of our country's most valuable tools of foreign policy—the National Endowment for Democracy. The Senate subcommittee zeroed out the administration request for $30 million for the Endowment, although the House of Representatives granted it full funding. Today, Senators LUGAR and others are offering an amendment that will restore the Senate's support for full funding for the National Endowment for Democracy (NED), and I encourage my colleagues to vote in favor of this amendment.

Mr. President, I've been in this body for the entire history of the National Endowment for Democracy, and I make no reservations about my wholehearted support for this organization. My colleagues know I was an original supporter of the NED, and I am a stronger supporter today than I was then.

President Reagan clearly summarized the NED's mission when he stated at its inception:

The objective I propose is quite simple to state: to foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

I believe that mission statement is as relevant to our goals today as it was in 1982, when the National Endowment for Democracy was founded. And I find it illogical and disingenuous that some argue that the Endowment is a cold war institution which, because we have won the cold war, is no longer relevant. Many appear to agree with me. In a September 1995 letter to our congressional leadership, seven former Secretaries of State said:

During this period of international change and uncertainty, the work of the NED continues to be an important bipartisan but non-governmental contributor to democratic reform and freedom.

It appears that a few still believe, illogically, that because the NED was engaged in fighting for democracy during the cold war, it is no longer relevant. This reasoning is unsound, based on facts of the past, and realities of the present.

First, the past. The NED did have some high-profile involvement with organizations such as Solidarity, which were critical in loosening Moscow's grip on its captive nations. I applaud the NED for that, as I applaud the many other organizations, such as the International Labor Office and other great anti-communists such as Irving Brown, who worked with us to undermine Soviet totalitarian control. But anyone who believes that the cold war was the central or only focus of the NED may not have all the facts.

It is a fact, for example, that during the early days of the National Endowment for Democracy, approximately half of NED's funds were directed toward Latin America. The 1980's, you will recall, Mr. President, was the decade when democracy swept across the Latin American continent. The people of Latin America, and their brave democratic leaders, deserve the credit for this. But it was the wisdom of U.S. foreign policy—and the participation from the NED—that provided important diplomatic and practical support.

Second, the present. The obvious fact is, Mr. President, that support for democracy remains a necessary goal of U.S. foreign policy. Students of history know that democracies are less likely to try to settle their internal and external conflicts with a resort to violence. Observers of current affairs recognize that, while democracy continues to spread, many parts of the world are in desperate need for further democratic development. It is no coincidence indeed that many of these areas are areas where U.S. foreign policy goals are and will be challenged.

To believe that supporting democracy was a need solely of the cold war is a notion that ignores the basic reality that the world remains full of nations where democracy needs support. And where democracy advances, the risk of conflict that could require a U.S. response declines.

That is why a number of my friends—Jack Kemp, Steve Forbes, Bill Bennett, Jeane Kirkpatrick, Vin Weber, and Lamar Alexander—have circulated a letter from their organization, Empower America, which I would like to quote:

NED helps brave people around the world who are engaged in difficult struggles for freedom. These are America's natural friends. Resisting the enemies of freedom, they need our continual solidarity.

A case in point is China, where the Endowment supports various pro-democracy networks as well as the democracy movements in Tibet and Hong Kong . . .

China is but one example of how NED, which works in over 90 countries, is as relevant to the post-Cold War world as it was in the struggle against Soviet totalitarianism. Examples could be cited from other difficult situations, from Burma to Cuba, from the Balkans to the Middle East. The kind of political assistance NED provides is not foreign aid. NED is more than a program; it is an instrument for transmitting in a peaceful way American democratic values to a world that looks to us to maintain our leadership role.

NED works to expand human freedom and helps people help themselves. It promotes American values and interests. It is realistic and idealistic at the same time. It internationalist in the best sense of that term. It is truly our kind of program.

Mr. President, among my friends at Empower America, you will not find one person who believes the United States should be the world's policeman. Most of these individuals are very skeptical—like me—about some of this country's recent unilateral as well as multilateral deployments.

But none of these individuals believes that the $30 million spent on the National Endowment for Democracy is anything but a completely worthwhile expenditure that supports our national interests by supporting the spread of democracy around the world.

The cold war is over, Mr. President, and we won it. We won it with a strong defense posture, with a policy of engagement in Latin America, Afghanistan, and central Europe. And we won it by standing with democrats around the world. Despite the end of the cold war, there are many democratic movements that need our support. As the Empower America letter said: ''. . . the brave people around the world who are engaged in difficult struggles for freedom . . . these are America's natural friends.''

I wish that we could do more for these friends of America, Mr. President. But the reality of foreign affairs has always been limited by the need to prioritize limited resources. In my view, an expenditure of $30 million to support the many activities of the NED throughout the world may be one of the most cost-effective investments we make in the support of American's interests overseas.

The critics of the NED should review the Endowment's materials. For example, this body has spent a large amount of time debating how we should relate to the rising power of authoritarian China. While we debate the value of sanctions or engagement, who in this body suggests that the support for local elections in China that is conducted by NED with the International Republican Institute is anything but an enormously positive development? Who suggests that NED-supported Chinese activists who monitor and report on the repression of dissidents must not be continued—so that lawmakers around the world can know the truth when we debate complicated issues of engaging China? Who believes that Harry Wu's research foundation—dedicated to monitoring the abhorrent use of prison labor—should not be supported, so that we know how China abuses our trade relations?

Who believes, Mr. President, that the many programs promoting open press, reasoned democratic debate and the rule of law that NED supports throughout the Arab world are not supporting America's goals in that region? Can anyone who is aware of America's uncertain relations with the Islamic world declare that it is not in our interest to promote democratic values there?

Mr. President, I've cited a few examples and endorsements from prominent U.S. foreign policymakers—Republican and Democrat—but I'd like to close my remarks by quoting Martin Lee, who my colleagues surely recognize as Hong Kong's voice of democracy. As we know, the reversion to the People's Republic of China opens a new—and uncertain—page in the recent history of democracy in Hong Kong.

Martin Lee recently wrote a letter to my colleague, Senator MACK. Members of this body know that Senator MACK has devoted a large amount of his time to the difficult process of Hong Kong's reversion, and he is one of the leaders who will increase his attentions to the former British colony now that July 1 has past. Martin Lee wrote:

In Hong Kong and elsewhere in Asia and around the world, the struggle to preserve democracy, political freedom and the rule of law is far from being won. But by supporting key human rights organizations which work for development of democracy and the preservation of the rule of law and human rights in Hong Kong, the Endowment's work in Hong Kong has had profound effect at a critical time. During what I realize is a time of shrinking budgets, I cannot think of better value for money than the National Endowment for Democracy.

Mr. President, Martin Lee is correct: ''The struggle to preserve democracy, political freedom and the rule of law is far from being won.'' What a sorry signal the United States would be giving democrats struggling around the world if we ended our support for the National Endowment for Democracy. What a shortsighted notion it would be to save $30 million by abandoning our support for an organization that promotes our political values around the world.

I urge my colleagues to support full funding for the National Endowment for Democracy.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SARBANES addressed the Chair.

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

Mrs. FEINSTEIN. I yield the floor, Mr. President, to the Senator from Maryland.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator can't yield the floor. But I will recognize the Senator from Maryland.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support for the amendment now pending. The National Endowment for Democracy has done some extremely effective work around the world in strengthening and assisting in the development of democratic institutions and protecting individual rights and freedoms. Endowment programs have assisted grassroots organizations and individuals in more than 90 countries across the globe.

A great number of distinguished individuals have walked through the Halls of the Capitol over the years whom we have recognized as fighters for human rights, freedom, and democracy. They are leaders from abroad who have come to visit the U.S. Congress as a sign of their respect for American democracy. They have led the way toward democracy and human rights, and freedom in their own countries. In expressing their support for the National Endowment for Democracy, they have underscored the critical assistance that they have received from it, which made it possible for them to pursue democratic efforts in their own countries.

The National Endowment for Democracy has enjoyed broad bipartisan support since it was established in 1983 under the Presidency of Ronald Reagan. Seven former Secretaries of State—James Baker, Lawrence Eagleburger, Alexander Haig, Henry Kissinger, Edmund Muskie, George Shultz, and Cyrus Vance—wrote to the leadership of the Congress in 1995 to express their support for continuing funding of the National Endowment for Democracy. Their letter and stated, and I quote:

> During this period of international change and uncertainty, the work of the NED continues to be an important bipartisan but nongovernmental contributor to democratic reform and freedom. We consider the nongovernmental character of the NED even more relevant today than it was at NED's founding 12 years ago.

The NED serves an important role because of the fact that it can operate as a nongovernmental entity. It can support nongovernmental organizations which, in turn, provide opportunities that would not otherwise be available if these activities were undertaken by a government or governmental agency. This is an extremely important dimension to the work of the National Endowment for Democracy.

Former national security advisers of previous administrations and the President's current Adviser for National Security Affairs, Sandy Berger, have expressed their strong support for the NED. Mr. Berger noted in his letter to Members of Congress this week:

> I welcome the opportunity to reaffirm strong administration support for the NED and our opposition to any effort to reduce or eliminate NED funding . . . The President is a dedicated supporter of the NED, as it has been in the forefront of U.S. efforts to promote democracy, civil society and the rule of law around the world. Moreover, it has done so at very little cost to the American public, leveraging modest resources with great effectiveness.

The sweeping and profound changes resulting from the end of the cold war provide ample reason for why we continue to need institutions like the NED, which can operate in a cost-effective manner and at the same time promote our interests and values. Many of the new democracies that have emerged from the implosion of the Soviet Union and the collapse of the Iron Curtain have benefited from the assistance NED and its grantees have provided. Those who paved the way for freedom and democracy in their own countries have consistently testified as to the importance of NED support to the success of their efforts.

In fact, President Vaclav Havel of the Czech Republic stated that ''the National Democratic Institute was one of the first supporting actors in the democratic revolution in our country.''

And others have made similar statements with respect to the activities of the two party organizations, the business groups, and the labor groups that are the core grantees of NED.

This is a program that is working. It is producing significant results around the world.

I strongly support this amendment, and urge my colleagues to adopt it.

I yield the floor.

Mr. BUMPERS addressed the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I would like to say to my very dear friend, Senator FEINSTEIN from California, who is anxiously awaiting the floor so she can get into the ninth circuit debate, that I am going to object to moving to that amendment until this amendment is disposed of.

Let me also say that I am prepared to enter into a time agreement, but not yet.

Let me start off by saying that Rasputin was a piker compared to the National Endowment for Democracy. It took him a long time to die, and it has just taken forever for this boondoggle to die.

I have heard so may people in this body lament the size of Government, the waste of Government, the terribleness of Government, and here is $30 million of wasteful Government spending. There was actually an effort to get NED's appropriation up to $50 million 3 years ago.

I can tell you that, in this Senator's opinion, the National Endowment for Democracy is without question the biggest waste of money I can think of next to the space station. That is saying something.

It is a cold war relic. Everybody in this body knows that the National Endowment for Democracy was started in 1983 as an answer to communism in the world. We were not only spending $250 to $300 billion a year on defense at that point—that was not enough to contain communism around the world—we decided to add $18 million to bring democracy to the world. We started this program with $18 million in 1983, and a year after that, it soared up to about $23 million; the year after that, $27 million, then $35 million. Then, finally, I was able to get it back to $30 million 2 years ago. And this year, in this bill, thanks to the very good judgment of our chairman of this subcommittee, Senator GREGG of New Hampshire, it was sacked as it richly deserved.

Mr. President, we have been holding hearings in the Governmental Affairs Committee. And the headlines in the paper since January have been in anticipation of those hearings about foreign influence in American elections. I want to say that if China had had any judgment at all they would have consulted with the NED before they started trying to influence American elections.

The National Endowment for Democracy has as good a record of meddling in foreign elections as any organization the Earth has ever known. They tried to clean it up a little bit. They used to be very overt, and made no bones about who they were giving money to. But they are still giving out money to influence foreign elections.

One of the things that is the most intriguing of all is: Who do they give this $30 million to?

At the expense of sounding terribly arrogant, I would just like to say that on the debate on the space station which occurred day before yesterday, I daresay if that debate were held on national television before an American audience of every voter in America, the space station would be dead, dead, dead, at this moment, by an overwhelming vote. But, unhappily, all the people who might be watching that telecast wouldn't be interested in those few jobs that NASA has put in their State.

But now when it comes to boondoggles and giving away money, I invite my colleagues' attention to this:

What happens to this $30 million? It took me 2 or 3 years for the realization really to soak in that this actually is the case.

Out of the $30 million, first of all, 15 percent of it, 15 percent of it, or $4.5 million, goes for NED Administration. And if you look at the way the money is spent, you will find a lot of it going for first class airfare to transport people all over the world, people who every year will write letters to the people who are engaged in this debate. They will write letters about what a wonderful program NED is.

You think of it. If a food stamp program had a 15 percent administrative cost, we would kill it dead. We would not tolerate that for a moment. But we are willing to put aside $4.5 million, 15 percent of this $30 million, and allow NED to use that for administrative expense.

But that is not the worst of it. We give the money out as follows. Listen to this, colleagues. CIPE—that's a nice acronym, isn't it. CIPE gets 13.75 percent of the money—$4.125 million. Who is CIPE? I bet you never heard of them. CIPE stands for Center for International Private Enterprise, but they are really the U.S. Chamber of Commerce. This is a little offspring of the chamber of commerce, CIPE. We give them a neat $4,125,000 out of this $30 million.

Let me ask you this: how much of that do you think they spend on administration? Bear in mind, 15 percent comes off the top for NED administration. Then you give the chamber of commerce $4.125 million, and what do you think their administrative expense is?

Then to even things up, we give an organization called FTUI, to make things even we give them 13.75 percent, also $4,125,000, the same amount we give the chamber of commerce. Who is FTUI? The Free Trade Union Institute. Why, that's the AFL-CIO. You cannot give money to the chamber of commerce unless you are willing to balance it out and give the AFL-CIO another $4,125,000. And what do you think their administrative expense is? Lord only knows. I cannot find out.

So you have the administrative expense of the chamber; you have the administrative expense of the AFL-CIO; you have the 15 percent for NED right off the top.

We are not finished. Now we go to the IRI. Whoever heard of the IRI? Now, this is going to be hard for you to believe. I will tell you who the IRI is. That is the International Republican Institute—the Republican Party. Can you believe this, another 13.75 percent, $4,125,000. We have to be evenhanded. We have to give the chamber $4.125 million, have to give the AFL-CIO $4.125 million, have to give the Republican Party $4.125 million.

And then we get down to the fourth organization, NDI. Who do you think NDI is? Why, you guessed it. It is the National Democratic Institute—the Democratic Party. And we are going to give them 13.75 percent. They get $4,125,000. I will say one thing. What do you think the administrative expense is for all those four organizations on top of the 15 percent administrative expense of NED? Who knows? The National Endowment for Democracy is an egalitarian group; they treat everybody the same. But some are more equal than others.

Here is the portion for everybody else. After you get through giving it out most of the money to all these groups who we know will send members to the Senate every year to tell us how wonderful NED is so we will give them another $30 million the next year after they evenhandedly give everybody $4.125 million in exchange for writing Senators here saying how wonderful it is, they have $9 million left. That's what everybody else gets.

Do you know what that amounts to? It comes to an average of $41,096 for all the grantees who are not part of the chamber of commerce, the AFL-CIO, the Democratic Party or the Republican Party. Everybody else, the other grantees—there are 218 of them for 1996, 218 grants made with the remaining $9 million, gets an average of $41,096. Now, ain't that something—218 grants. When you get past the big boys, the Republicans, Democrats, labor and the chamber, you have 218 grants, $41,096 each. What are they going to do with that? That will not even buy enough first class air tickets to get to the election in Cambodia or wherever. And what is the administrative expense for those 218 grantees? You talk about money well spent and saving the world through democracy.

Mr. President, we spend on the Agency for International Development about $4 billion a year. And did you know that I am a great champion of that program? And do you know what that is for? That is to help countries help themselves. That is to help them generate electricity so they can develop. That is to teach them how to plant crops so they can feed themselves. And it is also designed to make those people feel kindly toward the greatest democracy of all, the United States of America. And about $450 million of AID's budget is for democracy-building projects.

And then there is Public Law 480, popularly known as Food for Peace—over $1 billion a year. Do you know who favors that? The Senator from Arkansas. We help feed people who cannot feed themselves. Mr. President, Public Law 480 has been around as long or longer than any Member of the Senate, with a couple of exceptions, and it is designed to help people keep from starving.

Do you know what else it is designed to do? It is designed to help them feel kindly toward the United States, that great citadel of democracy.

Then, Mr. President, there is that $13 to $14 billion a year we spend on that terrible thing that the American people have such misconceptions about called foreign aid. And you know something else? I vote for that. I vote for foreign aid. Never made any bones about it. No. 1, it helps farmers because that money also buys food. It helps industry because people buy American products with the aid we give them. It is money well spent.

Do you know what else we expect to get out of it? We expect people to want to be like us. We expect them to want to be democratic. We expect them to want to be free and enjoy the same kinds of freedoms we enjoy here in the United States.

I have just finished listing for you all those billions of dollars we spend for what? To try to build democracy around the world. What good do you think this $30 million will do in changing China from a Communist nation to a free democracy? None. It is utter waste, $30 paltry million dollars that ought to be saved. It is nothing.

You have the Voice of America. You have these radio programs to influence the rest of the world about the joys of democracy and how great the United States is. And $450 million for the Agency for International Development is for democracy building. This is nothing in the world, but in 1983, when Ronald Reagan was President and everybody thought the Communists were going to come up the Potomac River and get us any minute, we thought, well, we will just dump a little more money into this democracy-building business.

You know something else. It was never intended—I want everybody to understand this. It was never intended that the National Endowment for Democracy would be a federally funded agency. We started it off with $18 million with the clear understanding that within a short period of time they were going to have to stand on their own feet with private contributions. We never intended for that to be another perpetual Government program. And so last year, 1996, do you know what their report shows? Out of $30 million, they collected from the private sector $541,000. And if I am not mistaken that is their high watermark.

It is just like so many other Federal programs. It is a program that becomes self-perpetuating because a lot of people find it to their advantage. It is difficult when you think about how I was trying to save $100 billion, 2 days ago, on the space station. Here I find myself just as exercised, just as exercised about $30 million because it doesn't really matter. It is money that ought not to be spent. The taxpayers have a right to expect more of us. Can you imagine, Mr. President, can you imagine members of the AFL-CIO and the Chamber of Commerce sitting around the table with some people from a foreign country and trying to explain the joys of democracy, the Chamber member representing what democracy means to him, the head of the labor union telling what democracy means to him.

Why, if those people on the other side were not confused beforehand——

Mr. GREGG. Will the Senator yield?

Mr. BUMPERS. I will be happy to yield for a question.

Mr. GREGG. I was wondering if the Senator would be willing to enter into a time agreement so that we could move on with the bill. The Senator mentioned that after he had spoken for a while he might be willing to consider that. He has spoken now for approximately 40 minutes and the other side has taken approximately the same amount of time.

I was wondering if we could enter an agreement which would limit debate to an additional hour with the time equally divided between the proponents and the opponents and have a vote here at 4:30.

Mr. BUMPERS. Mr. President, let me say to my distinguished chairman, of course, I sit on this subcommittee and he is doing an excellent job. One of the greatest day's work he ever did in his life was when he torpedoed NED in the bill. But let me say, to accommodate the chairman, I will be delighted to agree to 1 hour equally divided, 30 minutes on a side, with a vote to occur at 4:30.

Mr. GREGG. If there is no objection from the other side, I would ask unanimous consent that the vote on the pending amendment be at 4:30, with the hour equally divided.

I would ask, additionally, after the vote on the second-degree amendment offered by Senator MCCONNELL, if the next matter before the body could be the matter of the ninth circuit and the amendment of the Senator from California.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would ask in that unanimous-consent agreement I be allowed 10 minutes.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. If I may ask——

The PRESIDING OFFICER. Is there objection to the request?

Mr. BUMPERS. There is objection—reserving the right to object, is the request of the Senator from New Hampshire on the McConnell amendment or on the Lugar amendment?

Mr. GREGG. I believe the pending amendment is the second-degree. Whatever amendment is presently pending would be the intention of the Senator.

The PRESIDING OFFICER. The current amendment which is pending is Amendment 982 offered by the Senator from Kentucky, [Mr. MCCONNELL].

Mr. GREGG. And the yeas and nays have been asked on that, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. And the Senator from Arizona is asking for 10 minutes. I would suggest that neither myself nor the Senator from South Carolina, both of whom are involved in this issue, have had an opportunity to speak. So we may have to add a little bit more time. Why don't we add an additional—have the vote be at quarter of 5, add an additional 15 minutes with the time, an hour and 15 minutes equally divided, and 10 minutes to the Senator from Arizona. Is that acceptable?

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object.

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been on the floor for the substantial period of this debate. It is my intention to speak on this as well. I have no objection to a time agreement provided there is sufficient time.

Mr. GREGG. How much time would the Senator need?

Mr. DORGAN. Mr. President, 10 or 15 minutes. I guess I would like 15 minutes. I may not use all of it, but I have waited for some while, and I intend to speak in support of it.

Mr. GREGG. The Senator from North Dakota would like 15 minutes, the Senator from Arizona—does the Senator rise in support or opposition to the amendment?

Mr. MCCAIN. I rise in support of the Lugar amendment.

Mr. GREGG. Well, I represent we will get the Senator his time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, it would be my intention at the conclusion of that time to move to table the Lugar amendment. Of course, if that would prevail, it would take the McConnell amendment with it. When we talk about voting at 4:30, I want to reserve the right to make that motion to table at the expiration of that period of time. So the unanimous-consent agreement does not necessarily pertain to the McConnell amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent, or I will ask unanimous consent as a part of my assent to the idea before us, that I have the right to withdraw my amendment, and I would say, for clarity of all sides, my intent would be to send an amendment to the desk promptly thereafter. I simply want to make certain that all sides know this, so there is not any misunderstanding. But I reserve the right to object until I am certain I could withdraw my amendment and send an amendment to the desk.

Several Senators addressed the Chair.

Mr. GREGG. Mr. President, I withdraw my request, and we will just proceed here and see what happens.

The PRESIDING OFFICER. The Senator from Arkansas retains the floor.

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

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in opposition to the amendment that is pending and in support of the underlying bill, obviously. I think the Senator from Arkansas had certainly outlined rather effectively the problems with NED, the expense of this program, and the fact that the program, for all intents and purposes, involves a passing of Federal tax dollars, hard-earned tax dollars, on to a number of groups for the purposes of exercises which are of questionable value in the post-cold-war period: the Democratic National Committee, Republican National Committee, the AFL-CIO, and the Chamber of Commerce being the primary beneficiaries of this fund.

I call this the club fund. You know, here in Washington there are a lot of folks who are sort of part of a club. The city has a bit of a clubby atmosphere. It is a you-scratch-my-back-and-I-scratch-your-back club. This is sort of one of the funding mechanisms for the club. I am not too surprised that some community of the press supports the exercise because the club, regrettably, involves some of the press, too. But, as a practical matter, there is very little substance done here.

Let's take China, for example. I suppose if there is an example of a nation where we have concerns about democracy and its impact on our future as a country, China is probably it. How valuable is NED in relationship to China? Well, last year NED sent a lot of people over there. A lot of people took airline flights over there. There were a lot of good trips, I am sure, to China. China is a nice place to visit. I am absolutely sure of that. A lot of people had an opportunity to go there, people who were members of the Republican National Committee, Democratic National Committee, AFL-CIO activists, Chamber of Commerce activists, people who are friends—a lot of people who were friends of members of these different organizations went on trips. All of them went to China for a variety of meetings, and NED committed $2 million for various programs. They had about, I think, about 20 or 30 different meetings in China to tell China how to become a democracy; $20 million for 1 billion people. That works out to about 2 cents a person. I think they must have distributed toothpicks that said ''vote'' on them for 2 cents a person.

The fact is, it had absolutely no impact. All it did was represent a nice trip for a bunch of folks from the United States who probably looked forward to going to China and meeting some folks in China.

The inverse, of course, is that when China tried to influence our elections, I

think we generated a fair amount of outrage here in the United States about that. We are still looking for Charlie Trie. Maybe he is working for NED in China now. The fact is, the influence of elections in the United States by a foreign country tends to really antagonize a few people—as it should, in the post-cold-war period. And vice versa. You know? Vice versa.

So what's the purpose of NED? The purpose of NED is to, for the most part, be a nice gathering of folks who find it is a very effective way to fund various trips, various get-togethers around the globe. What does this amendment suggest we do to pay for these trips, to pay for this club activity? What is the suggestion of the way they are going to fund this? They are going to take the money out of the State Department capital account.

Yes, the White House did not ask for as much money in the capital account as we put into it, because the White House wanted to spend the money on the United Nations and on international operations, international organizations. So they raided that fund for that account. That is a little more legitimate than NED but not a whole lot more legitimate than NED when you are talking about the capital account of the State Department.

I submit to the people who are supporting this amendment that maybe they should read a few of the reports from the State Department about the present status of the State Department's capital situation. Maybe the people who offered this amendment would like to call up the United States on a dial telephone from Lagos. Maybe the people who offered this amendment would like to be working on a Wang computer that cannot communicate with any other computer in the United States. That is what we subject our people to at the State Department.

The present infrastructure of the State Department is a disaster. They can't call home. And the practical effect of this amendment is that a lot of them aren't going to be able to call home. Or maybe when you have a constituent who has a family member who has run into a serious problem in one of these Third World nations and you are out trying to help your constituent out, you are going to be really upset that the State Department can't communicate with its people in the field effectively because 82 percent of the State Department radio equipment, 55 percent of their computer equipment, and 40 percent of their telephone equipment is totally obsolete.

So what does this amendment suggest? It suggests we keep it obsolete so we can fund a bunch of folks at the Republican National Committee, Democratic National Committee, the AFL–CIO, and the Chamber of Commerce—who happen to have the best computer equipment in the world, the best communication equipment in the world—so we can fund them for their trips. What an absolute outrage.

I cannot believe that we would consider doing this to the people who work at the State Department. It is an absolute affront. This is important. Yes, somebody said, this is serious business. You are darned right this is serious business. This is very serious business. You go out to these embassies in some of these Third World countries and you see what we subject our people to, and it is not right. They take their families along with them. They take their families along with them, and they get into some of these countries where Americans aren't all that popular, and their families are driving to work some morning, or driving to school, and their lives are threatened and they have no secure vehicles to travel in because we can't fund it—because we can't fund it. But we can fund a first-class airline ticket to China for somebody here in the United States to go to a meeting to talk about stuff and come back and have a good time on the trip. But we can't fund the protection of an American family serving overseas. It's really incredible.

I heard somebody on this floor citing an editorial from the Wall Street Journal, or some commentary in the Wall Street Journal. You tell me the last time a reporter at the Wall Street Journal used a Wang computer to file their story. You tell me when that happened. Wang was a great company. It started right down the road from where I live. We were very sad to see it go by the way. The fact is that it did. Yet we still ask our people in the field to use Wang computers.

This amendment takes from the capacity of the guys and women who are in the field doing the job of presenting American policy, it takes out of their hands the capacity to do their job and gives it to a bunch of folks who may be well intentioned but who do not accomplish a whole lot.

I just find it unbelievable that the account into which you would dip to pay for the NED is the account which is absolutely critical to upgrading the State Department and giving our people in the field an adequate opportunity to represent us. But that is the amendment, and I look forward to this vote with some enthusiasm because this is going to be a real test of who really cares about the future of our State Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, you know now why, in my opening statement on this particular measure, I said I was so enthused about working with the distinguished chairman, the Senator from New Hampshire—he laid it on the line. Last December we had a NATO conference in Paris whereby we elected the distinguished Senator from Delaware the president of the North Atlantic Treaty Organization Council. Senator ROTH is now the president.

Pamela Harriman, the distinguished Ambassador, was there, and she knew that I was ranking member and had been the chairman. The word had gotten around of our attempt to try to bring the State Department from the Third World into the first world. I am aghast here that those who chaired foreign relations would put in such an amendment, to tell you the truth. I feel just as strongly as the Senator from New Hampshire. Because Pamela Harriman came to me and said, ''Can I meet you in the morning?'' Then we met for the entire morning. We spent the morning together.

Exactly what the Senator from New Hampshire said was pointed out. Although the Embassy in Paris was nice, their equipment was outdated. Their computers were totally obsolete. They couldn't even get replacement parts for it. Their communications had broken down. They had a premier facility, an embassy, with hundreds of Americans coming in daily—I don't know how you handle a post of that size—but I wouldn't even volunteer for it. It wouldn't be an honor; it would really be a drag, because trying to keep up with national policy while dealing with the visiting firemen and repairmen and all the other problems, the problems that ensue in a wonderful city like Paris. It is really hard work—she was doing an outstanding job. I said to her—the Assistant Secretary, Dick Moose, who used to head up our Foreign Relations Committee, and I have been trying to increase funding for the capital account to modernize telecommunications, to modernize computerization and other equipment in hopes of doing all the good things that the distinguished Senator from Kentucky says that NED does.

Let's assume it is true, and I can tell you, I opposed this in the very beginning and then finally said, ''I'm wasting my breath.'' The one time I actually supported it was when the current Secretary of State, the distinguished Secretary Albright, came to me and said,

> We've got an election in Budapest, Hungary, and we can buy some old printing presses out in Indiana and print up voting bills to be handed out and ballots to help conduct an election.

Now everyone is bothered about foreign governments trying to influence our elections? Heavens above, the other day we had, I think, 99 votes commending Mexico on its elections because it was the first time the United States stayed out.

We have been funding activities through Wall Street or otherwise down there with the PRI. That is a big financial fix. Paying off the Mexican debt was just a refinancing. Nothing went to the Mexican people. It all went back up to the banks on Wall Street. It is time we sober up and understand. My colleagues should get the American Chamber of Commerce report in Mexico City 60 days ago and see what it says: Unemployment is down, the economy is down and the forecast is no recovery for several years to come. NAFTA

hasn't worked. It has worked for the financial crowd, and it has worked for those who want to export the industrial backbone of America.

I reviewed, as a member of the Hoover Commission in the fifties, the Central Intelligence Agency. That was our primary function. I can see Sonny Purfoy in the Guatemala election. I can see him in the Greek election. His job was to run elections the world around.

So the Chinese learned to do a little bit of that, and now we are going to have a big Federal program and spend millions of dollars, all to get on national TV to express our horror and surprise. Mature individuals ought to quit acting like children, and let's move on and let's get the work of the Government done. Now that is what I want to speak about, the work of the Government, namely the State Department.

Assume everything said by the distinguished Senator from Indiana, everything said by the distinguished Senator from Kentucky is absolutely true and ought to be done without apology by the Department of State. What is wrong with that? What is wrong is under communism, we said, ''Well, we couldn't do that.'' We always apologized because of our democracy and our freedom and our individual rights.

The Department of State ought to be around as the foremost lead organization, not the Department of Defense, now with the fall of the wall. We ought to be selling democracy. To Secretary Christopher's credit, he finally got them doing business.

I started back 37 years ago as Governor of South Carolina. I went down in Rio de Janeiro and, like the distinguished Senator from North Carolina, Chairman HELMS, I thought of them in that same vein. Why? Because the United States Ambassador, standing up with the Governor of Guana Bera, in the Embassy in Rio in Brazil, reached over into my glass and pulled the ice out of it and threw it on the floor and said, ''Don't drink that, Governor, the ice is dirty in this country.'' How do you think I felt? I said, ''That fellow doesn't have any manners.'' But a lot has happened in 37 years.

Our Department of State has outstanding personnel the world around, and they are trying to work in the business field to help spread capitalism. In my opinion that is what really prevailed with the fall of the wall. It wasn't the CIA or anything else. It was capitalism. I served on the Intelligence Committee, and they never briefed us that the wall was about to fall.

So be that as it may, let's bring our Department of State in and put in a billion more. They gave a billion more in foreign aid and less to the Department of State. The distinguished chairman, the Senator from New Hampshire, comes around and finds some money here, and we put it in the infrastructure to try to build up the Department of State. We come around and we have a crowd that says, ''No, the Republican Party, the Democratic Party, the AFL–CIO, the chamber of commerce''—now, by gosh, they have their minions all over this Capital City, and so they can fix the vote and tell what wonderful work it does. Well, if it is wonderful work, let's let the Department of State, without embarrassment or apology, perform it.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have on previous occasions come to the floor of the Senate to support amendments offered by the Senator from Arkansas to strike the funding for the National Endowment for Democracy. I must say that I was surprised and very pleased by the actions taken by the Senator from New Hampshire and the Senator from South Carolina and the subcommittee to strike the funding in the subcommittee and recommend to the full Senate there be no funding for the National Endowment for Democracy.

The chairman and the ranking member say it very simply. They simply cut the $30 million out. In their report, they tell us that:

> The National Endowment for Democracy was originally established in 1984 during the days of the cold war as a public-private partnership to promote democratic movements behind the Iron Curtain. Limited U.S. Government funds were viewed as a way to help leverage private contributions and were never envisioned as the sole or major source of continuing funds for the National Endowment for Democracy.

I might say parenthetically, it wasn't really a private-public partnership, it was public funding. There was never very much private money available. But the subcommittee says:

> Since the cold war is over, the committee believes the time has come to eliminate Federal funding for this program.

Once again, I am pleased by this recommendation. I think it is the right recommendation.

We have a weed in North Dakota out in ranching and farming country called the leafy spurge. The leafy spurge is kind of an ugly weed. It grows anywhere, without moisture. You just can't get rid of it. You can cut it, you can spray it, you can mutilate it, you can dig it up, and you come back and it is still growing. We have some things in the Federal budget that remind me a little bit of leafy spurge. It doesn't matter what you do, you just can't kill it.

The chairman and the ranking member bring a proposal to this floor from the committee that says this program is a program that is done, it ought not be funded. I think the Senator from Arkansas, the Senator from New Hampshire, the Senator from South Carolina, and others, have said it well. Most taxpayers, I think, would be surprised to discover that we were spending nearly $30 million and we were dividing it up and saying to groups, ''Take this and go around the world and promote democracy.'' We would give a pretty big chunk to the National Democratic Party. Then we would give an equivalent chunk to the Republican Party, because you can't give to one without the other. Then we would give a big chunk of money to the U.S. Chamber of Commerce, and then give an equivalent amount of money to the AFL–CIO, and we would say, ''With this, promote democracy, promote free enterprise, promote unionism.''

It is 1997. The cold war is over. The Soviet Union doesn't exist. There is no Berlin Wall. There is no Warsaw Pact. Democracy has marched across the continents on this Earth, and yet, today, we face an amendment that says, ''Let us decide to continue to spend $30 million a year for the National Endowment for Democracy.''

I must tell you that I sort of view these things also in the context of what else is necessary to be done. The Senator from New Hampshire talked about trying to make a telephone call from a U.S. embassy on foreign soil to the United States or to use a computer in an American embassy abroad to try and connect to the United States. He talked about the Department's equipment needs, and I understand that. I think most of us have seen that first hand. He is talking about the needs of the State Department.

Those needs are great, and yet the funding to meet those needs is cut under this amendment, in order to pay for this $30 million for the National Endowment for Democracy.

There are other needs that frustrate me from time to time, sufficient so that I sit and grit my teeth and wonder why, why can't you get something so small done that would help people who are so important? But you just can't. And yet $30 million is available for a National Endowment for Democracy.

I think for 4 or 5 years, I have come to this floor to try to get, first, $1 million, then $2 million, to deal with the issue of child abuse on Indian reservations. I have been unsuccessful all these years to get that money.

I held a hearing one day, and at the hearing, we heard the story of Tamara DeMaris, a young Indian girl 3 years old who was put in a foster home, and they didn't have enough time to check out the foster home. So this 3-year-old girl was in this foster home, and a drunken party ensued. The 3-year-old girl was beaten severely, her hair was torn out at the roots, her arm was broken and her nose was broken. Why? Because she was put in a foster home and no one checked to see that the foster home was safe. Why? Because one person had 150 cases of children who needed help and didn't have time to check the foster home.

At a hearing on this issue of child abuse, I had a young woman sit at the table and begin to weep. She was in charge of child welfare. She said, ''I have stacks of folders on the floor alleging physical abuse and sexual abuse that haven't even been investigated because I don't have the money.'' She

began to weep. She said, ''I don't even have the ability to transport kids to a doctor.''

I tried for 4 or 5 years to get money to start a pilot project to deal with those child abuse issues. The money is not available. But $30 million for the National Endowment for Democracy? A big chunk to the AFL–CIO, to the chamber of commerce, to each political party, and then send some contracts around the world, fly around the world to meetings in the biggest cities in the world and talk about democracy?

We are going to come to a portion of appropriations, as the Senator from Arkansas said, where we will spend $4 billion for something called the Agency for International Development. That is a program that promotes democracy abroad. That is a program that helps people around the rest of the world. Four billion dollars, I am told. The U.S. Information Agency is a program that helps people around the world; Food for Peace; the contribution we make to NATO.

I was asking somebody today, if we contributed the same amount of our national income as all of our NATO partners do to the defense of Europe, what would it mean to us? I discovered something interesting: $100 billion a year of savings. If we were contributing the same average amount for defense as all of our allies are contributing, $100 billion a year. Think of that.

So we spend $100 billion extra a year to promote democracy, to help our allies, to help defend the free world, and then we spend money in AID, we spend money in USIA, we spend money in Food for Peace in a dozen other ways, and then we want to duplicate it in a minuscule program that doesn't have a reason for being, except that we fund it and it sets up a very well-connected board. The Senator from New Hampshire said, I guess he called it the club, I think that was the reference.

I don't know much about this club. The names I see are some of the most distinguished Americans, no question about that, people for whom I have great respect. I would expect every single one of them associated with this organization would support the organization. I understand that.

The point is, we spend billions and billions of dollars supporting democracy abroad through this Government's programs—the foreign aid program, the Food for Peace Program, USIA, AID, and dozens of others—and there is not a need when the cold war is over, when there is no Soviet Union, when times have changed, to resurrect a $30 million program that this subcommittee decided it wanted to kill.

It is unusual to see a bill come to the floor of the Senate with a recommendation that says, you know, this program has outlived its usefulness. This program is no longer needed. This money ought to be saved. It is very unusual to see that happen here in Congress. But it happened today when Senator GREGG and Senator HOLLINGS brought a recommendation to the floor saying this organization that produces these slick annual reports is no longer necessary.

That conclusion is contested by some who say, yes, it is. We want $30 million more added to the bill to support the continued existence of this organization, the National Endowment for Democracy.

We live in the greatest democracy on the face of this Earth. Half of the people in the last election said they did not want to go vote. If we want to endow a democracy, let us invest this $30 million here, let us continue an investment in this democracy.

You know, I know some people look at, I suppose, some of the things I talk about on trade and other things I talk about and say, ''Well, it's some of the same old story, kind of isolationist, and don't understand things, can't see over the horizon. You just don't have the vision, the breadth of understanding that it takes to know why this is necessary.''

I think I do understand this.

I am not a foreign policy expert by any means, nor am I an isolationist, nor do I believe the world is growing larger—it is growing smaller—nor do I believe that we do not have to be involved in what is happening in the rest of the world. But this country can no longer afford to spend money it does not have on things it does not need. And it does not need the National Endowment for Democracy, an organization with a fancy title, that gives its money to the AFL–CIO, the chamber of commerce, the two national political parties, and then goes without much strain to promote democracy abroad.

There is plenty of democracy to promote here at home, plenty of reasons to decide either to save this money or to invest it here in things we need to do in this country and use the promotion of democracy as it is effectively done in AID, in USIA, and Food For Peace, and so many other organizations, yes, including, as Senator BUMPERS said, the foreign aid bill. That is where we promote the principles of democracy abroad. It is where it should be promoted.

Finally, let me just say this. This organization was created on a recommendation offered in 1983, created in 1984 in the middle of the cold war, I assume for good purposes at that time, for people who felt it was a necessary organization. It is now no longer necessary.

The subcommittee is dead right. This is a colossal waste of the taxpayers' money. If we cannot kill this organization, and end this funding, then in my judgment we have a very difficult time taking a look at other areas of questionable funding and making the right choice.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I withdraw amendment No. 981.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 981) was withdrawn.

AMENDMENT NO. 984

(Purpose: To make appropriations for grants through the National Endowment for Democracy)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself, Mr. LEAHY, Mr. MCCONNELL, Mr. GRAHAM, Mr. DODD, Mr. ROTH, Mr. LIEBERMAN, and Mr. MACK, proposes an amendment numbered 984.

Mr. MCCAIN. I ask unanimous consent that further 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 last word in the bill and substitute the following:

''1998

''SEC. . NATIONAL ENDOWMENT FOR DEMOCRACY.

''For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended. The language on page 100, line 24 to wit, '$105,000,000' is deemed to be '$75,000,000'.''

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 985 TO AMENDMENT NO. 984

(Purpose: To make appropriations for grants through the National Endowment for Democracy)

Mr. MCCONNELL. I send a second-degree amendment to the Lugar amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LEAHY, Mr. LUGAR, Mr. GRAHAM, Mr. DODD, Mr. ROTH, Mr. LIEBERMAN, and Mr. MACK, proposes amendment numbered 985 to amendment No. 984.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that further 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 word ''1998'' on line 4 of the underlying amendment and substitute the following:

SEC. . NATIONAL ENDOWMENT FOR DEMOCRACY.

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended. The language on page 100, line 24 to wit, ''$105,000,000'' is deemed to be ''$75,000,000''. This shall become effective one day after enactment of this Act.

Mr. MCCONNELL. Mr. President, let me just say very briefly—we are anxious to hear from Senator MCCAIN, and move on to a vote—the capital investment account referred to by the distinguished chairman of the subcommittee and the ranking member will still be $105 million after the Lugar amendment is approved. That would exceed the President's request by $10 million and exceed the 1997 level of last year's bill by $80 million.

The distinguished chairman of the subcommittee certainly raises a valid point with regard to the infrastructure at the State Department. But it will be substantially increased for all the purposes he alluded to even after the amendment restoring the National Endowment for Democracy is hopefully approved.

Just one other point, Mr. President. I just want to mention a letter that was sent to the chairman and the ranking member in support of the National Endowment funding at $30 million signed by, in addition to Senator LUGAR and myself, Senator GRAHAM, Senator MIKULSKI, Senator LAUTENBERG, Senator MACK, Senator SARBANES, Senator COCHRAN, Senator LIEBERMAN, Senator HATCH, Senator Bob KERREY, Senator INHOFE, Senator DODD, Senator ABRAHAM, Senator KENNEDY, Senator MURKOWSKI, Senators LEAHY, ROTH, KERRY of Massachusetts, ROBB, LEVIN, BREAUX, KYL, DEWINE, COVERDELL, JEFFORDS, MOYNIHAN, REED, HAGEL, TORRICELLI, THOMAS, REID, ROCKEFELLER, FRIST, and of course the distinguished Senator from Arizona, who is about to speak who has been an enthusiastic supporter of this program over the years.

The NED, many of us feel, has done wonderful work, has broad bipartisan support across both party and ideological lines.

Mr. President, we hope the amendment offered by the distinguished Senator from Indiana will be approved.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the Senator from Kentucky and the Senator from Indiana have made I think a strong and compelling case for this amendment. I am grateful for what they have said and their active involvement in the pursuit of democracy throughout the world.

The Senator from Kentucky just recently completed action on an appropriations bill here that I think embodies frankly what the National Endowment for Democracy is all about. And of course the Senator from Indiana, Senator LUGAR, is acknowledged throughout the world, not only in this body, but throughout the world as one of the foremost experts on national security issues and foreign affairs.

Mr. President, I do not want to repeat a lot of the things that have already been said about this issue, except to try to define really what this debate is all about.

The Senator from North Dakota just talked about the fact that there was no use for this kind of activity by our Government. I understand that. I less understand the Senator from New Hampshire who I have always known to be a person who supported efforts for freedom and democracy throughout the world.

We have people, Mr. President, like Martin Lee, who everyone recognizes as the voice of human rights and freedom in Hong Kong. He says:

> In Hong Kong and elsewhere in Asia and around the world, the struggle to preserve democracy, political freedom and the rule of law is far from being won [is far from being won]. But by supporting key human rights organizations which work for the development of democracy and the preservation of the rule of law and human rights in Hong Kong, the Endowment's work in Hong Kong has had a profound effect at a critical time.

I do not know if the Senator from Arkansas, who I have debated this issue for several years with, takes the time or the effort or the trouble to hear from people like Martin Lee and Harry Wu, and people who have suffered—who have suffered—on behalf of fighting for human rights and freedom in their countries.

I wish the Senator from Arkansas would take some time and listen to these individuals, not me, not the Senator from Kentucky, not the Senator from Indiana, but why don't you, I would ask the Senator from Arkansas, listen to people like Martin Lee and Harry Wu, the Dali Lama, the Prime Minister of the National Coalition Government of Burma, the former chief of staff of the President of Chile, the President of Lithuania, the list goes on and on, names that are not known to some in America but are known throughout the world in their struggle for freedom in virtually every part of the world. That is why I am a bit puzzled and confused by the length of this debate and, frankly, the emotion associated with it.

As has already been noted by the Senator from Indiana and the Senator from Kentucky, there is an editorial in the Wall Street Journal this morning. I quote:

> Hong Kong democratic leader Martin Lee, who faces tough battles ahead in coping with Hong Kong's new Beijing landlords, penned a letter to Senator CONNIE MACK begging him—begging him—to help save the NED. Senator BOB GRAHAM has heard from Sergio Aguayo of the Civic Alliance, which has a strong hand in promoting the multiparty democracy now taking root in Mexico.

The list goes on and on.

> One achievement of this Ronald Reagan brainchild was to help Poland's Solidarity break the grip of the Soviet Union in the Cold War days.

It goes on and on.

Mr. President, as I said, I am not going to take a lot of time. I just want to say as strongly as I can, in the end I think it is fair to say that the opponents of the National Endowment for Democracy are those who define this country only by what we are against and not by what we are for. It is enough for them that the United States opposed communism, and once the threat communism posed to our own security was defeated, they viewed America's role as the champion of liberal democracy to have become an expensive vanity which deserved to disappear with the Berlin wall.

But such a cramped view of American purpose ignores the service and sacrifice of hundreds of thousands of Americans who were ordered into innumerable battles, not just in defense of American security, but of American values.

It ignores the aspirations of our Founding Fathers who conceived of this Nation as an inspiration for and friend to all peoples who sought their natural right to life, liberty, and the pursuit of happiness.

It ignores the wisdom of Abraham Lincoln who knew that the outcome of our Civil War would affect the world as profoundly as it affected our own society. And it ignores the generous spirit of Ronald Reagan who believed that supporting the forces of democracy overseas was our abiding moral obligation, just as it was a practical necessity during the cold war.

I am proud of America's long and successful opposition to communism, but being an anticommunist is not enough. It was never an end in itself. We are all small ''d'' democrats in our efforts to help secure the blessings of liberty of what truly distinguishes American history from all other nations on Earth. It was necessary to defeat communism to protect the well-being of Americans, but it was also necessary to defeat communism because it threatened America's best sense of itself and our sublime legacy to the world.

Mr. President, $30 million is a small investment in preserving that legacy. And I ask all my colleagues to keep faith with the many revered Americans who paid a much higher price than that to keep America a beacon light of liberty.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am delighted I was here to hear the Senator from Arizona comment on the program. I will call attention to the fact that the bill in the other body has the same amount of money that is in the amendment as proposed here. This matter will be at conference. And it will be a long and sustained conference whether this amendment is adopted or not.

I believe that we should keep on course. I am not an opponent of this matter. As a matter of fact, I have always voted for it. But I do not think it gains anything to have a prolonged discussion here at this time. I will assure Senators who support it, we will do everything in our power to assure the conference of their objectives at conference. But I move to table this

amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 984

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

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''no.''

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

The result was announced—yeas 27, nays 72, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—27

Allard	Conrad	Hollings
Baucus	D'Amato	Kohl
Bingaman	Dorgan	Lott
Boxer	Faircloth	Nickles
Breaux	Feingold	Shelby
Bumpers	Ford	Stevens
Byrd	Grassley	Thompson
Cleland	Gregg	Warner
Cochran	Helms	Wyden

NAYS—72

Abraham	Gorton	McCain
Akaka	Graham	McConnell
Ashcroft	Gramm	Mikulski
Bennett	Grams	Moseley-Braun
Biden	Hagel	Moynihan
Bond	Harkin	Murkowski
Brownback	Hatch	Murray
Bryan	Hutchinson	Reed
Burns	Hutchison	Reid
Campbell	Inhofe	Robb
Chafee	Inouye	Roberts
Coats	Jeffords	Rockefeller
Collins	Johnson	Roth
Coverdell	Kempthorne	Santorum
Craig	Kerrey	Sarbanes
Daschle	Kerry	Sessions
DeWine	Kyl	Smith (NH)
Dodd	Landrieu	Smith (OR)
Domenici	Lautenberg	Snowe
Durbin	Leahy	Specter
Enzi	Levin	Thomas
Feinstein	Lieberman	Thurmond
Frist	Lugar	Torricelli
Glenn	Mack	Wellstone

NOT VOTING—1

Kennedy

The motion to lay on the table the amendment (No. 984) was rejected.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, there is overwhelming opposition. But I do want to tell the Senate that we are spending time on an amendment that deals with a subject the House has always insisted on in conference. I don't know why we spend time debating here on the floor whether or not we are going to give this subject approval by the Senate, because it is one item that the House will not let us come out of conference on unless we approve it. So we have taken time to get negotiating room with the House, and the Senate won't let us have it. I am sorry to say that I think the Senate just made a mistake.

AMENDMENT NO. 985

The PRESIDING OFFICER. If there is no further debate, the pending business before the body is the second-degree amendment by the Senator from Kentucky.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 985) was agreed to.

Mrs. FEINSTEIN addressed the Chair.

AMENDMENT NO. 984, AS AMENDED

The PRESIDING OFFICER. The question is now on the first-degree amendment, as amended. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 984), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 986

(Purpose: To establish a Commission on Structural Alternatives for the Federal Courts of Appeals)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LEAHY, Mrs. MURRAY, Mrs. BOXER, Mr. REID, and Mr. BRYAN, proposes an amendment numbered 986.

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

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

The amendment is as follows:

On page 93, line 5, strike all through line 15 on page 97 and insert the following new section:

SEC. 305. COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.

(a) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the ''Commission'').

(2) FUNCTIONS.—The functions of the Commission shall be to—

(A) study the present division of the United States into the several judicial circuits;

(B) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(C) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 10 members appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Chief Justice of the United States.

(C) Two members appointed by the Majority Leader of the Senate.

(D) Two members appointed by the Minority Leader of the Senate.

(E) Two members appointed by the Speaker of the House of Representatives.

(F) Two members appointed by the Minority Leader of the House of Representatives.

(2) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(3) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(5) QUORUM.—Six members of the Commission shall constitute a quorum, but three may conduct hearings.

(c) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(2) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(d) PERSONNEL.—

(1) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(3) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(4) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(e) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of

the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(f) REPORT.—No later than 18 months following the date on which its sixth member is appointed in accordance with subsection (b)(2), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(g) CONGRESSIONAL CONSIDERATION.—No later than 60 days after the submission of the report, the Committees on the Judiciary of the House of Representatives and the Senate shall act on the report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

Mr. D'AMATO addressed the Chair.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I believe the Senator from New York has a question. I yield to him for a moment.

The PRESIDING OFFICER. The Senator from New York is recognized.

STAMP OUT BREAST CANCER ACT

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendment be laid aside for up to 3 minutes; and I further ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1585, which was just received from the House.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, reserving the right to object, as long as the Chair will recognize the Senator from California following the handling of this measure.

The PRESIDING OFFICER. The Senator's request is so modified.

Is there an objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes.

The Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I am proud to support the breast cancer research stamp bill, H.R. 1585, sponsored by Congresswoman SUSAN MOLINARI and approved in the House of Representatives yesterday on a vote of 422 to 3.

I, along with Senators D'AMATO, FAIRCLOTH, and the original 51 cosponsors of my bill, the breast cancer research stamp Act (S. 726), have worked very hard to give life to this innovative breast cancer research stamp idea, which originated with a physician—Dr. Bodai from my State, and I am happy to see it become a reality today.

At a time when the National Cancer Institute can only fund 26 percent of applications, a drop from 60 percent in the 1970's, this legislation creates an innovative way for citizens to contribute to breast cancer research.

Under this bill:

Postal Service would establish a special rate of postage for first-class mail, not to exceed 25 percent of the first-class rate, as an alternative to the regular first-class postage. The additional sum would be contributed to breast cancer research.

The rate would be determined in part, by the Postal Service to cover administrative costs and the remainder by the Governors of the Postal Service.

Seventy percent of the funds raised would fund breast cancer research at NIH and 30 percent of the funds raised would go to breast cancer research at DOD.

The Postal Service would provide the stamp within a year from the date of enactment.

Within 3 months prior to the stamp's 2-year anniversary, the bill requires the Comptroller General to evaluate the effectiveness and the appropriateness of this method of fund raising and report its findings to Congress.

THE BREAST CANCER TOLL

There are 1.8 million women in America today with breast cancer. Another 1 million women do not know they have it; 180,200 new invasive cases will be diagnosed this year.

Breast cancer kills 46,000 women a year. It is the leading cause of death for women ages 35 to 52 and the second leading cause of cancer death in all women, claiming a woman's life every 12 minutes in this country.

For California, 20,230 women were diagnosed with breast cancer and 5,000 women will die from the disease. (Source: American Cancer Society—cancer facts and figures 1996.)

The San Francisco Bay area has one of the highest rates of breast cancer incidence and mortality in the world. According to the Northern California Cancer Center, bay area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay area African-American women have the fourth highest reported rate in the world at 82 per 100,000.

In addition to the cost of women's lives, the annual cost of treatment of breast cancer in the United States is approximately $10 billion.

The incidence of breast cancer is increasing. In the 1950's, 1 in 20 women developed breast cancer. Today, it is one in eight and growing.

While we know there is a genetic link to some breast cancers, we do not understand the fundamental cause. In hearings I held as cochair of the Senate Cancer Coalition, we learned that environmental factors may lead to as much as 90 percent of breast cancer. We know that breast cancer rates vary between countries and when people migrate, they tend to acquire cancer rates closer to those of newly adopted countries within a generation.

Over the last 25 years, the National Institutes of Health has spent over $31.5 billion on cancer research—$2 billion of that on breast cancer. In the last 6 years alone, appropriations for breast cancer research have risen from $90 million in 1990 to $600 million today.

And the United States is privileged to have some of the most talented scientists and many of the leading cancer research centers in the world such as UCLA, UC San Francisco, Memorial Sloan-Kettering, the Dana Farber Institute, and M.D. Anderson. But researchers need funding. Science needs nourishment. Without it, promising avenues of scientific discovery go unexplored. Questions go unanswered. Cures go undiscovered.

CITIZEN CONTRIBUTIONS

The breast cancer research stamp bill allows anyone who chooses to, to conveniently contribute to Federal research and to finding a cure for the breast cancer epidemic. It is an innovative idea originating with an American citizen and I am very grateful for the support of the House yesterday.

I urge my colleagues to support this important legislation.

Mr. THOMPSON. Mr. President, as chairman of the Governmental Affairs Committee, which has oversight responsibility for the U.S. Postal Service, I want to comment on H.R. 1585. This measure directs the Postal Service to issue a semipostal stamp, at a price of up to 8 additional cents per first-class stamp, to raise funds for breast cancer research. Clearly this measure has the votes to pass; a similar measure passed the Senate last week by a vote of 83 to 17. But I want the record to reflect my strong disagreement with it. I think it is a bad idea for several reasons. It will create a precedent for congressional authorization for the issuance of many other fundraising postal stamps for many other worthy causes. As all Members are aware, the Postal Service has plenty of challenges on which it should concentrate. Not all costs of undertaking this new program are quantifiable, and we will be distracting the Postal Service from its responsibility of providing the best delivery service at the lowest price. Note that it is likely that we will soon see an increase in the cost of mailing a first-class letter. If Congress believes additional funds should be spent for this or another purposes, Congress should appropriate the funds directly. That is our responsibility.

Mr. HOLLINGS. Mr. President, I want to convey my strong support for the Stamp Out Breast Cancer Act, H.R. 1585. I may have created confusion on this point by voting last week against an amendment offered by my friend Senator FEINSTEIN of California when

the Senate was considering the Treasury-Postal Service-general Government appropriations bill. I was concerned about initial reports that the Postal Service would have technical problems raising the projected funds. However, passage of today's legislation both solves those problems and properly authorizes the program. As a supporter of the war on cancer 26 years ago and the author of the pilot program which grew into the Centers for Disease Control's breast and cervical cancer screening program, I am very pleased to see this legislation enacted. The bottom line is that we need public awareness and research funds, and this legislation provides both. Again, I commend my friend Senator FEINSTEIN for her energetic efforts on this front and am pleased to support this bill.

Mr. D'AMATO. Mr. President, I ask unanimous consent the bill be considered read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place in the RECORD.

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

The bill (H.R. 1585) was passed.

Mr. D'AMATO. Mr. President, I want to thank the Senator from California for yielding. I think it is just gratitude at this time because there is no one who has worked harder than Senator FEINSTEIN in terms of the attempts to bring forward this passage.

This will permit the Postal Service to go forward with a program that will pay for it itself and dedicate 70 percent of the net proceeds to cancer research at NIH and give the other 30 percent to the Department of Defense.

We worked together on this with the House, and I think it is a great testimony to the dedication of bringing people together for a sole purpose.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I also want to thank the Senator from New York for his help on this matter.

We have had a true bipartisan effort with Ms. MOLINARI and Mr. FAZIO in the House and Senators D'AMATO, FAIRCLOTH and FEINSTEIN in the Senate. This bill passed the House on suspension. I believe it is an excellent bill. I think it will get the job done in a way in which we can all be proud.

The bill is slightly different than the bill that we introduced as an amendment on the fiscal year 1998 Treasury-Postal appropriations bill last week. This bill provides for up to 25 percent of the cost of a first-class stamp to be attached, the extra amount added to be used for breast cancer research. Of the amount of funds raised, 75 percent would go to the NIH, and the remainder to DOD.

It is something that is widely supported by virtually every medical and cancer association in the United States.

Let me say one thing. Breast cancer is the No. 1 killer for women between the ages of 35 and 52 in this Nation today. It used to be 1 out of 20 women. Today it is one out of every eight women in the United States will come down with breast cancer. It is extraordinarily serious. This is a unique public/private partnership, the first time it has been tried, a pilot, if you will. I know it has been hotlined. I am grateful for the results. I thank the Senator from New York so very much for his work and support and the pink ribbon he is wearing on his lapel, and I believe the women of America, all of us, also thank every Member of this body.

The PRESIDING OFFICER. The bill has been passed.

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

Mrs. FEINSTEIN. I certainly will.

Mr. BUMPERS. We debated this in the Appropriations Committee, as we know, for a short time. We voted on it the other day—a different proposition. I am not clear on the difference between the amendment the Senator is offering now and the one that was overwhelmingly passed in the Senate the other day. That was carried—a 1-cent increase in the 32-cent stamp, with the extra penny going to breast cancer research. This one, as I understand it—does this amendment take part of the 32 cents or does it also carry an increase in the 32 cents?

Mrs. FEINSTEIN. The amendment we are to be on is a Commerce, State, Justice amendment that I have sent to the desk involving the ninth circuit split. But before we start that, it is my understanding the bill has passed on the breast cancer stamp, and I would be very happy to discuss it.

Mr. BUMPERS. I did not realize the parliamentary situation. Could the Senator just take a minute to explain?

Mrs. FEINSTEIN. I will be very happy to.

One of the problems with the 1-cent stamp is the uncertainty of the post office that the administrative costs will be fully covered by the additional 1 cent. The legislation which passed the House, authored by SUSAN MOLINARI and DICK FAZIO, on suspension, essentially provides that it can be up to 25 percent —that would be about 8 cents, determined by the Board of Governors—so that the full cost of administering it is covered. The Board of Governors within a short period of time will set the actual amount, whether it is 1 cent, 2 cents, 3 cents or 4 cents, and I actually feel is a much better way of doing it. I think it will end up producing more money. I think it will give the post office fewer ulcers. I think it will be carried out forthwith. This has passed the House, and with the passage here today we can get the show underway.

The Board of Governors must, within 1 year of the enactment of the bill, issue the stamp.

Mr. BUMPERS. The Senator mentioned 25 percent. Is that 25 percent of 32 cents or is that 25 percent of something else?

Mrs. FEINSTEIN. It is 25 percent of a first-class stamp which right now is 32 cents.

Mr. BUMPERS. So 25 percent of that goes to the Postal Service to administer this program?

Mrs. FEINSTEIN. No. No. It allows an optional first-class stamp, up to 25 percent of the cost of a first-class stamp. In other words, it could add 8 cents onto it, on an optional basis. There would still be a 32-cent stamp. Then there would be this breast cancer stamp. All right. The Board of Governors in their deliberation would make a decision of administrative cost and then out of the 8 cents or 4 cents or 6 cents or 2 cents, whatever they decide, those administrative costs would come out of that additional amount.

Mr. BUMPERS. I follow you. And the rest of it then would go to the Department of Defense and the National Institutes of Health?

Mrs. FEINSTEIN. That is correct.

Mr. BUMPERS. I thank the Senator.

Mrs. BOXER. Will the Senator yield for a moment?

Mrs. FEINSTEIN. I would be happy to.

Mrs. BOXER. I thank the Senator for her leadership on the breast cancer stamp. I was proud to be one of the cosponsors of the stamp. I know how hard she worked. I know it took many, many hours of work. I was sitting in the Appropriations Committee when the committee chose to await action on the floor. I know that a couple of the senior members of the committee were not that enthusiastic. But I do feel that what the Senator says is right. This bill, this freestanding bill that we have now passed, takes the best of both worlds. I am very excited about it. I congratulate my friend. I can't wait to go to the post office and buy that stamp. If all the American people just think about buying a few of those stamps during the year, we will be able to put so much more into research. It is just a great concept. I thank my colleague for her leadership.

Mrs. FEINSTEIN. I thank the Senator from California for her comments. I thank the Senator for her help, and I think all of us can be very proud if we just await Presidential signature. It is a fine thing.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 986

The PRESIDING OFFICER. The Senate will now proceed to consider the amendment of the Senator from California, which is to be considered under a pending time agreement.

Mrs. FEINSTEIN. I thank the Chair.

Now, if we may turn to something which is of very deep concern. The

amendment that I have sent to the desk is on behalf of the ranking member of the Judiciary Committee, Senator LEAHY; the Senator from Washington, Mrs. MURRAY; my colleague from California, Senator BOXER; and the two Senators from Nevada, Senators REID and BRYAN. The amendment is an amendment to strike and substitute language. The section we would strike from the bill is section 305, which splits the Ninth Circuit Court of Appeals on an appropriations bill.

Mr. President, this legislation which I am presenting serves as a substitute to a nongermane provision of the fiscal year 1998 appropriations bill for Commerce, State, Justice.

Mr. GREGG. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. Yes, I will.

Mr. GREGG. I am sorry to break in. I was wondering if the Senator would agree to reducing the time of this amendment down to 3 hours equally divided?

Mrs. FEINSTEIN. I would be happy to.

Mr. GREGG. I ask unanimous consent that, under the prior order on this amendment, the time be reduced to 3 hours.

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

Mr. GREGG. I thank the Senator from California.

Mrs. FEINSTEIN. Mr. President, this bill, with no hearing, no due diligence, no consultation with the ninth circuit—any of its judges, attorneys, bar associations within the circuit—splits the circuit, and I would like to show you how it splits the circuit. It creates a twelfth circuit which would comprise Washington, Arizona, Alaska, Oregon, Hawaii, Idaho, and Montana. If you look at the map—separate and distinct, alone—separated from the rest, would be the State of Arizona. The proposal would leave in the ninth circuit only two States—the States of California and Nevada—along with the territories of Guam and the Marianas.

Now, what is wrong with that? First of all, the way in which it is done, which I will address in detail. But second, it creates two unequal circuits. The ninth circuit and Nevada would have close to 35 million people and the twelfth circuit would have 16 million people. But look at the proposed distribution of the judges. It would distribute 15 judges to the ninth circuit and 13 judges to the remainder—an unequal, unfair distribution of judges.

Here is what the effect would be. In the ninth circuit, you would have 363 cases per judge. In the new twelfth circuit, each judge would have just 239 cases. So the judges of the ninth circuit would immediately have caseloads 52 percent higher than the judges of the twelfth circuit.

Mr. President, the real point is that there is already a resolution to this issue. It was passed by the Senate last session, and it has already passed the House. The resolution is legislation that calls for a study of all of the circuits, with special emphasis on the ninth circuit.

The substitute amendment that I am offering today to form a study commission passed the House of Representatives unanimously in June. This bill is identical to the House-passed bill. The study commission represents, I believe, the only principled approach to dealing with an issue as important and far-reaching as the structure of the U.S. courts of appeals.

If I may, Mr. President, there has never been a division of a circuit court without careful study and without the support of the judges and the lawyers within the circuit who represent the public they serve. There has never been a division of any circuit in this manner—arbitrary, political, and gerrymandered. As a member of the Senate Judiciary Committee, I am deeply concerned that the legislation to split the ninth circuit has been included in this appropriations bill with no hearing, no study, no due diligence as to its impact. Section 305 of the bill contains language for this split. It is a misuse, in my view, of the appropriations process.

Yesterday, Representative HENRY HYDE, the chairman of the House Judiciary Committee, wrote a strongly worded letter, which was circulated broadly. I would like to quote from it.

I understand that this week the Senate is expected to consider S. 1022, the Commerce-Justice-State-Judiciary appropriations bill. Included in the bill is a major piece of substantive legislation, the ''Ninth Circuit Court of Appeals Reorganization Act of 1997.'' This provision of the bill (section 305) would amend Title 28 of the United States Code by dividing the existing Ninth Circuit into two circuits. As you well know, altering the structure of the federal judicial system is a serious matter. It is something that Congress does rarely, and only after careful consideration.

It is anticipated that an amendment will be offered to replace the circuit division rider with legislation to create a commission—

That is what I am trying to do at this time—

to study the courts of appeals and report recommendations on possible change. This legislation, H.R. 908, has already passed the House unanimously on a voice vote on June 3, 1997. A similar bill, S. 956, was passed unanimously by the Senate in the 104th Congress. This is a far superior way of dealing with the problems of caseload growth in the Ninth Circuit and other courts of appeals. I urge your support for the amendment.

Sincerely, Henry Hyde, Chairman.

So the House is on record supporting a study. The chairman of the Judiciary Committee of the House writes this letter, and yet this split is in the bill. The administration has issued a strong statement to the Senate Appropriations Committee indicating its support for a study commission and its opposition to the inclusion of such far-reaching legislation in an appropriations bill.

Mr. President, I hope the President will veto this bill if it should contain an arbitrary split of the Ninth Circuit Court of Appeals—a split done politically, as a form of gerrymandering.

In a letter dated July 11, Gov. Pete Wilson reiterated his support for the commission study and stated that the present effort to split the circuit involves judicial gerrymandering, apparently designed, and I quote, ''to cordon off some judges in one circuit while keeping others in another because of concerns, whether perceived or real, over particular judges' perspectives or judicial philosophy.''

Less than 2 weeks ago, when Governor Wilson wrote this letter, there was a proposal that would have divided the ninth circuit into three circuits and split California in half. Then there was another proposal that would have left California and Hawaii in a two-State circuit, the first time in history that a Federal judicial circuit would have consisted of fewer than three States.

In a matter of hours, an amendment was made to the bill, and we have the latest proposal which keeps California whole, teams it with Nevada, isolating a geographical neighbor, Arizona, and placing Arizona with Oregon, Washington, Hawaii, Idaho, Alaska, and Montana. Mr. President, I respectfully submit this is not the way to do the people's legal business. This is not the way to restructure the Ninth Circuit Court of Appeals.

Let me offer some history. I authored the first proposal to create a commission on structural alternatives for the Federal courts of appeal in the 104th Congress during a markup session in the Senate Judiciary Committee on December 8, 1985. If that had been passed, the job would have been done by now. The Senate ultimately passed legislation to create a study commission during that Congress on March 20.

As noted above, in the present Congress, a commission bill identical to the one I am offering today unanimously passed the House. So both Houses of Congress have spoken on this issue and both Houses of Congress have said if the Ninth Circuit Court of Appeals should be split, no due diligence, consult the judges, consult the attorneys who practice before it, look at the precedents, see that there is study, thought and consideration to what would be the best split. None of this has been done. In a matter of a week, four separate proposals have been put forward and changed with no opportunity for anyone who practices law in the ninth circuit, the huge ninth circuit, to indicate what the impact of those proposals might be.

The House-passed bill was modeled on a proposal I introduced with Senator REID on January 30, 1997. The House Judiciary Subcommittee Chairman COBLE and Chairman HYDE moved the bill with the support and cosponsorship of Representative BERMAN. The current H.R. 908 represents a compromise that was worked out in the House and endorsed by every House Republican and Democrat.

I should note that the House-passed bill is very similar to a compromise on a study commission that Senator BURNS and I reached together just a few months ago. This all began with Senator BURNS. I understand his concerns. He has legitimate interests, legitimate thoughts, and I appreciate them. The last I had heard was Senator BURNS signed off on the study commission. So you can imagine the surprise when I heard. My goodness, this is on an appropriations bill. And Members of this body have taken it on themselves to arbitrarily just decide, willy-nilly, how the ninth circuit should be split.

The House-passed commission study is fully bipartisan, a 10-member commission. The commission would operate for 18 months, at which time it would make recommendations to Congress for any changes in circuit structure or alignment.

I don't think we should subject something as important as the structure of our courts to political gamesmanship, and that is just what this is. The study called for in H.R. 908 is a responsible method of evaluating the current situation and making recommendations that can provide a sound foundation for Congressional action in the future.

A study is needed to determine whether this or any proposed circuit division would be likely to improve the administration of justice in the region. That is the fundamental question: Would a split improve the administration of justice, and, if so, what should that split be? Even among those who believe that some kind of split should occur, there is no consensus as to where any circuit boundary lines might be redrawn.

During the 105th Congress, proponents of a circuit split put forward these four proposals. One would have split the north from the southernmost States of the circuit. The second would have chopped the existing circuit into three separate circuits and split California in half. The third would have created a narrow stringbean circuit. That was the same proposal that failed to pass the Senate during the 104th Congress.

The current proposal, which represents at least the fourth proposal in the 105th Congress, is a modification of the stringbean circuit. Again, no due diligence, no hearings, no study, no testimony—nothing.

As I noted before, the proposal isolates Arizona. It combines Nevada. It separates coastal States that have common maritime law. And that is why I say it is gerrymandering. I say if it looks like a gerrymander, talks like a gerrymander, it probably is a gerrymander.

Let's talk about the costs inherent in what is happening here today. If this bill passes and should go into law, splitting the circuit will require duplicative offices of clerk of the court, circuit executive, staff attorneys, settlement attorneys and library as well as courtrooms, mail and computer facilities. According to the ninth circuit executive office, neither Phoenix nor Seattle currently have facilities capable of housing a court of appeals headquarters operation.

As part of the review of last year's similar proposal to split the circuit, the GSA estimated that it would cost a minimum of $23 million to construct new facilities for a headquarters in Phoenix, and I would be very surprised if it was as little as $23 million. Based on GSA costs, the ninth circuit executive has estimated that building and renovation costs for creating or upgrading new headquarters in Seattle and Phoenix would amount to at least $56 million. Additional combined outlay of another $6 million in startup costs would be needed to outfit both Phoenix and Seattle.

The CBO last year estimated the cost of duplicative staff positions at $1 million annually. The new proposal calls for two coequal clerks of the court in the twelfth circuit. Assuming each clerk would have the customary deputy clerk and staff attorney, an additional $300,000 in salaries would be added to the total. So the new twelfth circuit would cost an additional $1.3 million annually for duplicate salaries, and minimum of $25 million in Phoenix and an additional amount for Seattle. It is estimated the cost would run in the neighborhood of $60 million.

This wouldn't be so bad if there just hadn't been approved and spent $140 million to rehabilitate and seismically equip the Ninth Circuit Court of Appeals in the city of San Francisco and Pasadena—$140 million has just been spent. I just visited the San Francisco ninth circuit. It compares with the U.S. Capitol. There is a brand-new library already built in, magnificent chambers, one library that is solid redwood, marble that is incredible, lighting fixtures that go back well over 100 years. It is an amazing and beautiful building.

Under the configuration of States proposed for the new twelfth circuit, the circuit executive estimates that upward of 50 percent of the space recently renovated in San Francisco and Pasadena at a cost of $140 million would no longer be needed. The space was specifically designed to meet the business needs of the court of appeals. The executive office estimates, ''It would cost many tens of millions of dollars to modify the space to make it usable by tenants other than the court of appeals.''

Let me talk for a minute about the real risk of an impetuous political and gerrymandered split of the ninth circuit.

Forum shopping: Organizations and entities whose activities cut across State lines, and those who sue them, would be able to forum shop to take advantage of favorable precedents or to avoid those that are unfavorable. And I suspect, frankly speaking, that this is just what is behind this split. Thus, an additional burden would be placed on the U.S. Supreme Court to resolve conflicts that are now handled internally within the circuit.

Here are some examples provided by the ninth circuit of how dividing it could invite forum shopping: water disputes concerning the Colorado River, which affect California, Nevada, and Arizona; commercial disputes between large contractors like Boeing and McDonald—perhaps that is resolved now—or Microsoft and Intel; different legal precedents affecting the shipping industry along the coastline of the continental United States and Hawaii.

Think of the complications created if different commercial and maritime rules governed the Port of Los Angeles and the Port of Tacoma and Hawaii. The ninth circuit includes a vast expanse of coastal area, all subject to the same Federal law on cargo loading, on seaman's wages, on personal injury, and maritime employment. Vessels plying the coast stop frequently at ports in California, Washington, Alaska, Hawaii and the Pacific territories. If the circuit were to be divided, seamen would have an incentive to forum shop among port districts in order to predetermine the most sympathetic court of appeals to hear the case.

In the commercial law area, all of the States in the circuit have considerable economic relations with California because of its large and diverse population. In a recent case, Vizcaino v. Microsoft, the ninth circuit decided to hear a case en banc concerning whether Microsoft contractors were entitled to the same ERISA benefits and stock options as were regular employees. Microsoft is a large corporation with primary offices in Washington but significant business operations in California. If the ninth circuit were split, Microsoft or its employees might choose to bring a lawsuit in either the ninth or twelfth circuit, in hopes of finding a more sympathetic court.

The judges and lawyers of the ninth circuit overwhelmingly oppose what is happening in this bill. Let me repeat that. The lawyers and judges in all of the ninth circuit States overwhelmingly oppose what is happening in this State, Justice, Commerce appropriations bill.

On four occasions, the Federal judges in the ninth circuit and the practicing lawyers in the ninth circuit judicial conference have voted their opposition to splitting the circuit. The official bar organizations of Arizona, California, Hawaii, Idaho, Montana and Nevada, and the National Federal Bar Association, all have taken positions against circuit division. No State bar organization in the circuit has taken a position in favor of circuit division or what is happening in this bill.

Candidly speaking, this is a political decision of Senators of the Appropriations Committee to affect the legal business of 50 million people in the United States with an arbitrary split, gerrymandered, of the Ninth Circuit Court of Appeals. Candidly speaking,

also, the ninth circuit is large. California alone is predicted to be 50 million people by the year 2025.

Whether the circuit should be split or not, I can't say. I strongly believe it is a decision that should not be made, however, either politically or in a cavalier fashion. The decision should not be made without study, without hearing, without comment from those lawyers and judges whose clients are affected by it.

If—and I say if—the circuit is eventually split, it should be the product of diligence, of study, of hearing, of commentary. It should be part of an analysis of how the circuit courts are functioning in the United States. There may well be a better split involving other States. I don't know, and I would hazard a guess that no one in this Chamber knows that either.

But this does mean a careful study of population should be undertaken. It means an even distribution of caseload by judge, not a rammed-through circuit split that has a 52 percent higher caseload for judges in this new ninth circuit than in the twelfth circuit. On its face, it is patently unfair. Anybody who looks at any split that says you split it so that one set of judges has double the number of cases than the other—that doesn't meet a simple test of fairness.

There should be a careful study of precedents, of commercial law, of maritime law, of the other aspects of precedents. California now has the largest consumer market in the United States in Los Angeles; the third largest in the San Francisco Bay area. It is a huge consumer market, and it is going to be bigger with all kinds of intercommunication among these States.

There should be a study of costs. I pointed out the duplication of staff, I pointed out the need for two new courthouses when two already have been refurbished at a cost of $140 million for the taxpayers. All of this is being done without any study, any hearing, any commentary. It is not something of which this great body can be proud.

I notice that the distinguished Senator from Nevada is here, and if I might ask him, I believe he would like 10 minutes? I will be happy to yield to him.

Mr. GREGG. Mr. President, if the Senator from California wouldn't mind, I would like to go from side to side.

Mrs. FEINSTEIN. I will be happy to do that.

Mr. GREGG. I yield to the Senator from Washington 20 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, there can be no serious argument posed to Members in body that it is not appropriate, maybe beyond appropriate, for all practical purposes necessary, for the proper administration of justice that the U.S. Court of Appeals—almost twice as large as the next largest court of appeals and almost three times as large in population and in caseload as the average circuit—should not be divided.

Twenty-three years ago, a commission, the Hruska Commission, said the Ninth Circuit Court of Appeals was too large and should be divided; that no circuit court of appeals should have more than 15 judges. The reasons, of course, is collegiality, the prompt and effective administration of justice. Any other argument is simply a matter of delay, simply a matter of a maintenance of the status quo.

The Ninth Circuit Court of Appeals should be divided. There have been bills on this subject and hearings on this subject in most of the Congresses from 1975, 22 years ago, to date. The very proposal that is before us right now, with minor changes, was recommended by the Judiciary Committee in the last Congress and did not come to a vote because it was clear that it would be filibustered as an independent vote. That is at least one of the reasons that when he comes to the floor, the chairman of the Judiciary Committee will recommend the rejection of this amendment and supports the division that is included in this bill.

But, Mr. President, before I get back to the merits of the proposal, I want to express my deep concern over some portions of the opposition that come to this bill from California and perhaps elsewhere. One of the reasons that the Senator from California can describe this bill as a gerrymander, one of the reasons that she can call for delay is because the proponents of the division have acceded to the requests of the Senators from the various States that are affected by this division.

Should we have another study commission? That study commission, if it is remotely objective, will recommend the division of the ninth circuit not into two, but into three new circuits, a proposition that this Senator feels to be highly appropriate. The only way to create three new circuits out of the present ninth circuit is to divide the State of California and to place it into two circuits: one centered in San Francisco, the other centered in Los Angeles.

That recommendation has been with us for many years. That recommendation was incorporated into the first version of this bill. The two Senators from California are vehemently opposed to that recommendation, and I strongly suspect that if we go 2 years and have another study commission and it comes up with dividing California, they will find a reason to object to it again and to filibuster the proposal.

So what did the sponsors of the division do? The sponsors of the division said, ''Fine, we will accede to the wishes of the Senators from California. We will make this a two-new-circuit bill.'' California will be left united.

The Senators from Nevada, with some real justice with respect to the bill reported by the Judiciary Committee 2 years ago, stated that they didn't like the division; that Nevada felt more drawn to California than it did to the Pacific Northwest and Arizona. And so in this bill, we have acceded to the wishes of the Senators from Nevada and have left that State in the ninth circuit with the State of California.

That is the reason that the circuit, as it appears in the bill, is not contiguous. But in the days of the Internet, of e-mail, of faxes, of air transportation, there is nothing but history to require that circuits be made up of contiguous States. And, of course, Alaska and Hawaii have never been contiguous to the States in the ninth circuit. Nor has Puerto Rico and the Virgin Islands to the circuits to which they are attached.

Finally, the State of Hawaii, through its Senators, when it was determined there was to be a bill, elected, to my delight, Mr. President, that it would rather be in the smaller, the more intimate, the more collegial circuit, the new twelfth, and that appears in the bill. Then when we asked the representatives of Guam and the trust territories of the Pacific, they said, while they really don't want to change that, of course, they prefer to stay with Hawaii.

If the great majority of the Senators from the Northwest and from Arizona wish a new circuit that is so logical, and if they have deferred to the wishes of the Senators from Colorado and Nevada as to their desires, why should we say no on the floor of the Senate to those who wish the division? What business is it of the Governor of California to tell us how the ninth circuit should be constituted? I am deeply troubled that Senators whose own wishes, reflecting what they think is best for their States, have been respected, refuse so arbitrarily as they and their predecessors have for more than two decades to accede to ours.

Mr. President, there are 28 positions authorized for the Ninth Circuit Court of Appeals. There are 10 more requested by those judges and approved by the Judicial Council. That is a collegial circuit? At the number 28, three-judge panels that are chosen by lot have 3,276 possible combinations of those three judges. You, Mr. President, one of the youngest of our Members, could be appointed to the ninth circuit, could serve on it for 30 years, and the chances are you would never serve on the same panel of three twice in that entire period of time. That is collegiality?

The ninth circuit is slow from the time appeals are filed until they are decided. It is notoriously reversed more frequently than in the case of any other circuit. When I was attorney general of the State of Washington, we figured that if we could get the Supreme Court of the United States to take certiorari from the ninth circuit, we had at least a 75-percent chance of winning in the U.S. Supreme Court, of causing it to repeal the circuit.

At one level, that is not a totally relevant argument, because the two new

circuits would start with exactly the same judges they have now, and I can't note any difference in philosophy from those who come from the States in the old ninth circuit under this proposal and the new twelfth circuit, and, of course, they are nominated by the same Presidents and confirmed by the same Members of the U.S. Senate. But I suspect that if the judges who work together knew one another a little bit better than they do now, there would at least be a marginal improvement in the number of times during which they are reversed.

Mr. President, there is simply no justification whatsoever for the maintenance of this huge and unwieldy circuit. The Senator from California said in 20 years, California itself will have 50 million people. We have a wonderful First Circuit Court of Appeals, much smaller than the twelfth we propose in this legislation. New York and Pennsylvania, that don't have the population of California combined, have always been in separate circuits, and they are both on the Atlantic Ocean, and they both have to deal with the same kind of admiralty law.

No, Mr. President. The time has come. There have been hearings galore. Those hearings have occupied a quarter of a century. There have been bills reported. Another study, another delay, only to be followed by another attempt to delay after that when a three-circuit division is proposed.

No, Mr. President. The time is now. The division is appropriate. It will not be the last in the history of the U.S. courts. But it seems to me we should go ahead. From a personal point of view, I am somewhat unhappy that while we have done all we can to accommodate California, California refuses to accommodate us.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time is remaining on our side, Mr. President?

The PRESIDING OFFICER. Fifty-eight minutes.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I yield 10 minutes of the time to the ranking member of the Judiciary Committee, Senator LEAHY.

Mr. LEAHY. Mr. President, I have been on the Appropriations Committee for 20-some odd years, on the Judiciary Committee about the same amount of time, and I understand that periodically, out of necessity, we have some items of legislation on the appropriations. But this is about as amazing a step as we could take to determine the fate of the ninth circuit on an appropriations bill.

It is not the way to do it. We say we are going to split the Nation's largest court of appeals on this appropriations bill. We have had no hearings, no testimony, no public deliberations on the proposed split before us.

Well, the 45 million people that live in these nine Western States deserve a more considered approach. What we ought to do is have the Senate Judiciary Committee hold hearings, conduct an independent study to determine whether this or any other proposed circuit division is necessary, find out what is the best way to do it, and not just do it basically based on one vote with very little debate in a committee, then on the floor in an appropriations bill.

Last year, the Senate unanimously passed a bill to create a bipartisan commission to study if and how the ninth circuit should be restructured. And that is what the House has done this year. The amendment of the distinguished Senator from California [Mrs. FEINSTEIN], is the same language as H.R. 908, the House-passed bill.

What the Senator from California has done is a principled approach. It is also the approach supported by the majority of the judges and lawyers in the areas served.

Are there problems in the ninth circuit? Of course there are. Let me point out to you, it is a problem not caused by the circuit, but by the U.S. Senate; 9 of the 28 judgeships in the ninth circuit are vacant. There are nominees up here before the Senate.

As a result, the national average is 315 days to get a decision, but for the ninth circuit, it is 429 days. We have people in the ninth circuit who pay taxes like everybody else but who have to wait an extra 114 days. In fact, the ninth circuit canceled 600 hearings this year because we cannot get judges confirmed to sit there.

And what does that mean? It means that a multimillion-dollar settlement of a nationwide consumer class action against a maker of alleged defective minivans is not heard; a $71.7 million antitrust case involving the monopolizing of photocopy markets is not there; an arsenic and lead poisoning class action case with a $68 million settlement agreement is not being heard.

What is happening, Mr. President, is that we go on and try to do little quick fixes because somebody wants to at the moment on an appropriations bill.

What we ought to do, if we want to really do something to help justice in this country, is for the leadership of the Senate, that is, those who schedule debate, in this case, the majority leader, to take some of these judges and allow us to confirm them.

The distinguished senior Senator from Utah, the chairman of the Senate Judiciary Committee, is on the floor. He has been working hard to get judges heard. But no matter how many we hear in the Judiciary Committee, unless they are confirmed on the floor of the Senate, it does not do any good.

At this point, incidentally, we have confirmed—and we are down to the seventh month of this session—we have confirmed six judges. We are about to take another vacation. No more judges will be confirmed. That is less than one a month.

There are over 100 vacancies. We have about 40 or so nominees up here waiting to be confirmed. We cannot even get them confirmed. Here is one, William Fletcher, nominated in 1995; still waiting. Richard Paez, the first month of 1996; still waiting. Margaret McKeown, March 1996; still waiting. This goes on and on and on.

Here is what we have in vacancies—102 vacancies. This Senate has confirmed six.

We all give speeches of needing judicial reform and needing law and order. You have a whole lot of courts where, because the U.S. Senate, because the leadership of the U.S. Senate will not let us confirm judges, we have courts where prosecutors have to kick cases out, that they have to plea bargain and everything else because there are not enough judges to hear them.

Now, when you have proponents of the split of the ninth circuit say it is because justice is being denied, the reason justice is being denied is not geography; the real reason justice is being denied is because judges are being delayed.

These are four well-qualified in the ninth circuit, four well-qualified people. In fact, they have the highest ratings there are. One nominee has actually been favorably reported by the Judiciary Committee, but no—no—action here.

What is happening, Mr. President, is not something that is going to get fixed by the Judiciary Committee, but is going to get fixed if the U.S. Senate does the duty it is supposed to. If we have judges here people do not like, vote them down. We held up the Deputy Attorney General of the United States, Eric Holder, week after week. ''Oh, we've got Senators, we cannot tell you their names, of course, but we have Senators who have real problems, real problems with this man. We can't bring him to a vote. We've got real problems.''

We brought it to a vote. I asked for a rollcall vote. I thought, well, at least let all those Senators, unnamed Senators, who had an excuse for holding the No. 2 law enforcement officer of this country—I said, now we will know who they are, because, obviously, they have problems that they would hold up this man all these months, so they will vote against him. And the clerk called the roll.

And do you know what it was? You know how many voted against him? You say, maybe 30? Probably 20, 10, I ask my good friend, the ranking member? You know how many it was?

Mr. HOLLINGS. How many?

Mr. LEAHY. Zero. I cannot quite say it—I cannot quite say it like my good friend from South Carolina. He is the only person I know who can get five syllables in the word ''zero,'' but zero. It was 100 to nothing; 100 to nothing.

But what we have is, while the Judicial Conference, Chief Justice Rehnquist was asking for more justices, we have 27 vacancies in the court of appeals. We have all kinds of problems. And the ninth circuit is not

going to be helped by politicizing it on an appropriations bill.

The ninth circuit can at least be helped by doing what the Senator from California said, have a nonpartisan professional panel look, make a recommendation, go to the Senate Judiciary Committee, vote it up or down, which is exactly what we should be doing on these judges. If we do not want them, vote them down.

But what we have is always some mysterious person who has a problem. But when we have to vote in the light of day, there is no mysterious person at all because they vote for them. So, Mr. President, I know there are others who wish to speak.

Mr. President, I ask unanimous consent that a letter be printed in the RECORD addressed to Majority Leader LOTT from all the leaders of seven national legal groups, asking him to finally move these judges that are being held hostage.

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

AMERICAN BAR ASSOCIATION,
July 14, 1997.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.
Hon. TRENT LOTT,
The Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT AND MR. MAJORITY LEADER: Among the constitutional responsibilities entrusted to the President and the Senate, none is more essential to the foundation upon which our democracy rests than the appointment of justices and judges to serve at all levels of the federal bench. Notwithstanding the intensely political nature of the process, historically this critical duty has been carried out with bipartisan cooperation to ensure a highly qualified and effective federal judiciary.

There is a looming crisis in the Nation brought on by the extraordinary number of vacant federal judicial positions and the resulting problems that are associated with delayed judicial appointments. There are 102 pending judicial vacancies, or 11% of the number of authorized judicial positions. A record 24 of these Article III positions have been vacant for more than 18 months. Those courts hardest hit are among the nation's busiest; for example, the Ninth Circuit Court of Appeals has 9 of its 28 positions vacant. At the district court level, six states have unusually high vacancy rates: 10 in California, 8 in Pennsylvania, 6 in New York, 5 in Illinois, and 4 each in Texas and Louisiana.

The injustice of this situation for all of society cannot be overstated. Dangerously crowded dockets, suspended civil case dockets, burgeoning criminal caseloads, overburdened judges, and chronically undermanned courts undermine our democracy and respect for the supremacy of law.

We, the undersigned representatives of national legal organizations, call upon the President and the Senate to devote the time and resources necessary to expedite the selection and confirmation process for federal judicial nominees. We respectfully urge all participants in the process to move quickly to resolve the issues that have resulted in these numerous and longstanding vacancies in order to preserve the integrity of our justice system.

N. Lee Cooper, President, American Bar Association; U. Lawrence Boze, President, National Bar Association; Hugo Chavaino, President, Hispanic National Bar Association; Paul Chan, President, National Asian Pacific American Bar Association; Howard Twiggs, President, Association of Trial Lawyers of America; Sally Lee Foley, President, National Association of Women Lawyers; Juliet Gee, President, National Conference of Women's Bar Association.

Mr. LEAHY. Mr. President, let us also not add to the partisanship we have had with stopping judges from being confirmed by now showing even more of a capricious nature on the part of the U.S. Senate by splitting the ninth circuit with no hearings, no debate, no thoughtful consideration.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I just mention briefly there have been considerable hearings on this issue, testimony before our committee on this issue, and the matter has been around and been discussed at length in a variety of forums.

Mr. President, how much time do we have?

The PRESIDING OFFICER. Seventy-seven minutes and eighteen seconds.

Mr. GREGG. And the Senator from California has?

The PRESIDING OFFICER. Forty-nine minutes.

Mr. GREGG. We have 77 minutes?

The PRESIDING OFFICER. Yes.

Mr. GREGG. I yield, in sequence, 5 minutes to the Senator from Utah and 20 minutes to the Senator from Montana, if that is acceptable.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the appropriations provision effecting a split of the Ninth U.S. Circuit Court of Appeals, and to respectively oppose the amendment offered by my colleague from California. Splitting the ninth circuit is appropriate at this time for three principal reasons: First, its size. The ninth circuit is the largest of the 13 federal circuits. Indeed, the ninth circuit is larger than the 1st, 2d, 3d, 4th, 5th, 6th, 7th and 11th circuits combined. The population of the States comprising the ninth circuit is 49,358,941, almost one-fifth of the Nation's population. The size of the circuit also has an effect on the caseloads of the judges of the circuit. The ninth circuit's caseload in recent years has been in excess of 7,000 cases a year, far and away more than in any other circuit.

The second reason to support this proposal is a function of the first. The ninth circuit's size also negatively impacts the internal consistency of law within the circuit. There are currently 28 seats on the ninth circuit, and many who are claiming that Congress should significantly add to that number at least 10 more seats—so, 38 seats. A circuit comprised of so many judges is entirely unmanageable and undermines important considerations of judicial economy, efficiency and collegiality. Because the circuit is so large its judges cannot sit together to hear cases en banc as do other circuits, and accordingly the court has lost the necessary sense of judicial collegiality, and coherence of its circuit-wide case law. I would venture that there are as many contradictory rules of law within the ninth circuit as there are within all the other circuits combined. This has, I believe, contributed to a trend by which some ninth circuit judges feel totally free to disregard precedent, be it circuit precedent or even the Supreme Court's rulings. Just this past term, the ninth circuit had an astounding reversal rate of 95 percent before the Supreme Court. Twenty-eight of 29 cases were reversed. And the usual rate is no less than 75 percent of their cases are reversed. One ninth circuit judge has expressed chagrin at this regrettable situation, explaining that ''the circuit is too large and has too many cases—making it impossible to keep abreast of ninth circuit decisions.''

The third cost of having such a large circuit is the resulting delay in having cases decided. The ninth circuit is, in fact, one of the slowest in turning around case decisions from the time of filing. And, because of its size, some cases, especially high-profile ones, appear to be subject to manipulation.

These important considerations have persuaded me that the ninth circuit should be split. And, I am happy to report that I believe some of my colleagues on the other side of the aisle, from States within the ninth circuit, will vote against the present amendment, and support the split provided for in the present bill.

And finally, I would like to say a word about the way in which this proposed split has come to the floor. Some argue that a significant development like splitting a judicial circuit should not arise in the context of an appropriations bill—that the committee of jurisdiction, in this case the Judiciary Committee, should have the opportunity to review and comment about this proposal. I could not agree more with the proposition that this is a serious matter, deserving serious consideration. I point out, however, that the Judiciary Committee has indeed examined the advisability of splitting the ninth circuit. In just the last Congress, the Judiciary Committee held hearings on the subject, hearing from judges of the circuit and others knowledgeable about the implications of a split. After that hearing, the committee reported out a bill that, in many regards, is similar to the one before the Senate today.

Accordingly, I am confident that the Senate has before it today a well-considered and desperately needed proposal to divide the ninth circuit. This is a proposal that serves the interests of judicial efficiency, stable case law,

and equal justice for Americans within the ninth circuit.

With all due respect, therefore, I must take exception to the proposed commission my colleague from California is now offering by way of an amendment. I think the time for a split of the ninth circuit is now. I believe we have studied the matter thoroughly, and that there is no need for further hearings or a commission.

Frankly, I would expect that, were we in fact to proceed with another commission, it would simply make a recommendation similar to the Hruska report of nearly 25 years ago—namely, to divide the State of California. I don't have any doubt in my mind that that is what a future commission will decide, because if you want to get population equality, you are going to have to divide California. This does not do that, in deference to the Governor of California and, I might add, the two Senators from California, and to the various Congresspeople from California. And I might add, should this amendment succeed—the amendment of the distinguished Senator from California—and a commission be created that ultimately recommends splitting California, I may well be compelled, as will others in this body, to support that split and finally put this matter to rest. So this is dangerous stuff to be playing around with because I believe that there will be a split of California if you go the commission route.

Now, while I recognize that many are greatly concerned about the prospect of dividing the State of California, I have to tell everybody today that this is pretty certain to result if this amendment is enacted.

I urge my colleagues to vote against the amendment offered by my colleague from California. I believe, in the best interests of all concerned, this is an adequate and reasonable response. And, frankly, we have given States within the total area to be divided their right to choose which circuit they will belong to. I think that is an appropriate, reasonable, decent way to proceed. Otherwise, we are just delaying this another 2, 3 years, and we will come up with another split of California, which will be vigorously fought against by Members of the California delegation in both the House and Senate, and we will wind up right back where we are, or California will be split. If it is split, I think it would be to the disadvantage of California, as I view it.

I hope our colleagues will vote down this amendment, as well-intentioned as it is, and will vote for this split, because it would be a split that would, I think, bring about collegiality, and it will bring about a better functioning two circuits, and it will give the States who want the split a chance to have their own circuit, where they can work together in the best interests of their States.

If California continues to be the most reversible set of judges in the Nation, then they will have to live with that. Then everybody will know exactly who are the people that are doing this, who are the judicial activists, the ones undermining the judicial system, and are really causing California the pain, struggles, and difficulties that come from an out-of-control, judicially activist Ninth Circuit Court of Appeals.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I do not see the Senator from Nevada at the moment. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 48 minutes 40 seconds.

Mrs. FEINSTEIN. I yield 5 minutes to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Mr. President, I rise in strong support of the Feinstein amendment. We simply should not—must not—divide the Ninth Circuit Court of Appeals on an appropriations bill. It is an irresponsible way to proceed with such a fundamentally important question about how we best administer justice in the West.

I want to remind my colleagues that this body, the Senate, in the 104th Congress twice approved a study commission bill. In June, the House of Representatives sent us a bill, H.R. 908, establishing a similar commission. That bill is waiting at the desk for our action. House Judiciary Chairman HENRY HYDE has voiced his dismay at this end run around his authorizing committee. Tuesday he wrote to Chairman HATCH, saying: ''As you well know, altering the structure of the Federal judicial system is a serious matter. It is something that Congress does rarely, and only after careful consideration.''

Mr. President, I am not necessarily opposed to a split of the ninth circuit, but I am adamantly opposed to an appropriation's rider mandating such a gerrymandered split. As Chairman HYDE suggested, we need judicial experts thoroughly analyzing the courts and advising us on what makes sense from a national perspective.

With so many of those who work directly in the ninth circuit opposed to this split, it seems clear we need guidance before we act. The White House opposes this split, the majority of judges on the ninth circuit oppose this split, and the majority of bar associations of the affected States oppose this split. Simply put, this is not the right way to proceed.

We need answers to some important questions first. How much will this cost? Should we create a virtual one-state court? Should Arizona become a part of the tenth circuit? Where should we place a new circuit's courthouse? How many judges should serve in each circuit and from which States should they come? Should we break the ninth circuit into three circuits? How will our Pacific maritime law be affected? Before I participate in breaking up an institution that is more than 100 years old, I want those—and many more questions—answered.

Mr. President, I also have another concern. I find it interesting that supporters of this rider so often refer to the pace at which the ninth circuit does its business. Yet, these same Senators have done little or nothing to fill the many vacancies plaguing the ninth circuit. An outstanding member of the Washington State legal community, Margaret McKeown, has been languishing for nearly 2 years in this body. She has yet to receive a hearing. This is unconscionable and this has real impact on the administration of justice. To make the ninth circuit—or any circuit—work, we must have judges. Let's get the confirmation process moving, and that will stop the glacial pace that people are concerned about.

Finally, I want to remind my colleagues that we have passed almost every fiscal year 1998 appropriations bill without contentious riders. We should have learned from the disaster relief bill what can happen when these riders dominate the process. I believe we should maintain the bipartisan approach we've used so far and avoid letting this important bill get bogged down with riders.

Let's do our appropriations job right and let's do the very serious job of reconfiguring the judiciary right. I urge my colleagues to support the Feinstein amendment establishing a commission to guide the Congress on how best to resolve any real or perceived difficulties in the administration of justice in the ninth circuit.

I yield my time back to the Senator from California.

Mr. BURNS. Mr. President, I rise to oppose the amendment that would strike the provision from the Commerce, State, Justice appropriations bill to divide the Ninth Circuit Court of Appeals. We have heard so much said today about how the bar associations oppose it, the judges oppose it, and nobody has said anything about the people. Are they secondary in our justice system? We are supposed to be serving the people, and I think the bar associations do, too. I happen to believe that they believe very strongly in the kind of service that they deliver to their clientele. But we haven't heard that today.

If there were a judicial equivalent of baseball's famous ''Mendoza line,'' marking the mediocre batting average of .200 below which players dread dropping, then the Ninth U.S. Circuit Court of Appeals would be laboring in the farm leagues.

In terms of the rate at which its decisions are reversed by the U.S. Supreme Court, the ninth circuit's record for failure is practically unblemished. In recent years, on average, more than 80 percent of rulings by the ninth have

been overturned. This past term, the Supreme Court reviewed 29 cases from the ninth circuit—it reversed, in part or in whole, an astonishing 28 of them.

The ninth circuit in 1996–97 alone was reversed, often 9 to 0, on decisions asserting the right to die, requiring sheriffs to conduct federally required but unfunded background checks on people who buy guns, and denying the right of groups who were economically harmed by the Endangered Species Act to sue even though the law gives legal standing to any person.

While the high court undoubtedly chooses many cases with the express intent of reversing them, the ninth circuit this past year has wrecked the curve. For instance, the eighth circuit, which had the second-most cases reviewed, had a reversal-and-affirmance record of only 4 to 4.

But ''this isn't baseball,'' says Judge Stephen S. Trott of Boise, ID, according to a recent Los Angeles Times article.

Agreed. The jurisprudence of our Federal appellate court system is far more serious than a game. In my view, the fact that the ninth circuit is undeniably out of step with the rest of the Nation is perhaps the least of the multitude of reasons to consider splitting this giant court.

First, the ninth circuit outstrips the other circuits in all measures of size, both physically and legally. The ninth circuit encompasses a land mass the size of Western Europe. Its nine States and two territories—Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands—stretch from the Arctic Circle south to the United States-Mexico border and west across the international dateline. It has a population of nearly 50 million people, about 1 in 5 Americans, and is expected to grow by 43 percent over just the next 13 years.

Second, the ninth's caseload is the largest. More than 8,500 appeals were filed last year, and that number is expected to jump by nearly 700 percent in the next 25 years, making the ninth less than a model of fair and speedy justice. In fact, of the 11 regional circuits and the District of Columbia circuit, it ranks next-to-worst in the duration of pending appeals—an average of 429 days, usually more for criminal cases, compared to the national average of 315 days.

These delays are costly. Appeals take time and money, and they're putting the squeeze on my State. Litigants and attorneys who must make frequent and expensive trips to San Francisco are pleading for reform.

Third, the problems of geography and population are two factors that contribute to judicial inconsistency on the ninth. Because the 28 judgeships of the ninth—nearly twice the maximum number recommended by the U.S. Judicial Conference—are scattered so far and wide, the court has experimented with limited en banc proceedings in which a panel of 11 judges decides the most important cases. By relaying on this approach, conflicting court decisions are common. The right hand doesn't know what the left hand is doing. As a result, decisions by the ninth are often narrow and set few precedents for use by judges in other cases.

In fact, several of the Supreme Court Justices criticized the Ninth Circuit's en banc decision in Washington versus Glucksberg that the due process clause of the 14th amendment guarantees critically ill individuals a limited right to assisted suicide. Even some liberal members of the Court, such as Justice Ginsburg, expressed concern that the Ninth Circuit opinion seemed to give Federal courts a ''dangerous power.''

Size was a factor leading a congressional commission in 1973 to urge splitting the fifth and ninth circuits. Congress chose to split the fifth, while the ninth has become bogged down in political squabbles and has had to make due with its enormous size.

One cannot make the argument this has not been heard, or that it has not been studied when in actuality it has.

Some press accounts have portrayed the debate as a clash of party ideologies, of conservatives who favor the split versus liberals who do not. But such a view is short-sighted. These press accounts overlook the bipartisan support behind dividing the ninth. For many of us, it is just as simple as wanting a court that is closer in every sense to the people it serves.

Supreme Court Justice Anthony Kennedy has publicly noted the merit of division. The U.S. Department of Justice has recently said ''the sheer size of the Ninth Circuit, even without its attendant management difficulties, argues for its division.'' Montana Governor Marc Racicot, a former State attorney general, favors the idea. And I would now like to submit a letter from Governor Racicot supporting this split.

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

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

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, July 22, 1997.

Senator CONRAD BURNS,
U.S. Senate, Washington DC.

DEAR SENATOR BURNS: I would like to submit this letter in support of an amendment to the appropriations bill for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998. The amendment would divide the Ninth Circuit Court of Appeals and create a Twelfth Circuit Court of Appeals made up of the states of Alaska, Arizona, Hawaii, Idaho, Montana, Oregon, and Washington. As you know, I have been supportive of this effort for a long time and I continue to support the proposal for the reasons stated below.

The Ninth Circuit, of which Montana is currently a part, is simply too large to effectively respond to the needs of those it serves. That Court has 28 judges making decisions for 9 states and 2 territories, with a population of between 40 and 50 million people in an area that encompasses about fourteen million square miles. The next largest circuit has a population of under 30 million. California cases alone represent over half of the Ninth Circuit's caseload and the number of judges exceeds by twelve the next largest appellate court, the Fifth Circuit, and is sixteen more than the average appellate bench. I cannot imagine anyone making a compelling argument that a judicial unit of government this size can be administratively efficient.

As you know, our system of jurisprudence relies upon the principle of ''stare decisis'' or precedent. With a circuit and court so large, most cases must be heard by smaller panels of judges, with increased reliance upon staff and summary procedures. With 28 judges, there are over 3,276 combinations of panels that may decide cases that involve similar issues. This leads to conflicting and unpublished opinions, reduced communications among judges and little consistency in the court's determinations. The lack of consistency in a court's decisions, in turn, makes our system of justice unpredictable and unreliable. As a result, the body of established precedent in the circuit can be rendered meaningless. There is, in essence, a diminution of precedent, which undermines the stability and predictability of the law, and actually leads to increased litigation.

I have questioned whether the operational costs of such a large system are comparatively higher. Travel expenses and efficiency of judges and staff should be examined to determine if significant efficiencies could be produced in a smaller circuit. It is not true that a new circuit would result in attorneys traveling to the same cities for argument as before. Montana attorneys often are ordered to San Francisco for argument.

The size of the Ninth Circuit also seems to bear upon the length of time it takes to make decisions. The median time to dispose of a case—from the time of filing a notice of appeal to the final decision on the merits—is 14.6 months. Arguments will be made that much of this time is consumed by counsel rather than the Court; however, I can recall as Montana's Attorney General waiting a long time for the Court to decide cases for which the record had been submitted months or years before.

Habeas corpus matters have taken up to 14 years in one Montana case. It appears that the legitimate interest of the public in reaching final resolution in these cases is not given equal and appropriate consideration when balancing the rights of petitioners. The resulting delays invite the kinds of ''recreational'' use of the court system by inmates that we have seen in recent years.

Opponents of splitting the Ninth Circuit argue that the larger the circuit the more consistency in federal law and mention that judges and attorneys have testified to a sense of community which they enjoy with the existing appellate courts. As I noted in the beginning of my letter, the size of the Ninth Circuit bench has led to decision-making by panel, the differing combinations of which leads inescapably to a lack of consistency in precedential authority. And to argue that judges and attorneys are comfortable with the status quo is a position that, with all due respect, I would imagine falls deaf on the ears of those who have been awaiting a decision from the Court for many months or years.

I do not take the position that Montanans can only find justice before a bench made up of Montana judges or judges from neighboring states. And I am not moved to my position by the political arguments of interest groups whose position on S. 956 is based upon

whether they wish their particular body of substantive law to change or remain the same. However, I do not believe that the original intent of the appellate court system, which was to establish circuits which reflected a regional identity by designating a manageable set of contiguous states that shared a common background, is consistent with a circuit that serves twenty million more people than most of the other circuits and covers fourteen million square miles.

Suggestions to divide the Ninth Circuit Court of Appeals have apparently been proposed since before World War II. The Hruska Commission (Commission on Revision of the Federal Court Appellate System) in 1973 recommended dividing the Fifth and the Ninth Circuits (the Fifth was subsequently divided, but not the Ninth). Opponents of dividing circuits recommend a variety of alternatives: consolidation of all circuits into one large national court, dividing California into two different circuits, and finally the familiar solution of studying the problem further. I hope Congress does not delay further correcting a situation that penalizes those states in the Ninth Circuit for the incredible population growth that has occurred in California and is occurring in Nevada.

I strongly support the proposed amendment, because I think it will solve some of the problems mentioned above and end many of the frustrations we feel with the Ninth Circuit Court of Appeals. If I can be of further assistance in your effort to pass this proposal, please let me know.

Sincerely,

MARC RACICOT,
Governor.

Mr. BURNS. Mr. President, I would like to read one part of the Governor's letter. He states ''the Ninth Circuit is simply too large to effectively respond to the needs of those it serves.'' State legislatures of the Northwest consistently and overwhelmingly call on Congress to split the ninth circuit.

On the other hand, the bill is opposed by judges and lawyers in the ninth circuit who would lose control over their fiefdoms. It is also opposed by special-interest groups that apparently care little about the troubles that are caused by the ninth circuit.

Mr. President, as you may know, since I came to the Senate in 1989, I have sponsored numerous bills and amendments that would achieve a split of the ninth circuit and I commend the Commerce, State Justice, Subcommittee on their willingness to again take up the fight in the 105th Congress. It's an old axiom that justice delayed is justice denied. For too long the people of the ninth circuit have been caught in the cogs of the wheels of justice. I want to put a stop to this inequity by dividing this court before its growth overwhelms us all.

Mr. President, in looking at what has been said by some, that it has not been heard, that it has not been studied, let's just take a look and see what has been done since.

In 1974, the Senate Judiciary Committee held hearings on S. 729 to realign the fifth and ninth. It was reported out of committee. Nothing happened.

On March 7, 1984, the Judiciary Subcommittee on Courts held hearings on S. 1156, the Ninth Court of Appeals Reorganization Act of 1983. No action was taken.

On March 6, 1990, the Senate Judiciary Subcommittee on Courts and Administrative Practices held hearings on S. 948, the Ninth Circuit Court of Appeals Reorganization Act of 1989. And there was no action taken.

In 1990, the Intellectual Property and Administration of Justice Committee held hearings on H.R. 4900, the Ninth Circuit Court of Appeals Reorganization Act of 1990. Still no action was taken.

H.R. 3654 died in committee without hearings.

In 1995, the full Senate Judiciary Committee held hearings on S. 956, the Court of Appeals Reorganization Act of 1995. An amended version passed the Senate by voice vote, but it died in the House Judiciary Committee.

So it is not that this has not been looked at and studied. It has always gotten bogged down.

Basically that is what we are talking about here. We continue to talk about the bar association doesn't want it, the judges of the ninth don't want it. When do we start listening to the people who have to use it?

Mr. President, I yield the floor.

I reserve the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER [Mr. BENNETT]. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes of my time to the distinguished Senator from Nevada [Mr. REID].

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if a litigant in the ninth circuit, which covers the areas that have already been spoken of, has a case heard before a Federal district judge or a bankruptcy court and they are displeased with how the case turns out, they have a right to appeal that case. Under the framework of the courts that we have now in this country, that is appealed to the Ninth Circuit Court of Appeals in San Francisco.

That is what we are talking about here today—what happens when a case is appealed from a lower Federal court to the ninth circuit, which is an intermediary step before it goes to the U.S. Supreme Court. That is what we are talking about. It is extremely important if you are involved in the judicial process. There isn't a court that is more important than a circuit court, a Federal circuit court of appeals.

We are very fortunate in the ninth circuit to have the chief judge of the ninth circuit, not only one of the distinguished jurists of this country but also a graduate of Stanford Law School with a great academic record, but, most important for this Senator, is a Nevadan, born in Nevada, went to school in Nevada until he got into law school. We didn't have a law school.

I have spent a lot of time with Judge Hug learning about the ninth circuit. I would ask the Members of this body to reflect upon what the ranking member of the Judiciary Committee said. The ninth circuit is doing an excellent job. They are reducing caseload. In fact, even with nine vacancies, which the distinguished ranking member, the senior Senator from Vermont, established, the ninth circuit caseload is decreasing—not increasing, decreasing. They have increased their termination of cases by almost 1,000 from March 1996 to March 1997. They are doing a good job even though they are handicapped because the Senate won't confirm the vacancies that they now have.

I, first of all, want to thank the distinguished Senator on the subcommittee, Senator GREGG, for taking into account my concerns about the split. I very much want this study to go forward, the amendment that is now before this body. But if it doesn't go forward, it is important that the State of Nevada recognize people—recognize, as the chairman of the subcommittee recognized, that the State of Nevada is now the most urban State in America. Ninety percent of the people live in the metropolitan areas of Reno and Las Vegas. We have tremendously difficult judicial problems. Frankly, the way the State has changed populationwise is we have a great deal in common with the more populated areas of America.

We feel that it would be unfair to have the split any other way than it now is. There may be other and better ways to split this court. That is why this study is so important. That is why the U.S. Senate last year passed a study saying let's take a look at all the circuit courts before a decision is made as to how you are going to split the ninth circuit. We all have a feeling that the ninth circuit is large. It is larger than most all of the other circuits. But the fact of the matter is, how can we determine how it should be split under the terms that it is now being done; that is, before the Appropriations Committee? It is being done for reasons that are not legal in nature. They are political in nature.

Judge Hug said, ''By adding a circuit-split provision as a rider to an appropriations bill, it would completely bypass the Judiciary Committee and would seek to impose a new judicial structure on nine Western States and the Pacific territories without appropriate hearings, public comment, or independent research subsequent of such action.''

Let's, in effect, have the experts take a look at what we should do. The House passed a compromise very comparable to what we did last year. The House passed a bill that says let's have the Chief Justice, the President of the United States, and the minority and majority leaders of the House and Senate pick people to serve on this 10-member commission and to report back to us in 18 months as to what should be done.

I think it would even be better, while all of this is going on, to fill the nine vacancies in the ninth circuit. People

are really concerned about the administration of justice. Let's have the majority move those people through this body as quickly as possible.

The fifth circuit, the most recently split circuit, has only 1,000 fewer cases than the ninth circuit, and the eleventh circuit, the other half of the most recently split circuit, is the slowest circuit for filing the disposition. It is not the ninth circuit, even though we are hamstrung and are short a significant number of judges. If you look at the eleventh circuit, which has 1,000 fewer cases than the ninth circuit, it takes them longer to dispose of a case than the ninth circuit.

So the ninth circuit should be commended for the good work they are doing with the limited resources they have.

Mr. President, there are some who say, ''Well, it is important that we do this because California takes up so much of the ninth circuit.''

Another misstatement of fact: California doesn't do as much work in the ninth circuit as, for example, the second circuit. The second circuit, New York, has 86 percent of the filings; the ninth circuit, only has 55 percent. The fifth circuit takes up 72 percent of the filings; and the eleventh circuit, Florida, takes up 55 percent of the cases.

So, Mr. President, California is not the glutton that people have alleged it to be. They don't take up as many of the case filings as other circuits.

I would compare the qualifications of the ninth circuit judges—those appointed by Republican Presidents and those appointed by Democratic Presidents—with any other circuit. From the finest law schools in America are the judges who serve on the ninth circuit. Five of the senior judges in the ninth circuit were appointed by Republican Presidents; four by Democratic Presidents.

There has been a lot of talk in this body about the Hruska Commission. The Hruska Commission said, in 1974, you should split the circuits. But let's listen to what the experts said about that. I have a letter here dated July 17, 1997, from Arthur Helman, Professor of Law at the University of Pittsburgh. I will read parts of this letter. This is written to the president of the California State Bar Association.

Again, as the Deputy Executive Director of the Hruska Commission, and as a scholar who has studied the ninth circuit extensively during the intervening period, I am in as good a position as anyone to shed light on this matter. My conclusion is unequivocal. Such speculation is baseless.

Mr. President, this isn't some lawyer from California or some professor from California or anyone in the ninth circuit. This is the professor in the School of Law at the University of Pittsburgh.

My conclusion is unequivocal. Such speculation is baseless. The circumstances that led to the Hruska Commission are no longer present, and there is absolutely no reason to think that a new commission would endorse such a proposal. Let me be more specific. The Hruska Commission recommendation was driven primarily by a single factor. The commission believes that ''no circuit should be created which would immediately require more than nine active judges.'' That was a realistic possibility 25 years ago. Today it is not. In fact, of existing circuits, all but one have more than nine active judges. With the nine-judge circuit a relic of the past, a new commission would have no reason to recommend a division of California. A second consideration is also relevant. The Hruska Commission held hearings in the ninth circuit, and, although there was no consensus, several prominent California judges expressed support for the idea of dividing California between Federal judicial circuits.

I know that sounds implausible, but that only underscores how much things have changed since the Hruska Commission carried out its work 25 years ago. Plainly, no such support would be forthcoming today without a record such as the one of the Hruska Commission and with overwhelming opposition from the California bar, no commission would recommend a division of California. For all these reasons the speculation you referred to is totally without foundation. Whatever recommendations the new commission might make, I am confident that dividing California into circuits will not be among them.

Mr. President, in short, we should do the right thing. The right thing calls for having experts report back to us in a reasonable period of time. If they want to do it in a year, even though it would put a tremendous amount of work on them, I would accept that so that next year at this time we could take appropriate action. But to go forward the way we have done in the Appropriations Committee is bad. It is bad legislation and makes this body look bad, and it is bad legislation because it makes our judicial system look real bad. It has never ever happened before that we have divided a circuit court the way we are about to do it now. The lives of people depend on what we do today. Cases that are appealed to the U.S. Supreme Court come from these circuits. I suggest we follow the recommendation of the amendment that is now before this body.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield 15 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman for yielding in opposition to the Feinstein amendment and hope that the Senate would concur with the findings of the committee. Commerce, State, Justice appropriations has dealt in what I believe is an appropriate way with the issue of the ninth circuit court. There should be no surprises. This is simply not a new issue. I have always felt, and I think many concur, that if you want to not resolve an issue, you create a commission and study something once again, and we know that this has been studied and recommendations have been made.

In 1973, the Hruska Commission suggested that the ninth and the fifth circuits be split, and the fifth circuit was split, the ninth was not. There was simply too much political controversy around it. My guess is today it is a lot more about politics than it is about justice, justice to the citizens of our country who deserve a timely process in the courts, and certainly with the ninth circuit court being as large as it is, as other Senators have spoken to this afternoon, justice appropriately and timely rendered is the question.

It has been mentioned—I believe the Senator from Montana mentioned that the ninth circuit averages 429 days and that the medium national time average is 315 days. When you are in the midst of a lawsuit, do you set it aside? Do you quit spending money? Do you stop the retainer of the attorneys representing you? I doubt it. And that clock ticks on and the money accumulates, and the cost is high and justice goes unrendered.

Then the question in this very extended court is to whether the justice is appropriate. The Senator from Utah referenced the number of times the Supreme Court this year has overruled the ninth circuit. Those are all part of the issues that brought the citizens of Idaho to me and to my colleague, Senator KEMPTHORNE, to suggest that it was time we dealt with this issue, that it had been since 1973 that the issue was found to be one of division, one of the appropriate allocation of States, money, and judges, and that simply has not occurred.

I hope that we would deal with this.

The bill before us today would put California, Nevada, Guam, and the Northern Marianas in the ninth circuit. It would also create a new twelfth circuit including Alaska, Idaho, Montana, Hawaii, Oregon, and Washington. I am currently a cosponsor of Senator MURKOSWKI's bill, S. 431, which splits the ninth circuit a little differently. However, I find the division in the Gregg-Stevens amendment to be very well though out and fair. I think either split of the ninth circuit would work much better than the current organization of the ninth circuit.

The subject of dividing the ninth circuit split has been discussed now for many years. In fact, as long as 1973, the Hruska Commission suggested the ninth and fifth circuits should be split. Although the fifth circuit was divided, the ninth was not. Ever since then, the debate about splitting the ninth circuit has roared on.

Frankly, Mr. President, I am perplexed why there is any question about this proposal. The ninth circuit is by the largest circuit in the United States. It currently employs 28 judges—11 more than any other circuit. The U.S. Judicial Conference has called any circuit with more than 15 judges unworkable. I guess that means, in the opinion of the Judicial Conference, we have an unworkable situation.

The ninth circuit currently serves 45 million people. This is 60 percent more than the next largest district. The Census Bureau has estimated that by 2010, the population in the ninth circuit will top 63 million people, an increase of 40

percent. The situation has worsened since the Hruska Commission suggested a split of the ninth circuit—a trend certain to continue with further delay.

Over the years of debate on this issue, there has been much discussion of inconsistency and unmanageable caseloads. I would like to change the focus of the argument for just a moment and instead look at the impact on the people of the ninth circuit, which includes the people of Idaho. The size of the ninth circuit also has quite an effect on these individuals.

The ninth circuit averages 429 days from filing to concluding an appeal. This is much longer than the national median time of 315 days. This affects the individuals who resort to the judicial system to resolve a dispute in their lives. It's been said that people in this country want and expect swift, efficient justice and I think they deserve it.

It is not fair for the people in the ninth circuit to be subjected to this inefficiency. People want their disputes to be solved quickly so they can go on with their lives. A lawsuit has the ability to consume everything else in one's life. In the ninth circuit, it consumes their lives for a longer period of time. Also, during this extended process, these individuals are forced to continue paying legal fees. Mr. President, I ask you if 100 extra days in litigation sounds like swift justice.

The huge backlog that develops can lead to different sorts of problems in the Northwest. The economic stability of the Northwest is threatened when suits involving, for example, the timber industry are forced into the backlog of inefficiency.

It is unquestioned that the ninth circuit covers a huge area. However, when that is combined with the 7,000 new filings the circuit had last year, it becomes almost impossible to keep abreast of legal developments in the circuit. The result is everchanging judicial patterns that inevitably make conflicting rulings. This leads to judicial inconsistency, which is not good for the system, or the people who seek relief through the system. This might help to explain the fact that the ninth circuit has an 82 percent rate of reversal by the Supreme Court of the United States. Mr. President, I ask you if this sounds like efficient justice.

Opponents of this legislation argue that the extreme size and population of the ninth circuit is not enough of a reason to support a split. However, that was the exact reason for the split of the former eighth circuit, which created the tenth circuit. It was also the exact reason for dividing the fifth circuit and creating the eleventh circuit. In fact, as I said before, when the fifth circuit was split, it was suggested that the ninth circuit be split as well.

Opponents also argue for the need of a new commission to determine the need for a split of the ninth circuit. Twenty-five years ago the suggestion of just such a commission was to split the ninth circuit. It has grown since then, and is continuing to grow. The proposed split has been discussed for many years now, including Senate Judiciary hearings. There is more than enough data currently in the record to make an informed decision, and that decision should be to split the ninth circuit.

Mr. President, this situation has been a long time in coming. It is now time for us to act. The split of the fifth circuit worked 25 years ago, so there is no reason we should not expect similar success with the ninth circuit. It is time that we recognize the competing interests of the differing regions in the ninth circuit and split them up. I ask that my colleagues support the split of the ninth circuit in the interest of returning swift, efficient justice to the people of the ninth circuit.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 5 minutes to the distinguished Senator from California, my colleague, Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I thank my colleague. I stand in favor of the pending Feinstein amendment calling for a study to decide whether the people would be better served by splitting the ninth circuit and, if so, how to split the ninth circuit.

Mr. President, I am very fortunate at this time to be sitting on the Appropriations Committee, and I knew when I took a seat on that committee it was very powerful. Mr. President, I know you sit on that committee as well, and we are proud to be there. But, in my opinion, I never believed the Appropriations Committee would take it upon itself to determine how to split the ninth circuit. It seems to me if we are going to undertake this, it ought to be a study. The study ought to go to the Judiciary Committee, of which my distinguished colleague, Senator FEINSTEIN, is a member. That is the proper way to serve the people we represent.

Congress has redrawn circuit boundaries only twice since creating the modern appellate system in 1891. So only twice has Congress stepped in. Congress has never divided a circuit without the support of the circuit judges and the organized bar. The judges and lawyers of the ninth circuit overwhelmingly oppose the split without first studying it. The Federal Bar Association and the bar associations of California, Arizona, Nevada, Montana, Idaho, and Hawaii have all passed resolutions expressing their opposition to splitting the circuit. The Ninth Circuit Judicial Council, the governing body for all the courts in the ninth circuit, is unanimous in their opposition to splitting the circuit.

The last time splitting up the ninth circuit was studied was during the Hruska Commission in 1973, and the principal authors of that report, Judge Charles Wiggins of Nevada and former Deputy Executive Director of the Hruska Commission, Professor Arthur Hellman, agree that its recommendation to split the ninth circuit is outdated and they oppose a split without first conducting a study. And that, of course, is what the pending amendment is about, to have a study first.

Now, we hear many comments in this Chamber, and I heard them in committee, about the delay at the ninth circuit. Any delay in total case processing time is clearly due to unfilled vacancies. I have heard this over and over. There are 28 judicial seats on the ninth circuit. Of these 28, there are only 19 active judges. So clearly we have not done our job here, and it seems to me justice delayed is justice denied, and we better get busy.

We have some excellent nominees pending before the Senate and before the Committee on the Judiciary. And I tell you, I have been quite frustrated that we cannot seem to get these nominations up before the body but yet we can seem to bring a split of the ninth circuit with all its ramifications here in lickety-split time without much study. I find it very, very ironic when we have the most qualified candidates who have been selected by Republicans and Democrats alike sitting and waiting here in excess of a year and a half, 2 years.

We hear about the high reversal rate at the ninth circuit, and clearly there is a high reversal, if you look at it this way —28 of 29 cases. However, the Supreme Court elects to hear only a tiny fraction of the more than 4,000 final dispositions issued annually by the circuit. So thousands of cases stand and then 28 of 29 that they chose to hear they reversed.

But, Mr. President, it is interesting. Four other circuits have higher reversal rates than the ninth circuit. The first, second, seventh, and D.C. circuits are all reversed 100 percent of the time.

We also hear that California judicial philosophy dominates the ninth circuit. Ten of the circuits' nineteen active judges actually sit outside California: Arizona, Nevada, and Idaho each have two judges; Montana, Washington, Oregon, and Alaska each have one. And the circuit judges are evenly split between Republicans and Democrats. Of the court's 19 active judges, Mr. President, 10 were nominated by Republican Presidents and 9 by Democratic Presidents. So many of the arguments that we hear today seem to me to be rather specious.

Then we hear the argument that this is very cost efficient, but no one talks about costs of the splitting up of the ninth circuit, and those would be substantial. Creation of a new twelfth circuit would require duplicate offices of clerk of court, circuit executive, staff attorneys, settlement attorneys, libraries, courtrooms, and mail and computer facilities, at an annual cost of $1.3 million.

Now, it may be that this money would be well spent. I certainly am very, very open to splitting this court. That is not a problem for me. The problem for me is how we go about it. Before we invest this money every year plus the $3 million startup costs, and an additional $2 million for leasing space, it seems to me we ought to have a study.

So I strongly support the Feinstein amendment. I am proud to be a cosponsor of it. I hope that wisdom will prevail.

I thank the Chair for its patience. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I have a prepared statement, but I am going to divert from it and frankly just speak from my heart, from my experience. My experience is not long in this Chamber. But my experience among the people of Oregon is very recent. And my experience there with people causes me to rise in opposition to the amendment of the Senator from California. I am reluctant to do that for a personal reason. I am one of Senator FEINSTEIN's great admirers. She may not know that, but I think she is a terrific human being. But I have an obligation to speak as best I can for the people who elected me.

I believe this may be an imperfect process. Maybe it should not be a rider to a bill. But I am very aware that for 25 years this issue has been debated in this Chamber, and we have had study after study after study, and what we are beginning to develop is a feeling among the electorate that when going for justice in the ninth circuit, that justice will be denied. So I think there is a lot of frustration on the part of many of us here that we have to do whatever we can and stop studying and stop delaying and start doing. So I feel very strongly about this.

I have heard many arguments today that have merit on a procedural basis. Yes, maybe many of the legal profession oppose this. But many people support this.

We have heard charges of gerrymandering. I have a map of the United States and the circuit courts of this country. They are saying we are gerrymandering on the west coast of the United States, but I notice that nearly every State on the east coast of the United States is in a different circuit. There are five circuits that cover the Eastern United States, and those circuits have the lowest reversal rates, taken together, of any region in the country. I think we need to change it.

So I rise to support what Senator GREGG is doing. I thank him for that. I thank him for his leadership. He doesn't have a dog in the fight of the ninth circuit, but a lot of us do. So I thank him for that.

I join my colleagues in opposition to this amendment to strike the provision in this bill to divide the Ninth Circuit of the U.S. Court of Appeals. This may not be the most perfect solution to a difficult problem, but I believe that it provides a platform from which to relieve the caseload and reversal rate of the Ninth Circuit Court of Appeals. Serving more than 45 million people and spanning 1.4 million square miles, the Ninth Circuit Court of Appeals handles more than 8,500 filings a year—with a reversal rate of 96 percent. By the year 2010, the ninth circuit population will increase in size by 43 percent.

While my colleague from California may argue that this is an issue for further study, I would like to remind my colleagues that the Senate has studied this issue for almost a quarter century and has reported legislation to split the ninth circuit on three separate occasions. Clearly, the time has come to act.

I want to conclude by reading the comments of some judges who support what is happening here, because some have been read to the reverse.

Mr. President, we are not simply legislating without just cause. The judges that serve in the ninth circuit have given us cause to act without further delay. Judge Diarmuid O'Scannlain from my state of Oregon has stated:

> We (the ninth circuit) cannot grow without limit. As the number of opinions increases, we judges risk losing the ability to know what our circuit's law is. In short, bigger is not necessarily better. The ninth circuit will ultimately need to be split.

I replaced a great senator, Senator Mark O. Hatfield who served in this Chamber for 30 years. He said:

> The ninth circuit's size has created serious problems: too many judges spending more time and money traveling than hearing cases, a growing backlog of cases which threaten to bury each judge, a dangerous inability to keep up with current case law, a breakdown in judicial collegiality and, most importantly, a failure to provide uniformity, stability and predictability in the development of federal law throughout the Western region. It is increasingly clear that these problems cannot be solved by the reforms already implemented by the Court. These arguments adequately state the case for the division of the circuit. We delay at our peril.

Mr. President, justice delayed is justice denied. I ask my colleagues to join me in opposing this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from New Hampshire controls 46 minutes. The Senator from California controls 27 minutes.

Mr. GREGG. Does the Senator from California mind if we take another speaker?

Mrs. FEINSTEIN. Not at all.

Mr. GREGG. I yield to the Senator from Idaho for 10 minutes.

Mr. KEMPTHORNE. Mr. President, may I commend the Senator from New Hampshire for his efforts on this issue. I applaud him on that. It is long overdue. Therefore, I must rise in opposition to the Senator from California, for whom I have the utmost respect. She and I happen to have served as mayors in this country at the same time. I prefer it when we are on the same side of an issue. I look forward to that day again.

The time to alleviate the problems being faced by the ninth circuit has long been passed. It is time for us to deal with this. The proposal to realign the ninth circuit was first considered by the Senate nearly 25 years ago. For 25 years we have known that we should be at this point, that we should have made the decision long ago. Yet, the option presented by this amendment would only serve to further delay this long overdue realignment. And further delay serves only to deny access to justice to the people who fall under the jurisdiction of the ninth circuit.

The immense size of the ninth circuit is one of the problems. The next closest circuit in size is the sixth. The sixth circuit has a population of just under 30 million people. The ninth circuit has nearly 50 million people—70 percent more people than does the sixth. And the problem will only get worse because, over the next 12 years, the States which make up the current ninth circuit are expected to grow by 43 percent.

So here we have a problem that is 25 years in the making and getting worse, and now we can see the projections that it is just simply going to be driven to the point that access to justice is absolutely impossible. As a result of the tremendous caseloads, adjudication by the ninth circuit is unnecessarily and unfortunately slow. Recent figures indicate the time to complete an appeal in the ninth circuit is 40 percent longer than the national median.

The people of the ninth circuit are simply not served by the unneeded delay experienced within the circuit. The question before us, therefore, is not a question of politics. It is a question of fairness. The judges in the ninth circuit simply cannot keep up with the number of cases which are being decided. It is nearly impossible logistically for judges within the circuit to know the law as it is being decided within the circuit, and therefore you see inconsistencies, you see problems with not staying up with decisions that have been made elsewhere within the jurisdiction, and therefore we see the cases being overturned.

So, should the people of the ninth circuit have to continue to face the unnecessary delays and judicial uncertainty which is becoming commonplace within the circuit? Should the judges of the ninth circuit continue to be burdened with a system which prevents the kind of collegiality which is necessary for effective decisionmaking? Any objective analysis of these questions reveals that the answer must be no. And, if the answer is no, then we must act now to split the ninth circuit

and provide the people within this jurisdiction the access to justice which all Americans expect and are entitled to. Speaking for the people I represent, I say that it is fundamentally unfair to deny the people of Idaho justice. Yet, the amendment of the Senator from California would continue the kind of injustice that was exposed nearly a quarter of a century ago.

In reviewing a proposal of this magnitude, I believe it is important to speak with those who are most familiar with the situation. With this in mind, I asked Idaho's attorney general, Al Lance, to share his views with me. I believe his words are worth repeating at this time. He said:

My concerns regarding the ninth circuit include its unwieldy size, inconsistency in decisions issued by its various panels, excessive delay in the issuance of those decisions, as well as the circuit's very high reversal rate when its decisions are reviewed by the U.S. Supreme Court. Furthermore, it is my firm belief that in view of the unwieldy nature of the circuit as it is presently configured, that the true significance of regional and local issues is neither fully appreciated by the court nor reflected in the court's decisions. Establishing a new Twelfth Circuit Court of Appeals will resolve these concerns and, at the same time, reduce the average case processing time by over 400 days to a time period consistent with most other circuits.

In closing, I would like to quote another friend of mine who is the Governor of the State of Idaho, Phil Batt. With regard to the ninth circuit, he stated:

The court has been overloaded for a long time, and it is in the interest of everyone, especially justice, to split it.

That is what this debate is truly about: justice. I urge my colleagues to vote for justice and to vote against the amendment which is before us. Americans are entitled to justice and they are entitled to access to the justice system, and it is being denied currently in the ninth circuit. The remedy, as proposed by the Senator from New Hampshire, is before us. It is a quarter of a century overdue. It is time for us to take the right action and provide that access to justice for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the distinguished Senator from Nevada, [Mr. BRYAN].

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the senior Senator from California.

Mr. President, I rise to support the amendment offered by the senior Senator from California. In my view, and I speak as one who has appeared before the ninth circuit as an attorney, the provision included in this appropriation bill to divide the ninth circuit and create a new 12th circuit is inappropriate, ill-conceived and ill-advised. I must express my dismay that my colleagues on the Appropriations Committee have seen fit to usurp the jurisdiction of the Judiciary Committee on this matter. If there was ever an issue that deserved to be considered in a thoughtful and careful manner by the Judiciary Committee, it is the issue of reforming our Federal court system.

The Commerce, Justice, State appropriation bill is clearly not an appropriate venue to debate an issue of this magnitude, one that will have far-reaching policy implications, not only for those of us in the West but for the entire Nation.

The Ninth Circuit Court of Appeals Reorganization Act of 1997 would reformulate the ninth circuit to include California, Nevada and the Pacific territories, and create a new twelfth circuit consisting of Alaska, Arizona, Hawaii, Idaho, Montana, Oregon and Washington.

In the 104th Congress, the distinguished senior Senator from Washington introduced legislation that would have placed California, Nevada, Arizona, Hawaii and the Pacific territories in the ninth circuit. That legislation was later modified by the Judiciary Committee to establish a new ninth circuit consisting of California, Hawaii and the Pacific territories, and I have been further advised that at one time a proposal was floating around that would divide northern and southern California into separate circuits.

I mention these various iterations of dividing the ninth circuit to make the point that there is a variety of views as to how best to address the ninth circuit and whether or not it should be divided, and, if so, how it should be divided. But in my view, it is clear the proposal to divide the ninth circuit is more reflective of an act of political expediency than the prudential concerns related to the administration of justice. The sponsors of this provision claim that the ninth circuit is unable to effectively manage its caseload because it has grown too big and that the solution to this perceived problem is to divide the circuit. But this, I fear, is only a smokescreen, for the real reason splitting the ninth circuit being proposed at this time is simply that many do not like the decisions rendered by the circuit.

While they will not admit that one purpose of dividing the ninth circuit is to change the substantive outcomes of decisions, the sponsors have made clear their displeasure with many decisions issued by the court, particularly in the area of natural resource protection. Surely not all of the decisions in the ninth circuit, or for that matter any circuit, come down the way that all of us would like. I, myself, have cosponsored legislation that would reverse the effect of some of the ninth circuit decisions. But I do not believe that differences over the decisions rendered by the ninth circuit are an adequate basis to split the circuit.

What kind of precedent would the Congress then be setting? Would a circuit court of appeals face possible reconfiguration whenever Congress does not like the decisions being rendered? Does this Congress really want to support what is essentially judicial gerrymandering? I hope not. The ninth circuit serves nine Western States and has been one circuit for more than 100 years. Whenever the issue of splitting the circuit is put to a vote of the judges and lawyers in the circuit, the vote has been overwhelmingly to retain the circuit as it is currently constituted.

Who better than those judges who comprise the circuit and those lawyers who represent litigants before the ninth circuit to determine whether or not the ninth circuit is working effectively or not?

It has been my experience that neither judges nor lawyers have been shy about stating an opinion when they think something needs to be changed.

The last study of the Federal Circuit Court of Appeals was by the 1973 Hruska Commission. A fellow Nevadan, the Honorable Charles Wiggins, a ninth circuit court judge, served as a member of that commission. Parenthetically, Judge Wiggins first served as a Republican Member of the House before serving on the ninth circuit. In a letter to California's senior Senator, he stated:

My understanding of the role of the circuit courts in our system of Federal justice has changed over the years from that which I held when the Hruska Commission issued its final report in 1973. At that time, I endorsed the recommendations of the Commission calling for a division of the fifth and ninth circuits. I have grown wiser in the succeeding 22 years.

We should heed Judge Wiggins' experience—act wisely and not precipitously in dividing this circuit.

The last time a circuit court of appeals split was in 1980 when the fifth circuit was divided and the eleventh created. It should be noted that the judges of the fifth circuit unanimously requested the split, a situation we clearly do not have with the ninth circuit.

In a recent letter, Judge Wiggins wrote me:

Circuit division is not the answer. It has not proved effective in reducing delays. The former fifth circuit ranked sixth in case processing times just prior to its division into the fifth and eleventh circuits. Since the division, the new fifth circuit is still ranked fifth or seventh, while the new eleventh circuit now ranks 12th, the slowest of all circuits. The Ninth Circuit Court of Appeals judges are the fastest in the Nation in disposing of cases once the panel has received the case.

So the ninth circuit would appear to take the appropriate administrative steps to manage its caseloads through innovative ways that other circuits use as models.

The ninth circuit disposes of cases in 1.9 months from oral argument to rendering a decision. That is less than the national average by 2 weeks. This currently makes the ninth circuit the second most efficient circuit in the country.

So it is obvious the circuit has recognized caseload management is an area

that needs improving and is successfully addressing it.

I find it particularly ironic that in this political environment in which budget decisions are hotly debated and new expenditures are closely watched that a new circuit would be proposed, because it is estimated that a courthouse alone would cost some $60 million and there would be additional costs that would be involved in the transition period. So, therefore, we would face the continuing cost of operating an additional circuit court when, at this point, no determination has been made in a fair and objective way that dividing the circuit is necessary.

In my view, the ninth circuit has worked well for the nine Western States it serves and will continue to do so into the future. For those who believe the ninth circuit must be split, I urge the support of the Feinstein amendment to establish a commission to review the structure and the alignment of the Federal courts of appeals. This is a thoughtful and prudent way to address this issue.

When the information necessary to determine whether any circuits need their geographical jurisdiction changed is available, we can then debate this issue more intelligently, having been thoroughly informed as to the facts. But let us not split the ninth circuit at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I yield the Senator from Alaska 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I rise to oppose the amendment offered by my good friend, the Senator from California, the amendment which would strike the provisions of the bill to divide the ninth circuit into two separate circuits of more manageable size and certainly more manageable responsibility.

The division of the ninth circuit is warranted for three very important reasons: its size and population; its caseload; and its astounding reversal rate by the U.S. Supreme Court. Who holds the ninth circuit court accountable? It is the U.S. Supreme Court.

Let's talk about size and population. I have a chart here which shows the magnitude of the area covered by the ninth circuit. The ninth circuit is, by far, the largest of the 13 judicial circuits, encompassing nine States and stretching from the Arctic Circle in my State to the border of Mexico and across the international date line. That is how big it is.

We are not against California or Nevada. What we want is a recognition of timely judicial action.

Population: The second chart I have shows the number of people served by the ninth circuit. Over 49 million people are served by the ninth circuit, almost 60 percent more than are served by the next largest circuit. By the year 2010, not very far away, the Census Bureau estimates that the ninth circuit's population will be more than 63 million, a 43-percent increase in just 13 years. Talk about not doing anything rash. This population is increasing out of control. We better start doing something now.

On the issue of accountability, Mr. President, and that is most important, the only factor more disturbing than the geographic magnitude of the circuit is the magnitude of its ever-expanding docket. The ninth circuit has more cases than any other circuit. Last year alone, the ninth circuit had an astounding 8,502 new filings. It is because of its caseload that the entire appellate process in the ninth circuit is the second slowest in the Nation. How do they explain that? As a former chief judge, Judge Wallace of the ninth circuit, stated:

> It takes about 4 months longer to complete an appeal in our court as compared to the national median time.

Former Chief Justice Warren E. Burger put it more succinctly when he called the ninth circuit an ''unmanageable administrative monstrosity.''

Let's look at this reversal rate which I want to talk to you about, because there is the issue of accountability. Our responsibility of judicial oversight demands action now. Unfortunately, this massive size often results in the decrease in the ability of the judges to keep abreast of legal developments within this jurisdiction. The large number of judges scattered over a large area inevitably results in difficulty in reaching consistent circuit decisions. This judicial inconsistency has led to continual increases in the reversal rate of the ninth circuit decisions by the U.S. Supreme Court.

During the last Supreme Court session, the Court reversed 19 of the 20 cases that it heard from the ninth circuit. That is an astounding 95 percent reversal rate. How do they explain that? They don't. It is embarrassing, I would think, for the judges. The Supreme Court holds the circuit accountable to the tune of a 95 percent reversal rate. It's about accountability, Mr. President.

Here is the relative ninth circuit reversal rate: 95 percent in 1996; 83 percent in 1995; 82 percent in 1994; 73 percent in 1993; 63 percent in 1992.

Why does this reversal rate continue to increase? Because the circuit is simply too big. Intracircuit conflicts are the result. Ninth circuit Judge Diramuid O'Scannlain, a sitting judge on the ninth circuit, described the problem as follows:

> An appellate court must function as a unified body, and it must speak with a unified voice. It must maintain and shape a coherent body of law. A circuit judge must feel as though he or she speaks for the whole court and not merely an individual. As more and more judges are added, it becomes harder for the court to remain accountable to lawyers, other judges, and the public at large.

Listen to that, ''the public at large.''

> As the number of opinions increase, we judges risk losing the ability to keep track of precedents and the ability to know what our circuit's law is. In short, bigger is not better.

Another sitting judge on the ninth circuit, Judge Andrew Kleinfeld, agrees:

> With so many judges on the ninth circuit and so many cases, there is no way a judge can read all the other judges' opinions. . . It's an impossibility.

Now there you have it, Mr. President. Two statements from two sitting judges about what the problem is.

Some today argue that the Senate is acting in haste. This is entirely untrue. The concept of dividing the ninth circuit is not new. Numerous proposals to divide the ninth circuit were debated in Congress since before World War II. More recent congressional history includes:

A 1973 congressional commission to study realignment with the circuit court, chaired by Senator Hruska, which strongly called for division of the ninth circuit.

Congressional hearings have been held in 1974, 1975, 1983, 1989, 1990 and 1995.

A split of the ninth circuit has been reported from a Senate committee on three occasions, Mr. President.

How long do we have to wait? Dividing the ninth has been studied, debated and analyzed to death. It is time for action.

I have one final chart. This is a statement from retired U.S. Supreme Court Justice Warren Burger:

> I strongly believe that the ninth circuit is far too cumbersome and it should be divided.

U.S. Supreme Court Justice Anthony M. Kennedy who reviews, if you will, the appeals, has this opinion:

> I have increasing doubts and increasing reservations about the wisdom of retaining the ninth in its historic size, and with its historic jurisdiction.

Honorable Diarmuid O'Scannlain, ninth circuit:

> We (the ninth circuit) cannot grow without limit. . . As the number of opinions increases, we judges risk losing the ability to know what our circuit's law is. . .

Judge Kleinfeld currently sitting on the court:

> The ninth circuit is too large and has too many cases—making it impossible to keep abreast of ninth circuit decisions.

Our own former Member, a Senator from Alabama, former Alabama Supreme Court Chief Justice Howell Heflin, who we have the greatest respect for:

> Congress recognized that a point is reached where the addition of judges decreases the effectiveness of the court, complicates the administration of uniform law, and potentially diminishes the quality of justice within a circuit.

That is our own former Senator.

Finally, recently retired Senator Mark Hatfield:

> The increased likelihood of intracircuit conflicts is an important justification for splitting the court.

There you have some of the most respected people we know relative to this subject. The Commerce, State, Justice bill splits the circuit in a rational way. The States of California and Nevada, due to their large population, particularly of California, and the rapid population growth of Nevada, will comprise the new ninth circuit. The balance of the States of the circuit will form the new twelfth circuit. The 49 million residents of the ninth circuit are the persons who suffer. Many wait years before cases are heard and decided, prompting many to forgo the entire appellate process.

In brief, the ninth circuit has become a circuit where justice is not swift and justice is not always served. We have known of the problem of the ninth circuit for a long time. It is time to solve the problem. It is time for action now, and it is time for timely justice.

I urge my colleagues to reflect on this reality and the responsibility that this Senate has to address it. Let's not forget that reversal rate relative to the chart on my right. I am going to leave that up as I yield the remainder of my time, because this is the real story, Mr. President. Here is the accountability of the court, the Supreme Court of the United States, and the number of cases that they have reversed. It is absolutely embarrassing and, as a consequence, action should be taken by this body now.

This is nothing against my good friends from California or the State of California. This just happens to be the reality of the court that we are forced to operate under. To suggest that somehow we don't like the decisions is absolutely silly and unrealistic. These decisions are made on legal merits, as they should be. They have nothing to do relative to the location of the court. This court is simply overworked and is unresponsive to the public, as indicated by the Supreme Court's reversal rate.

Mr. President, I thank the floor manager. I yield the floor.

Mr. HOLLINGS. Mr. President, in the bill before us, we have in there something called the Ninth Circuit Court of Appeals Reorganization Act of 1997. It is hidden in the back of the bill within the general provisions, but boy, does it have great import. This language asks us to split the ninth circuit court into two circuits—the ninth circuit would include California, Guam, Nevada, and the Northern Mariana Islands while the twelfth circuit would include Alaska, Arizona, Hawaii, Idaho, Montana, Oregon, and Washington. Needless to say, I am certain my friends from these States will have something to say about this matter.

While there will be Senators here to talk about the pros and cons of splitting this ninth circuit court, I would like to say to my colleagues that this is neither the time nor place to be talking about this issue at all. As far as I can tell, this is a matter that belongs in the most able hands of our Judiciary Committee. This is not a money matter. This is true and true new authorization language that has no place being on our appropriations bill.

In our full committee mark of the bill, Senators REID and BOXER asked the committee to create a commission to study the state of all the circuits and make recommendations according to the big picture. The rationale behind this is to let the experts who know and understand our circuit courts tell us what they think before we do anything drastic. Expanding Federal caseloads is a nationwide problem requiring a nationwide solution. We can't sit here on our appropriations bill and pretend to be experts as to what's best for the ninth circuit or all the circuit courts, especially without ever having any hearings on the topic, and especially not knowing how much our decision will cost us. Believe me, splitting the ninth circuit court will without a doubt incur upon us additional costs that we haven't even begun to predict.

So I urge my chairman and my colleagues to listen when I say that this issue must go. We need to give this to the Judiciary Committee where I have confidence they will make an informed and thorough decision in a field that is theirs and theirs alone.

Mr. GREGG. Mr. President, can the Chair advise us of the present time status?

The PRESIDING OFFICER. The Senator from New Hampshire controls 30 minutes; the Senator from California controls 19 minutes.

Mr. GREGG. Mr. President, I suggest to the Senator from California, if it is agreeable, that we move to the Senator from Arizona for 5 minutes while we work on a possible unanimous consent agreement for a vote.

Mrs. FEINSTEIN. That is acceptable.

Mr. GREGG. I yield 5 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleague for yielding. This proposal to divide the ninth circuit is especially important to my State.

Mr. GREGG. May I ask the Senator from Arizona to suspend for a second while I propound a unanimous consent request?

Mr. KYL. Sure.

Mr. GREGG. Mr. President, I ask unanimous consent that the vote occur on or in relation to the pending Feinstein amendment at 7:45 p.m. this evening; and further, that the time between now and then be equally divided in the usual form, and that there be no amendments in the second degree.

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

The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

As I said, this provision in the bill to divide the ninth circuit is very important to the State of Arizona because Arizona is the second largest State in the existing ninth circuit, both in terms of population and caseload. It, California, and Nevada are all three very fast growing. And there is no question that the caseload will continue to grow at least in proportion to the population.

Phoenix, AZ, is now the sixth largest city in the country. Arizona is, I believe, the fastest growing State in the country. So not only do we have a situation in which we are growing very rapidly, along with Nevada and California, but the proposed amendment would result in a division of the circuit which would affect my own State of Arizona. So I speak to that issue.

Now, it is not my suggestion, Mr. President, that the circuit be divided. There is a division of opinion in Arizona on that that suggests that the bench and bar are split. I do not think there is a clear consensus in my State as to whether the circuit should be divided, but I think there is a pretty clear recognition that it will be. It will happen sooner or later. It is inevitable, as several of my colleagues have already pointed out here. There is no question, because of its size and other factors, the circuit is going to be divided one way or another.

The question is how will it be divided? On that question I think we have to look at this question of size, population, growth, caseload growth, and so on. Because if, for example, you divided the circuit the way it calls for in the bill, the caseload division would be as follows: The circuit comprised of California and Nevada would have 63 percent of the cases, and the remainder of the circuit would have 37 percent of the cases. That is about a 2-to-1 division, showing just how big California is. Probably in terms of caseload, the sounder way to do it would be just to have California. It would still be about 60–40 in favor of California versus all of the rest of the States in the circuit.

But I gather that the proponents of this have decided to accommodate States who have expressed a willingness, through their Senators, to be added to California or to remain with California, and that Nevada has done that, as a result of which, to accommodate Nevada, it has been put with California.

Now, if Arizona were to be added to that circuit, as some people suggest—again, there is division of view on this—the caseload would be 73 percent for the Arizona, Nevada, California circuit; 27 percent for the rest of the circuit. Obviously, that is not a good division for the circuits. So I have had to consider it from both a perspective of my State and what makes sense how to approach this issue. It clearly does not make sense, from a caseload division, to divide the circuit in a way that would add the three fastest growing States—Arizona, Nevada and California—together. I think it is bad enough to add Nevada and California together, though I do not deny that Nevada has a right to be with California if they desire. But it will soon be unbalanced and soon be the largest circuit in the country.

Mr. President, in the end, I conclude I will not oppose this proposal. I would like to add two comments to those that have been made by my colleagues. First, there has been a suggestion that this circuit would be gerrymandered. I do want to suggest that that is not true. It is not true politically. The division of Democrat and Republican nominees would be exactly the same with the new division as it would be under the existing circuit. So I do not think that anybody believes this is about gerrymandering in a political sense. The percentage of Democrats and Republicans would be the same. Moreover, it is not a geographical gerrymandering. It simply takes two of the States of the circuit and leaves the remaining circuit as it is.

Again, I would prefer that Nevada remain with the rest of the circuit to have a more evenly balanced caseload. Nevada wants to go with California—fine. That creates the anomaly that Arizona is divided from the rest of the circuit. But in the day of air travel, I do not think that is a particularly difficult problem for us, particularly since the committee has seen fit to designate both Seattle and Phoenix administrative sites of the circuit. So you have both a northern and southern administrative site. I know in the existing ninth circuit, cases are argued in Phoenix, Seattle, Los Angeles, San Francisco, and so on. Because of its size, you have to accommodate the travel needs of the parties, the litigants. So there is an accommodation to that. And it would exist in this new circuit as well.

But at least the people in the new circuit would not have to travel to California. So it seems to me that, on balance, maybe the best of a difficult situation has been made. I should say, the best has been made of a difficult situation. That is how to make a division that results in a fairly even distribution of cases, No. 1, and that does not divide the State of California, which I objected to along with Senator FEINSTEIN. So in the end, Mr. President, conceding that division is ultimately going to occur, it seems to me that this is a division that makes sense. Therefore I will not oppose it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

Mrs. FEINSTEIN. I think the distinguished Senator from Arizona knows I greatly respect him, from working together on other issues. I think we work very well together.

I want to directly address something that he has said about the fairness of this split, particularly with respect to the size. I say to him, that isn't the issue. The issue is how the judges are split. I say to the Senator, this legislation splits the judges. The way in which it splits the judges is 15 judges for the ninth circuit, and 13 judges for the newly formed twelfth circuit. Now, the caseload means that the ninth circuit court judges have a 50 percent greater caseload per judge than do the twelfth circuit court judges.

The Senator and I discussed these kinds of issues a year or so ago. I hope you will recall when we were discussing this in the Judiciary Committee.

There is a letter dated July 18 of this year to Senator REID from Chief Judge Procter Hug. What Judge Hug points out is:

> Under the bill, the Ninth Circuit is to have 15 judges and the Twelfth Circuit is to have 13 judges. The Ninth Circuit would have a 50% greater caseload per judge than the Twelfth.

He goes on and shows the total for California, Nevada, Guam, Northern Marianas, with a total caseload of 5,448.

> With 15 judges, the caseload per judge—363 cases, then the caseload for Alaska, 204; Arizona, 891; Hawaii, 204; Idaho, 141; Montana, 175; Oregon, 626; Washington, 871, with a total of 3,112.
>
> With 13 judges, the caseload per judge—239 cases. That is one of my big objections. One thing I would just bet my life on is, as a product of a study, there will be a fairer distribution of judges.

Mr. KYL. Will the Senator yield?

Mrs. FEINSTEIN. If it is on your time, I would be happy to yield.

Mr. KYL. That would be up to Senator GREGG. I am going to agree with you, so perhaps——

Mr. GREGG. I have no problem with that. This colloquy can be on our time.

Mr. KYL. I want to say, we discussed the allocation of judges before. The Senator is exactly correct. I totally agree with you there should be a fair allocation, meaning that it should be in rough proportion to the caseload, and the projected caseload, not just the existing caseload. Therefore, if that means that there should be a different division of the judges vis-a-vis the States in the new circuit, I would not only have no objection to that, but I would join the Senator from California in assuring that that is the case.

This was not my proposal, as the Senator from California knows. But I would suspect that the proponents of this amendment would be very happy to ensure that that distribution of judges is made a part of the legislation. At least, I would work with the Senator from California to assure that that would be the case.

Mrs. FEINSTEIN. I very much appreciate that, and I take you at your word. However, what this legislation does will be the law if it is accepted by the House.

Mr. MURKOWSKI. Could I ask my friend from California a question?

Mrs. FEINSTEIN. Of course.

Mr. GREGG. At this time I would have to reclaim my time because we do have some additional speakers. So any additional colloquy should come off the time of the Senator from California.

Mrs. FEINSTEIN. If I may just make my quick statement here.

On four occasions, the Federal judges of the ninth circuit and the practicing lawyers of the Ninth Circuit Judicial Conference have voted in opposition to splitting the circuits. The official bar organization of Arizona—as recently as July 14, a few days ago—and the bars of California, Hawaii, Idaho, Montana, and Nevada, and the National Federal Bar Association, all have taken positions against the circuit division. No State bar organization to this day has taken a position in favor of circuit division, let alone this division.

Now, let me try to begin to summarize here.

I believe strongly—and I think the other side knows I do not throw these comments around loosely—that this is really being done for the wrong reasons and in the wrong way. I think some people did not like some of the decisions, specifically in mining and grazing. For some it is being done because they think they will get more judges for their State. I have had Senators tell me that directly. For some, a new courthouse is attractive.

The point is, the House of Representatives has passed the very bill, the amendment of which I am carrying here in the Senate. This proposal, notwithstanding anything anyone has said, as a member of the Judiciary Committee for the last 4½ years—there has never, Mr. President, in the time you've been there, there has never been a hearing on this split. There has never been a discussion of the ramifications of this split on legal precedent or forum shopping. There has never been input from the judicial council, from the judges, from the bar associations on this split. That is fact, Mr. President. That is fact.

Yet, an appropriations committee has stolen the jurisdiction of the Judiciary Committee and moved ahead and proposed a split a few weeks ago—2 days later they had a split which split California in half—the next day that was gone and there was the split we are faced with today. That is why I say it is a gerrymander.

If this were a map before a court on an electoral district with Arizona floating out here alone, they would say, aha, it is a gerrymander. Yet it can be done by a committee that does not even have authorizing oversight jurisdiction, and, bingo, it is before the full body. I really have a problem with that. I do not think that is right.

I happen to agree with my chairman, California is going to have 50 million people by the year 2025. We should take a look at whether or not the interests of justice would be carried out by splitting the largest circuit in the Union. I do not have a problem with that.

What I do have a problem with is worrying, aha, is this being done because Montana does not like a mining decision? Is it being done because Washington does not like a timber decision? Is it being done because someone else doesn't like another decision? Is it being done because a state wants an additional judge?

I mean, this is a very real and pertinent consideration because never before in the history of the Union has a

circuit been split in this manner. So it is indeed very, very important.

No consideration of costs. I pointed out the Pasadena and San Francisco courthouses; $140 million has just been spent on them. My goodness, I can see the spot done now on television. ''They spend all this money.'' I believe there is no way you can build new courthouses, and staff them with duplicate positions, and not have it cost at least $100 million in 1997 dollars. And do you know what? This goes into place, Mr. President, in October of this year.

This is almost the end of July, and then there's August, September, and October 1 this goes into effect. No hearing; no study; no talk; no what do you think, bar of Arizona; what do you think, bar of Nevada; what do you think, bar of Alaska; or what do you think, bar of Idaho? It doesn't meet the smell test. That is the problem for me.

Now, let me talk——

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

Mrs. FEINSTEIN. If I may finish my thought, the point has been made—and the distinguished Senator from Alaska made this point very well—that 28 out of 29 cases of this session were reversed by the United States Supreme Court. Bingo, it is a terrible circuit. Well, let me say that that is only 28 cases out of over 4,480 cases. It is the largest circuit. That is a very small percentage of the cases it successfully adjudicated.

Let me just go back to Judge Hug's letter because I believe there is something important here. The caseload per judge in the ninth circuit would be 124 cases per judge higher than the twelfth circuit, or 52 percent greater, as I have said, than the twelfth.

Then he raises this:

The provision in the bill for coequal clerks in the twelfth Circuit is completely unworkable. How can it be efficiently administered in this way? Is the administration of the circuit to be done in two separate, coequal headquarters? Where would the circuit executive be located?

These are all questions that need to be answered. This thing would go into effect on October 1. No question is answered.

Then Judge Hug says in his letter:

Consider the travel time and expense of the judges. Presumably, the judges from Alaska and Montana will need to travel half of the time to Phoenix, and the Arizona judges will need to travel half the time to Seattle. Presently, the circuit headquarters in San Francisco is equal distance, and the air routes convenient. This would not be the case in the new twelfth circuit. I don't know whether that's good or bad. My point is that it ought to be looked at. If we had been able to move ahead, and the House and the Senate agreed on the study, it would have been done by now. The study would have been done by now. It is a year and a half ago. It would have been done by now. Instead, we are faced with another arbitrary proposal for a split. We are rushing it through. It is an arbitrary split. No one has looked at costs, or at fair distribution of judges; no one has heard from a judge or from a bar association on this split; and no members of any of the bars of any of the States have indicated their support for this—none, zero, zilch, none. October 1, it goes into play. It does not make sense.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mrs. FEINSTEIN. I yield the floor and reserve the balance of my time.

Mr. MURKOWSKI. Will the Senator from California yield for a question?

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. MURKOWSKI. I ask for 1 minute.

Mr. GREGG. Mr. President, I yield the Senator from Alaska a minute.

Mr. MURKOWSKI. I believe the Senator from California indicated, Mr. President, that new California judges would have a 50 percent increase in caseload, and the Senator from California indicated that would not be enough judges. I wonder if she meant to say that, in the new ninth circuit, there would be 63 percent new cases and 53 percent judges, and in the twelfth circuit, there would be 37 percent new cases and 42 percent judges, which are the figures that we have from the committee, which hardly reflect a 50 percent increase in the caseload.

Mrs. FEINSTEIN. Mr. President, I would be happy to respond. I am reading from a letter dated July 18, signed by Procter Hug, Chief Judge, U.S. Court of Appeals for the Ninth Circuit. What he points out is—he is using what I believe is current caseload. I would be happy to share this with the Senator. I read this accurately:

The total caseload filings in California, Nevada, Guam and the Northern Marianas would be 5,448. The filings in Alaska, Arizona, Hawaii, Idaho, Montana, Oregon, and Washington would be 3,012.

The point is, with 13 judges, the twelfth circuit would have 239 cases per judge. The ninth circuit would have 363 cases per judge. That is an unfair allocation of cases per judge.

Mr. MURKOWSKI. I will not further comment, other than to point out that I don't think it is a fair statement to suggest that California judges would have a 50 percent increase in caseload, because that is not reflected.

Mrs. FEINSTEIN. The Senator misunderstood me. If I might respectfully get this straight——

Mr. MURKOWSKI. I have no further questions.

Mrs. FEINSTEIN. Mr. President, I will reclaim a moment of my time to say this. Let me quote the chief judge:

The ninth circuit would have a 50 percent greater caseload per judge than the twelfth circuit.

That letter is here. Anyone can see it.

I yield the floor and reserve the remainder of my time.

Mr. GREGG. Could the Chair advise us of the time status?

The PRESIDING OFFICER. The Senator from New Hampshire has 14 minutes and 48 seconds.

Mr. GREGG. And the Senator from California?

The PRESIDING OFFICER. She has 9 minutes 2 seconds.

Mr. GREGG. I yield to the Senator from Alaska, the chairman of the committee, 9 minutes.

Mr. STEVENS. Mr. President, I shall not use that much time. I do appreciate the courtesy of the manager of the bill.

Mr. President, we have studied this matter to death. The issue, in 1973, was recommended by Senator Hruska and the Hruska Commission was created. It recommended then, in 1973, that the ninth circuit court be split. Every Congress we hear the same thing from the large delegation in the House and the two Senators in the Senate from California: we need more study. I think that is what we are hearing again now—have another study.

It has only been 24 years now that we have been studying since the first commission reported. But, of course, we do need the advice of another commission.

Mr. President, I am a California lawyer. I was raised in California, and I am pleased to have that background. But I tell you, in all sincerity, I cannot believe that we can continue this situation. This chart—I am not sure it can be seen, Mr. President. This chart shows the population and caseload of the circuits. Clearly, the population is almost 50 million people in the ninth circuit, and it requires some change when, clearly, the average of all of the others is somewhere around 20 million people.

I want to address the concern spoken to, I think, by my good friend from Hawaii, Senator INOUYE. It has been 13 years now since a Hawaii resident was appointed to the ninth circuit. Fourteen judges have been seated on the circuit since that time, but Hawaii was never recognized. Senator INOUYE has included an amendment in this provision that guarantees that at least one judge will be appointed to the circuit court of appeals from the new circuit, when it is created, from each State. Now, I think the Senate should listen to that kind of frustration and should listen to the frustration of those who see how long it takes for a case to be decided by the Ninth Circuit Court of Appeals.

Mr. President, I said the other day that the Ninth Circuit Court of Appeals judges come to our State. They come during the summer, and they have a delightful time visiting our State. In the wintertime, all our people fly south and some of our lawyers like that. But the litigants don't like it because the average time that an appeal is pending before the ninth circuit is so long, it puts a great burden upon our States, the smaller States in this circuit.

Now, in 1995, the Senate Judiciary Committee report showed that New York accounted for approximately 87 percent of the second circuit docket; Texas cases were approximately 70 percent of the fifth circuit docket. We have considered splitting the ninth circuit before several times since I have been in the Senate. Mr. President, the overload of the ninth circuit is now such a serious problem, and it is only going to get worse if we continue to

talk about another commission to discuss whether this split should take place.

The appellate process, for almost one-fifth of the citizens of the United States, will continue to be inadequate. I believe we are doing California a favor by splitting this court. They are the only State that has one circuit all to itself, all to itself—well, Nevada could make the decision to join if they wish. But the establishment of tribunals is a responsibility of the Congress, not of a commission. It is one of our most important responsibilities under the Constitution. I believe the Senate will shirk its responsibility if we do not act to correct this problem of the ninth circuit, and I urge the Senate to do what this amendment would do: create a new twelfth circuit and allocate to it the States that are suffering greatly by the current crowded situation and long delays in the Ninth Circuit Court of Appeals.

I thank the Chair and yield back the balance of my time.

Mr. GREGG. Mr. President, does the Senator from California have any additional speakers?

Mrs. FEINSTEIN. I would like to know how much time I have remaining, if I might.

The PRESIDING OFFICER. Nine minutes.

Mrs. FEINSTEIN. I reserve the balance of my time.

Mr. GREGG. Does the Senator plan to close? We have one additional speaker. I will have that speaker go if the Senator is planning to close as the final speaker.

Mrs. FEINSTEIN. I will speak after the Senator from Washington.

Mr. GREGG. I yield the balance of our time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from California makes a serious argument: we should not split the circuits because we will waste the $140 million investment in a courthouse in San Francisco, except that we can split the circuits if this so-called study commission says we should do so, and she would then have no objection.

Well, either the courthouse is an important consideration, or it is not an important consideration. Obviously, Mr. President, it is not an important consideration. I presume—I hope—that the Senator from California is not arguing that, even if there is a split, all of the staff and all of the people who are now in that courthouse in San Francisco would still be there and everything has to be added onto that. That is often a way in which the Federal bureaucracy operates. But there is no reason in the world for us to allow it to operate in that fashion under this set of circumstances.

This can be done efficiently and effectively. But that is the fundamental argument against this amendment and in favor of the bill as it stands. The ranking minority member of the Judiciary Committee said that this is the wrong way to act. The Senator from California says this is the wrong way to act because it is on an appropriations bill.

Yet, 2 years ago when a bill practically identical to this was reported by the Judiciary Committee, after full hearings and a full debate, they objected to it even being debated on the floor of the U.S. Senate. Now for the first time we have an opportunity to do so.

This Senator has favored this flip since the early 1980's. And this is the first time we have ever been able so much as to debate it on the floor of the U.S. Senate.

The arguments against the proposal for split are essentially procedural. ''Oh, no, we have not had enough hearings. We have not talked about it for a long enough time. There have not been enough study commissions.''

There have been hearings for decades. There has been a debate for decades. It simply cannot be argued in any kind of rationale manner that a circuit with this number of States, with 14 million square miles of land and water, with almost 50 million people growing more rapidly than any other part of the country, with 28 authorized judges at the present time, 10 more requested on top of that, can be a collegial body, a court that can understand the cases that come in front of it, a court in which the members can even learn the names of the other members of the court.

Of course a division is appropriate, and the division that is being discussed here today is the division, if there is to be one, that the Senators in opposition asked for.

We are criticized because the bill changed in form as it got in front of us. Well, California is not divided because the Senators from California ask that it not be divided. And we went along.

Nevada remains a part of the ninth circuit because the Senators from Nevada asked that that be the case as against the bill that was reported 2 years ago.

Hawaii and the trust territories are with the new twelfth circuit because, assuming a division, that is where they wanted to be.

Yes, there have been changes, but they have been changes requested by the very Senators who are here on the floor arguing against the result of their requests. Justice in these circuit courts will be done better in circuits that are roughly similar to the other circuits—all of the other circuits in the United States. Each of these circuits will still have more square miles than any other, except for, I believe it is the tenth in the Mountain States, and more when you include Alaska. The ninth circuit will still be the largest of any and all of them.

I don't believe this is going to be the last such division. But it is a division whose time came almost a quarter of a century ago. And that has been resisted by lawyers and judges who are comfortable with the present situation, with the wonderful travel opportunities they have, and rank that convenience ahead of the convenience of individuals seeking justice before those courts who can be served far better, far closer to home, with far more understanding, if this division becomes law, than if we simply say, ''Oh, let's wait. Let's have another study. And let's let that study come up with the same results we did before. And then we will have another excuse to oppose the division.''

That is what we got when we heard, on the one hand, ''Fine, let's have the study, and we will agree with it. But, no, we can't divide the circuit because we have a brandnew $140 million courthouse in San Francisco.''

No, Mr. President, it is time for the Senate of the United States to deal with this question as a matter of substance today. It is time to do justice. It is time to reject this amendment and pass this bill.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 9 minutes remaining on my time. I would like to yield 7 of them to the distinguished Senator from Delaware, the former chairman of the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Thank you very much.

Mr. President, this is not the right way to do this. Let me repeat that again. This is not the right way to do this. If the circuit were to be split, we should do it in a way we have done it in the past.

When some of my colleagues who have argued for the split in the past have come before the committee, they have said some of the following things. The argument is, ''Well, the reason we want a split is we don't want to have the court, basically a California-dominated court, making judgments for the folks in my State. We are different.''

And I point out to my colleagues who say that, you know, it is a funny thing about the circuit courts. Our Founding Fathers set the circuit courts up for a basic fundamental reason. They didn't want 50 different interpretations of the Federal Constitution. It is kind of strange. The whole purpose of the circuit court of appeals was to make sure there was a uniform view as to how to read the Constitution—not a Montana reading, not a Washington State reading, not a Nevada reading, not a Hawaii reading, and not an Alaska reading. Geography is relevant only in terms of convenience—not ideology.

This is all about ideology at its core. That is what this is about. That is what the attempt to split it is about.

There is no data to sustain that this should be done. Let the Judicial Conference make a judgment, make a recommendation to us. Let them decide as they have in the past.

I say to my friends from the South, before I got here, we split up what used to be a giant circuit from Texas to Florida. The Senator's home State was part of the Presiding Officer's home State, was part of this giant district of the circuit court, and it got split. We did it the right way. We got the facts. We heard from the Judicial Conference. We listened to the court.

This is about politics. It is no way to deal with the court. It isn't how to do this.

Let's look at what we have. We don't have any data on the operation of the circuit as it is presently configured. So, therefore, it seems to me, we should at least give some weight to those folks who are on the court, and those folks who are litigants argue before the court—the bar of those States.

With that in mind, let me point out that the Ninth Circuit Judicial Council, the governing body of all the courts in the ninth circuit, is unanimously opposed to this—Republican appointees to that court, Democratic appointees to that court, liberal appointees, conservative appointees, pointed-head appointees, flat-headed appointees. They are all opposed.

Let's look at the next thing that makes sense to look at—those who litigate before the court.

The California bar is opposed to this. The Arizona bar is opposed to this. The Hawaii State Bar Association is opposed to this. Big Sky Country Bar from Montana is opposed to this. The State of Nevada's bar is opposed to this, and the State of Idaho.

Mr. President, I would also point out that splitting the circuit, as proposed, will not guarantee that certain regional interests will be better represented. Keep in mind that is what this is really about—regional interests.

That is the part that bothers me about how we are going about this.

Look, I am from the third circuit way back East—Pennsylvania, Delaware. So I am not telling anybody in the other part of the country what their business is. But it offends me that we have argued at least—I have not been here for the debate—in the committee based upon regional bias. There is not a Western Federal Constitution. There is not an Eastern Federal Constitution. There is not a Southern Federal Constitution. There is one Constitution—one.

Another problem with this legislation that the court will face is the costs incurred. Dividing this circuit requires trading an infrastructure to support the new twelfth circuit. The Ninth Circuit Executive Office estimates that the initial startup cost for the establishment of the new twelfth circuit would amount to tens of millions of dollars. Operating costs of maintaining two circuits have been estimated to be more than $5 million per year.

Look, I think the Senator from California has been eminently reasonable throughout this whole process. By the way, if anybody wonders whether this is not about regionalism, which is the worst thing we could be talking about when we talk about the Federal Constitution, let me remind my colleagues of a point in fact.

No ninth circuit judge has been appointed to the court for a long time because those who, in fact, are suggesting that this should be split said, ''Unless it is split, we are not letting any judges go on the court.''

Think of that now, Mr. President. Isn't that nice?

''You won't split the court so we can have a regional division. We are not letting any folks get on the court. And then we are going to tell you that the court is overworked. Then we are going to tell you the court has a backlog. Then we are going to tell you the court has a problem.''

The reason, if it does, is because they have arbitrarily held up the appointments.

Republican judges from the circuit have come to my office—Democratic judges from the circuit, Reagan appointees, Bush appointees—and said, ''Can't you do something?'' I said, ''You are talking to the wrong guy. You are preaching to the choir. Go to the guys who are blocking these judges.''

So, Mr. President, you can make an argument that this court is overworked. You can make the argument that this distribution is but part of the argument. The reason is a self-fulfilling prophesy. You don't put judges on the circuit. You create a problem.

I can see my time is up. I thank my colleague for yielding.

This is a bad idea. It is not the right way to go about it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Delaware for his excellent comment. I agree with him 100 percent. This is the wrong way for the wrong reason. The reasons are regional. The reasons are, if we do not like the decision, we don't appoint the judges.

One-third of the ninth circuit today is vacant. I repeat, one-third of the judgeships on the ninth circuit today are vacant. And I do not believe that there is a plan to appoint another judge to the ninth circuit until we bow to this. What we are bowing to is something that has never been heard, never been studied in the 4½ years that I have been on the Judiciary Committee of the Senate.

Mr. President, I ask unanimous consent to include in the RECORD a July 14, 1997 statement of the Arizona bar in opposition to this split, a statement of the California bar in objection to this, a recent letter from the Governor of the State of California in objection to this, a July 22 letter from the chairman of the House Judiciary Committee in objection to this, a letter from the chief judge of the ninth circuit in objection to this, and the chief judge's letter on the unfair allocation of judges. I also have in my files letters objecting to the earlier proposals to split the circuit. These include letters of objection from the State Bar of Nevada, the State Bar of Montana, the State Bar of Hawaii, the Los Angeles County Bar, lawyers' representatives of the ninth circuit, and the Judicial Council.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 22, 1997.

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

DEAR ORRIN: I understand that this week the Senate is expected to consider S. 1022, the Commerce-Justice-State-Judiciary appropriations bill. Included in the bill is a major piece of substantive legislation, the ''Ninth Circuit Court of Appeals Reorganization Act of 1997.'' This provision of the bill (section 305) would amend Title 28 of the United States Code by dividing the existing Ninth Circuit into two new circuits. As you well know, altering the structure of the Federal judicial system is a serious matter. It is something that Congress does rarely, and only after careful consideration.

It is anticipated that an amendment will be offered to replace the circuit division rider with legislation to create a commission to study the courts of appeals and report recommendations on possible change. This legislation, H.R. 908, has already passed the House unanimously on a voice vote on June 3, 1997. A similar bill, S. 956, was passed unanimously by the Senate in the 104th Congress. This is a far superior way of dealing with the problems of caseload growth in the Ninth Circuit and other courts of appeals. I urge your support for the amendment.

Sincerely,

HENRY J. HYDE,
Chairman.

STATE CAPITOL,
Sacramento, CA, July 11, 1997.

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

DEAR ORRIN: I have been closely following the renewed interest in Congress over proposals to split the Ninth Circuit. I understand that a new proposal, under consideration by the Appropriations Committee, would split the Ninth Circuit and divide California in half between the resulting circuits. I am writing to register my strong opposition to the passage of any such measure prior to such time that an objective study is commissioned and issued addressing the many, serious ramifications of such a split.

As you may know, I have been on record in opposition to previous proposals to split the Ninth Circuit on the grounds that they were a form of judicial gerrymandering which sought to cordon off some judges and keep others.

However, the present proposal to split California between two circuits would not only amount to judicial gerrymandering but would invite forum shopping of the rankest kind. California would face the unprecedented prospect of a ''circuit split'' on a question of law within the same state, which would invite lawyers to ''forum shop'' between the two resulting halves of California on the basis of which law is more favorable to their position. This would be particularly frustrating for State government, where

legal challenges to its actions may generally be brought in any venue within the State.

While a split of the Ninth Circuit would generate a number of inconsistent rulings along the West Coast in areas such as commercial law, environmental law (including standing to sue), and admiralty law, a split of California would exacerbate this inconsistency by subjecting Northern California's cities, like San Francisco, to different controlling law than Southern California's cities, like Los Angeles.

Nor would the spectacle of forum shopping between circuits within California be alleviated by a mechanism similar to that proposed in a 1993 House bill (H.R. 3654), which suggested the creation of an ''Intercircuit California En Banc Court.'' As proposed in that bill, the Intercircuit California Court would permit en banc review by judges of different circuits ''whose official duty stations are in the State of California.'' Such an intercircuit en banc panel would necessarily differ from the composition of the en banc panels for each of the participating circuits. This, of course, raises the specter of greater inconsistencies among the circuits arising from overlapping en banc panels. As the proposal would permit the Intercircuit Court to resolve only intercircuit conflicts of federal law, conflicting interpretations of California substantive law arising in diversity cases would presumably remain unresolved. Of course, these additional circuits would impose additional burdens on the U.S. Supreme Court.

Admittedly, the Ninth Circuit handles more cases than any other circuit. However, statistics refute any objection that the Circuit is ''too big.'' The median time for it to decide appeals (14.3 months as of September 30, 1995) is less than that for the Eleventh Circuit (15.1 months), and only slightly higher than that for the Sixth, Seventh and District of Columbia Circuits.

The real issue underlying this debate appears to be one of judicial gerrymandering, which seeks to cordon off some judges in one circuit while keeping others in another because of concerns, whether perceived or real, over particular judges' perspectives or judicial philosophy. If this is the issue, I submit that the proper means to address it is through the appointment of judges who share our judicial philosophy that judges should not make policy judgments, but should interpret the law based on the purposes of the statute as expressed in its language, and who respect the role of the states in our federal system.

I urge you to discourage your colleagues from approving any proposed split of the Ninth Circuit, and particularly one that splits California, until such time as a study is issued that carefully examines the implications of this significant issue. I would be pleased to contribute one or more representatives to assist with such a study.

Sincerely,

PETE WILSON,
Governor.

THE STATE BAR
OF CALIFORNIA,
San Francisco, CA, July 14, 1997.

Re State Bar of California Support for Commission to Study the Federal Courts of Appeals and Opposition to Splitting the Ninth Circuit Court of Appeals.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The Board of Governors of the State Bar of California strongly opposes the recent proposals to split the Ninth Circuit Court of Appeals. We support the establishment of a non-partisan commission to study the structure and alignment of the federal courts of appeals. A bill to establish such a commission, H.R. 908, unanimously passed the House in June. It has been 24 years since the last major study of the structure and alignment of the federal courts of appeals was conducted. No proposal to restructure the Ninth Circuit should be considered prior to the completion of a thorough study.

Some have argued that the size of the caseload of the Ninth Circuit argues for its division; however, caseload growth is an issue common to courts of appeals nationwide. Splitting the Ninth Circuit, ostensibly because of its caseload, before considering how to respond to growing caseloads nationwide, will complicate rather than advance solutions to caseload growth. Furthermore, repeated division of circuits in response to growth is likely to create a proliferation of balkanized circuits.

We have heard that various proposals to split the Ninth Circuit may be made in the Senate Appropriations Committee, for example, to include California and Nevada in one circuit and to join other states in the Continental United States in another circuit, including non-contiguous Arizona; or to place California in a single circuit with the island territories, with all other states presently in the Ninth Circuit in a separate circuit. The variety of proposals indicates that there is no consensus, even among proponents, as to how any split should be achieved.

We are strongly opposed to all of these proposals to split the Ninth Circuit. They represent a form of judicial gerrymandering and are not based upon any study of the Ninth Circuit or of the overall needs of the federal courts of appeals. They violate the established principles that federal judicial circuits encompass three or more states and be designed to transcend parochial interests. These proposals are likely to increase the problems of the federal courts of appeals and make these problems more costly and difficult to fix. The multiplicity of proposals that have been made, without study, simply emphasize the need for a thorough study of the federal appellate courts as a whole.

For these reasons, we believe that any proposal to split the Ninth Circuit, or to realign any other circuit, needs to be informed by a non-partisan study of the structure and alignment of the federal courts of appeal.

I have written a similar letter to Senator Boxer, who is a member of the Senate Appropriations Committee.

Sincerely,

THOMAS G. STOLPMAN,
President.

STATE BAR OF ARIZONA,
Phoenix, AZ, July 14, 1997.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: This letter is simply to confirm that the State Bar of Arizona has repeatedly opposed any division of the Ninth Circuit Court of Appeals, and supports the House's proposal for a study commission.

Sincerely,

DON BIVENS,
President-Elect.

UNITED STATES COURTS,
FOR THE NINTH CIRCUIT,
Reno, NV, July 23, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINSTEIN: This afternoon we had a meeting of the active and senior judges of the Ninth Circuit Court of Appeals, for the sole purpose of discussing the current efforts underway by the Senate Appropriations Committee to split the Ninth Circuit. After a thorough discussion, the judges voted overwhelmingly to support the creation of a study commission to study the structure of the circuits.

Altering the structure of the federal judiciary system is an extremely serious matter, something that should be done rarely and only after careful, serious study and consideration.

We strongly urge the members of the Senate to support the creation of a commission to conduct a thoughtful, thorough and complete study of the matter.

Our court asked me to convey to you our appreciation for your continued leadership in this matter.

Yours sincerely,

PROCTER HUG, Jr.,
Chief Judge.

UNITED STATES COURTS
FOR THE NINTH CIRCUIT,
Reno, NV, July 18, 1997.

Hon. HARRY M. REID,
U.S. Senator,
Washington, DC.

DEAR HARRY: After reviewing this matter yet again, I have some possible arguments for the floor of the Senate, giving examples of why this is a hasty and ill-considered bill and why a Commission should study such an important issue.

1. Under the bill, the Ninth Circuit is to have fifteen judges and the Twelfth Circuit is to have thirteen judges. The Ninth Circuit would have a 50% greater caseload per judge than the Twelfth Circuit.

States:

	Filings
California	4,840
Nevada	500
Guam	87
Northern Marianas	21
Total	5,448
With 15 judges, the caseload per judge	363
Alaska	204
Arizona	891
Hawaii	204
Idaho	141
Montana	175
Oregon	626
Washington	871
Total	3,112
With 13 judges, the caseload per judge	239

The caseload per judge in the Ninth Circuit would be 124 cases per judge higher than the Twelfth Circuit, or 52% greater than the Twelfth.

2. The provision in the bill for co-equal clerks in the Twelfth Circuit is completely unworkable. How can it be efficiently administered in this way? Is the administration of the circuit to be done in two separate co-equal headquarters? Where would the Circuit Executive be located?

3. Consider the travel time and expense of the judges. Presumably, the judges from Alaska and Montana will half the time travel to Phoenix, and the Arizona judges will half the time travel to Seattle. Presently, the circuit headquarters in San Francisco is equidistant and air routes convenient. This would not be the case in the new Twelfth Circuit.

Harry, I suggest these arguments be saved for the floor to avoid changes or arguments prepared to meet them.

Yours Sincerely,

PROCTER HUG, JR.,
Chief Judge.

STATEMENT OF ADMINISTRATION POLICY
THE JUDICIARY: NINTH CIRCUIT

The Administration opposes the provision in the Committee bill that would reorganize

the Ninth Circuit by splitting it into two separate circuits. We understand that other substantive amendments to divide the Ninth Circuit may be offered on the Senate Floor. The Administration strongly objects to using the appropriations process to legislate on this important matter. The division of the Ninth Circuit is an important issue not just for the bench and the bar of the affected region, but also for the citizens of the Ninth Circuit. The Administration believes that a much better approach would be passage of legislation, H.R. 908—already passed by the House and currently pending at the desk in the Senate—that would create a bipartisan commission to study this difficult and complex question and make recommendations to the Congress within a date certain. This would allow for substantive resolution of the issue in a deliberative manner, allowing all affected parties to voice their views.

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

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, I have a couple of minutes left.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Before getting to a vote on this issue, just let me make this point.

Were this a judicial proceeding, there is something called judicial notice. That is like water runs downhill and the Sun comes up in the East. I think the Court would take judicial notice of the fact the ninth circuit does not work; it is too big; it has too many people for one circuit to manage; it has too many judges to work effectively; it has too large a geographic region. This is an attempt to address that issue. It is a very important issue to address. It is an affordable issue to address. I hope my colleagues will vote down this amendment.

Have the yeas and nays been asked for on this amendment?

The PRESIDING OFFICER. They have not.

Mr. GREGG. Does the Senator from California wish to ask for the yeas and nays?

Mrs. FEINSTEIN. 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 amendment. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—45

Akaka	Durbin	Landrieu
Baucus	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Boxer	Glenn	Lieberman
Breaux	Graham	Mikulski
Bryan	Harkin	Moseley-Braun
Bumpers	Hollings	Moynihan
Byrd	Inouye	Murray
Cleland	Johnson	Reed
Conrad	Kennedy	Reid
Daschle	Kerrey	
Dodd	Kerry	
Dorgan	Kohl	
Robb	Sarbanes	Wellstone
Rockefeller	Torricelli	Wyden

NAYS—55

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

The amendment (No. 986) was rejected.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Hampshire.

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

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

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, is it in order to send an amendment to the desk at this point?

The PRESIDING OFFICER. Is there objection to laying aside amendment 979? Without objection, it is so ordered.

AMENDMENT NO. 989

(Purpose: To Strike the Provisions Dealing With the Withdrawal of the United States From Certain International Organizations)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], proposes an amendment numbered 989.

On page 124, beginning on line 5, strike all through page 125, line 2.

Mr. SARBANES. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to direct my colleagues' attention to section 408 of this bill, on pages 124 and 125. I am absolutely stunned to find this language in this legislation, because it provides for our withdrawal from the United Nations.

What it says, if I understand it correctly, is that if the appropriation does not come up to the level of the U.N. assessment, then the United States shall withdraw from an international organization, but I assume it is primarily directed at the U.N.

Let me just read a couple of paragraphs to my colleagues.

The United States shall withdraw from an international organization under this section in accordance with the procedures identified for withdrawal in the treaty, pact, agreement, charter, or other instrument of that organization which establishes such procedures.

Unless otherwise provided for in the instrument concerned, a withdrawal under this section shall be completed by the end of the fiscal year in which the withdrawal is required.

This is a small section located in the latter part of this legislation. As you read through this bill, all of a sudden, you come across the provision. If we are going to withdraw from the U.N., we ought to have a full-scale debate. This is not a minor decision. There are some people in the country who would like to do that, but if we are going to undertake to do so we ought to have a full scale debate.

What this section says as it starts off is:

Notwithstanding any other provision of law, the United States shall withdraw from an international organization if the President determines that the amount appropriated or otherwise available for a fiscal year . . . is less than the actual amount of such contributions. . . .

In other words, the assessments. So, if we do not appropriate the full assessment, as I understand this section, the President has to begin withdrawal procedures.

There are many years when we have not met the assessment. In fact, we continue to run arrearages. We just passed legislation here that had certain conditions for paying our U.N. dues, that withheld certain amounts, required certifications, and so forth and so on.

I don't know where this provision came from but it is a backdoor way of compelling our withdrawal from the United Nations.

The amendment that was sent to the desk would strike this section from the bill. I urge my colleagues to support the amendment. We should not be talking about withdrawal from international organizations. We are the world's leading power. We essentially use these international organizations to serve our interests. Now we come to this section, which is sort of hidden away. The upshot of it would be to, in effect, lead us to begin withdrawal procedures from the United Nations.

I don't think we even ought to have any references to withdrawal. Certainly the way this provision is written, the bill is going to force us out of the U.N.

I hope the committee, upon reflection, would agree to drop the section from the bill.

Mr. HATCH. Will my colleague yield for a second?

Mr. SARBANES. Certainly.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. He is just yielding to me. But I absolutely agree with you. I absolutely agree with you. Let me tell you, during this last cold war time, I had a lot to do with the ILO when I was chairman of the Labor Committee and ranking member there, and ever since, when our tripartite organization—Government, labor and business—saved this country and countries all around this world from the tyranny of totalitarianism, right at the ILO.

I can remember one trip I made over there because Irving Brown called me. He was the head of our delegation. He was the International Vice President of the AFL–CIO, and in my opinion the strongest anti-Communist in the world at the time. He stopped the Communists from taking over the French docks. He went into Paris before the end of the Second World War—one of the most heroic figures I ever met in my life. And he led our delegation with the full support of labor, business, and Government, year after year. He died here a few years ago. I went to his memorial service here.

But I know what the ILO has meant to this country and what it has meant to free trade unionism around the world and what it has meant to freedom.

I have to tell you, if we have this provision continue in this bill, since all three of these organizations, the WHO, the ILO, and the agricultural organization, we are behind in payments to them, it would mean it would have to come down to choosing one of them that they would delete. I can tell you right now, the one, probably the weakest that would be deleted, would be the ILO. I have to tell you, that preserves free trade unionism around the world, it protects freedom around the world, and, I have to tell you, quells disruptions and problems all over the world. It helps us all over the world to spread democracy.

I don't want to see that happen, and I think the distinguished Senator from Maryland has brought up a very, very good point here. I call my colleagues' attention to it. I am grateful he has yielded to me for these few remarks. I hope they have been helpful to my colleagues on both sides, but I have been there, I know how important this is. I believe this is not the thing to do, to have that particular language left in there as it is. So I support my colleague from Maryland.

Mr. BIDEN. Will the Senator from Maryland yield for a brief comment?

Mr. President, this is the second time we have addressed this issue in the last several weeks. A similar provision was in the State Department authorization bill that we dealt with. We raised the issue then, and the Senator moved to strike a similar provision, a withdrawal provision. It was accepted by a voice vote. This bill went on to pass the Senate 90 to 5, I believe.

I am surprised this issue has surfaced again. Not only does section 408 depart from the State Department authorization bill, but it is bad policy; it is just simply bad policy.

I hope my friends, the managers of this bill, will consider the fact that we have been through this once already and maybe allow us just to have a voice vote and move on. We have enough to fight over in this bill.

I have much more to say on this, but, as the old joke goes, everybody has already said it, so I am not going to repeat it. The Senator from Maryland is absolutely right; it is a repeat of what we did.

I thank the Senator for yielding to me, and I yield the floor.

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

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The legislative clerk continued to call the roll.

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

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

Mr. LOTT. Mr. President, I seek recognition so we can announce there will be no further rollcall votes tonight. There will be at least one vote tomorrow. And I believe that we can say there will be one vote tomorrow. It will be an important vote. We expect that that vote will be either on the tuna-dolphin issue or, more than likely, under the agreement we are going to propound, it would be on the global warming issue.

So there would be a vote tomorrow. A time would have to yet be determined exactly what time that would be, but probably not before 10 o'clock in the morning. And then we hope to work out some understandings with regard to State, Justice, Commerce. And then we would probably not have final votes on that until next Tuesday, I believe it would be.

So that is the point I wanted to announce. There will be at least one vote tomorrow, and no further rollcall votes tonight. We will make an announcement with regard to Monday later on, in a few minutes, or tomorrow, about the situation on Monday.

Mr. MCCAIN. Is the leader's intention, if there is no agreement on tuna-dolphin, that there will be a cloture vote tomorrow morning on tuna-dolphin that he had previously anticipated?

Mr. LOTT. Unless there is an agreement, there will be a cloture vote on tuna-dolphin, but we are working on an agreement where it may not be in the morning. But we will have one in short order. We are trying to work through all the different players and make sure everybody has been consulted. That is why we are not asking for the UC right now.

I think I should go ahead and say to the chairman of the Appropriations Committee, it would be our intent, because of requests of a number of Senators, and because of the cooperation we have received, that we would not have any recorded votes on Monday. But we are trying to also clear an agreement that the Democratic leader indicated he would like to approve with us to take up the Transportation appropriations bill some time during the day on Monday, but it would not lead to recorded votes. The next recorded vote would be tomorrow, and then Tuesday morning and Wednesday morning under the agreements we are working. But we have not cleared them with everybody at this point.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

(The remarks of Mr. KERRY pertaining to the introduction of S. 1067 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I can engage in a brief colloquy with the chairman of the subcommittee.

The PRESIDING OFFICER (Mr. BROWNBACK). Is there objection?

Mr. SARBANES. Reserving the right to object, I don't think it is necessary to set the amendment aside in order to have a colloquy.

The PRESIDING OFFICER. The Senator is correct. It is not necessary.

Ms. COLLINS. I stand corrected.

Mr. SARBANES. Mr. President, I object to the request, but it doesn't preclude the distinguished Senator from having her colloquy.

The PRESIDING OFFICER. The objection is heard. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to be recognized for such time as I may consume for a brief colloquy.

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

NWS REORGANIZATION

Ms. COLLINS. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the subcommittee, Senator GREGG, regarding the National Weather Service's ongoing top-to-bottom review of its operations and structure.

I am taking this opportunity today to express my hope and belief that this review process will conclude that the Weather Service Office in Caribou, ME, should be fully upgraded to a Weather Forecasting Office. I just want to comment very briefly, Mr. President, on a few of the reasons why the Caribou Weather Service Office should be upgraded.

In general, it is the Weather Service's policy that weather forecasting

offices should cover roughly 17,000 square miles. Right now, the Weather Forecasting Office in Gray, ME—which is more than 230 miles from Caribou—is attempting to provide services for roughly 63,000 square miles, an area more than three times larger than the norm. Given the huge area involved, it is extremely difficult for the small staff of a Weather Service Office to provide the services necessary to ensure public safety.

For example, the Weather Service Office currently has only one electrical technician who must service equipment in Frenchville, Caribou, Houlton, and as far south as Millinocket, in Penobscot County. This is an enormous workload for just one employee, particularly in light of the possibility that repairs may be needed at the same time at different locations far away from each other.

Accurate and timely weather reports are essential to Aroostook County, the largest county in Maine, for two reasons: one involving public safety, the other an economic concern.

Mr. President, northern Maine experiences more than its fair share of severe weather, including blizzards in the winter months. Many of my colleagues have probably heard weather reports in which my hometown of Caribou has recorded the lowest temperature in the Continental United States. Accurate and timely weather reports are essential for public safety.

The second reason for upgrading the Weather Service Office centers on the nature of the economy in the county. Natural resource-based industries such as agriculture, logging, and tourism are the mainstay of the county's economy. Our potato farmers, for example, must have quality weather forecasts and reports in order to know best when to plant and harvest their crops.

For these public safety and economic reasons, I am convinced that upgrading the Weather Service Office in Caribou is a necessary action for the National Weather Service to undertake, and I hope that the Appropriations Committee will act favorably on upcoming funding requests.

Mr. President, I yield the floor so that my distinguished New England neighbor and colleague, Senator GREGG, may respond to my concerns.

Ms. SNOWE. Mr. President, I am pleased to join my colleague from Maine, Senator COLLINS, and the distinguished chairman of the subcommittee, Senator GREGG, today to discuss an issue of utmost importance to Aroostook County, the Caribou Weather Service Office.

The bill before us requires the National Weather Service [NWS] to consult with the subcommittee before making any reprogramming requests in relation to the top-to-bottom review that is currently underway. As part of their review, NWS will consider whether the Caribou Weather Service Office should be upgraded to a weather forecasting office.

Under the National Weather Service's modernization plan, a weather forecasting office will have Doppler radar. The Doppler radar would give Caribou the ability to forecast warnings for sudden and severe changing weather patterns so that the communities the weather station serves will be able to respond quickly. At the present time, the nearest Doppler radar is in Gray, ME, more than 200 miles away. This is too far away to be of immediate help to Aroostook County.

Aroostook County is one of the largest counties in the United States—the size of Connecticut and Rhode Island combined—and its economy is dominated by agriculture, trucking, and forest products industries, all of which rely heavily on timely and accurate weather information. The Caribou station provides vital information on a daily basis to northern Maine communities that must deal with a wide range of weather patterns from bitter cold and snow to severe thunderstorms and flooding. An upgrade from a weather service office to a weather forecasting office would improve the weather forecasting abilities of the Caribou station, thereby improving the ability of the affected towns to react to sudden and severe weather changes.

Once the NWS has completed its review, I look forward to working with Chairman GREGG and the subcommittee to ensure that the recommended changes are funded in an expeditious manner.

Mr. GREGG. Mr. President, I appreciate the Senator from Maine raising this very significant issue to the folks of Northeastern Maine. Those of us who have been to Caribou understand that it is the coldest place in America, consistently, and recognize that the issue of weather and predictability of weather is very important. Also, I know how important upgrading the Caribou Weather Service Office into a Weather Forecasting Office is for the people of Aroostook County. It is a major issue, and I can understand how strongly my friend and colleague from Maine feels about this matter.

The Senator from Maine, Senator COLLINS, has made a very persuasive case for why the Weather Service Office in Caribou, ME, should be upgraded into a Weather Forecasting Office. We must always work to ensure public safety, and given the enormous land area, a Weather Forecasting Office would be a tremendous benefit for the people of northern Maine.

You have my assurance, Senator COLLINS, that when the subcommittee receives the National Weather Service report and recommendations on a reorganization plan, the subcommittee will work closely with you regarding the Caribou, ME, Weather Service Office.

Ms. COLLINS. I thank the Senator very much for his assistance.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

SLAMMING

Mr. REED. Mr. President, I would like to take a moment to discuss a sense-of-the-Senate resolution which is included, I believe, in the managers' amendment, with the concurrence of the Senator from New Hampshire and the Senator from South Carolina.

The thrust of my amendment is to confront an issue which is growing—the issue of slamming—where individuals who have signed up for long distance telephone service have their service changed illegally. This is a growing problem, a problem that we must confront. It is a problem that—in fact, as I considered it, I also contemplated the construction of an amendment to this appropriations bill that would have dealt with the problem by mandating better proof that a customer has actually changed service, including criminal penalties for slamming, and other deterrences.

As I spoke with my colleagues and law enforcement officials, I came to realize, through many different viewpoints, that an amendment at this time would delay the appropriations process. So rather than introducing an amendment, I have proposed a sense-of-the-Senate resolution which, again, I believe has been accepted and will be maintained within the managers' agreement.

Before going forward, I commend and thank the chairman, Senator GREGG, and the ranking member, Mr. HOLLINGS, and also Chairman MCCAIN and Chairman BURNS for their generous assistance in this endeavor.

Mr. HOLLINGS. Mr. President, if the distinguished Senator will yield. The Senator from Rhode Island has done a valuable service to the Senate in bringing this to our attention. The FCC has just promulgated a rule relative to slamming just this past week. This sense-of-the-Senate resolution is consistent with it, in the sense that it would require the mandating of the evidence itself, civil fines, and a civil right of action. I think it really emphasizes the concern that all of us have had in the communications field of this particular malpractice. I hope we can help, with this sense-of-the-Senate resolution, emphasize the need to expedite the rulemaking on the part of the FCC. I thank the distinguished Senator from Rhode Island and I join in his resolution.

Mr. REED. Mr. President, I yield to the Senator from New Hampshire, without losing my right to the floor.

Mr. GREGG. Mr. President, I support the efforts of the Senator from Rhode Island to put a sense-of-the-Senate resolution in this bill relative to this very important issue. His sense of the Senate tracks the FEC regulation. I think it is very appropriate that he has raised the visibility of this issue, and the sense of the Senate will be included in the managers' amendment.

Mr. REED. Mr. President, reclaiming my time, I thank the Senator from New Hampshire for his support. I would

like to just briefly describe the problem and also the ongoing discussion with the FCC and also here within Congress.

First, as both my colleagues have indicated, this is an alarming and growing problem. The Federal Communications Commission is dealing with the problem now. They will shortly propose a rule that will take away the financial incentive for some of these renegade companies who essentially illegally change service. Surprisingly, today under FCC rules, a renegade company can, in fact, illegally switch a customer and still get the benefits of that month or of several months of charges. The FCC has proposed to change this.

This sense-of-the-Senate resolution supports that proposed rule change and the other activities the FCC is contemplating. One of the reasons we are here today is that, under the present rules of the FCC, telephone companies must get either a verbal or written response in terms of a formal request to change. The problem with respect to a written consent is that, many times, they are hidden in sweepstakes promotions, giveaways and, in fact, the nature of the written response is unknown to the consumer. Once again, the FCC is proposing to change this new rule. I support that change and encourage them to go forward.

The phone company can also rely upon the verbal assent of a consumer, but there are problems with this verbal assent, also. Some of the problems we have seen with telemarketers are the fact that they will deceive the consumer about identity or the nature of the service, or they will obtain the consent of a child, or stranger in the household, or disregard the consumer's decline to switch the service, or flatout not even bother to get the verbal assent and claim that they do in retrospect. The problem with this verbal authorization is proof. Again, the FCC has taken some steps in this regard. They are proposing to eliminate what is an option today, where someone presumably could consent over the phone and then receive a package later from the company requiring that consumer to send a card in to deny the service change. The FCC once again is trying to eliminate that procedure, also.

These are all positive steps. I encourage, and this resolution encourages, the FCC to pursue those steps.

This is a major problem for consumers in the United States. Fifty million people each year switch their phone service. One million of those switches are likely to be fraudulent. One regional carrier now estimates that 1 in 20 of the switches in their system are fraudulent switches. This problem has tripled since 1994. It is now the FCC's No. 1 consumer complaint. Therefore, this problem is something that we should deal with, and deal with decisively.

In my own home State of Rhode Island, there are abundant examples of consumers who have been disadvantaged by this illegal switching. Indeed, the Rhode Island Public Utilities Commission has noted this complaint as the No. 1 complaint they receive with respect to telephone services. For example, a small businessperson in Newport, RI, had his 800 number switched, and rather than an 800 number, the only people who could call the business were residents of Alaska.

In Smithfield, RI, a family had their phone service illegally switched. They protested, but before they could rectify the problem, their phone service was terminated because they refused to pay the bill for the illegal company that switched them.

These are problems that have to be addressed, and I hope are being addressed today by the FCC, and perhaps ultimately our legislation in this body.

What I hope we could do would be to focus more resources of the FCC on this problem. In 1996, the FCC received 16,000 complaints about slamming, but they only were able to successfully prosecute and induce judgment against 15 companies. They don't have the resources. They need those resources. Indeed, I worry that law enforcement agencies around the country not only lack resources but lack, ultimately, the proof that a switch has been made illegally. Law enforcement officials in certain States, such as Connecticut, Wisconsin, California, Texas, and Illinois, have been successful, but they need additional support.

Indeed, one of the major elements of the legislation I was contemplating was the requirement not only of written proof but, also, in the case that an oral or verbal consent was given, some type of recording of assent so that law enforcement authorities could verify decisively whether or not the appropriate assent had been made. It is necessary for us to balance the needs for a flexible system by which consumers can make choices and change their service to one that protects their right to ensure that it is their choice and not the result of fraudulent or manipulative practices by unscrupulous companies. I believe we can do that.

I believe we have taken a step forward today with this sense-of-the-Senate resolution to start on that path. I look forward to offering independent legislation which I think will assist the current effort of the FCC to resolve this grave problem that is growing each day.

Once again, I thank my colleagues, Senator GREGG, Senator HOLLINGS, Senator MCCAIN, and Senator BURNS, for their work and for their effort on this. Others are interested. I know Senator CAMPBELL and Senator DURBIN are also interested in this problem.

We have an opportunity today to send a strong message to the FCC to move forward and also to continue to contemplate and deliberate about legislation which will assist in their efforts and end this scandalous problem, the No. 1 consumer complaint today with respect to telecommunications slamming.

I thank my colleagues. I yield the remainder of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I had a discussion with the Senator from North Dakota. I am going to be very, very brief, with his indulgence.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. KERRY. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment for the purpose of introducing my amendment, and the moment my introduction is completed that the pending amendment will return and be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 992

(Purpose: To provide funding for the Community Policing to Combat Domestic Violence Program)

Mr. KERRY. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KERRY), for himself, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. JOHNSON, proposes an amendment numbered 992.

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

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

The amendment is as follows:

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, $47,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*,'' after ''*Provided*,''.

STOP DOMESTIC VIOLENCE NOW

Mr. KERRY. Mr. President, this amendment continues the successful COPS ''Community Policing to Combat Domestic Violence'' Program. Police departments currently use these COPS funds for domestic violence training and support. This amendment would allow local law enforcement agencies to renew their grant funding so they can continue to employ innovative community policing strategies to combat domestic violence.

Mr. President, domestic violence is a very serious national problem. Almost four million American women were physically abused by their husbands or boyfriends in the last year alone. A woman is physically abused every 9 seconds in the United States. Women are victims of domestic violence more often than they are victims of burglary, muggings, and all other physical crimes combined. In fact, 42 percent of women who are murdered are killed by their intimate male partners. In Massachusetts, 33 women were killed in domestic related cases in 1995. This

amendment is necessary to fight this epidemic of domestic violence.

Mr. President, this problem of domestic violence affects all classes and all races. More than one in three Americans have witnessed an incident of domestic violence according to a recent nationwide survey released by the Family Violence Prevention Fund. Mr. President, battering accounts for one-fifth of all medical visits by women and one-third of all emergency room visits by women in the U.S. each year. As Dartmouth, MA, Police Chief Stephen Soares said recently, domestic violence ''goes from the lowest economic planes to the highest in terms of professional persons. There isn't a line drawn in terms of profession or money.''

Domestic violence hurts women and hurts our economy. The Bureau of National Affairs estimates that domestic violence costs employers between $3 billion and $5 billion each year in lost work time and decreased productivity. In a recent survey of senior business executives, 49 percent said that domestic violence has a harmful effect on their company's productivity. Forty-seven percent said domestic violence negatively affects attendance and 44 percent said domestic violence increases health care costs.

Mr. President, domestic violence also has tragic effects on children. Children who witness the violence often do poorly in school, repeat the pattern of either victim or abuser as adults, and are more prone to have a variety of emotional problems.

According to Linda Aguiar, the head of ''Our Sisters' Place'' in Fall River, Massachusetts, ''One child that was at the shelter, we found out he had taken knives from the kitchen and hid them in the bedroom. He did this because he was afraid his father would come. He thought his father would come and put a ladder to the window.''

To attempt to deal with these problems, Congress in the 1994 Crime Act provided that up to 15 percent of the funding for the COPS program could be made available for innovative community policing activities. A small part of that money, $47 million, was made available to police departments for domestic violence training and support. I would like to read excerpts from a letter I received from the Chief of Police of Chelmsford, MA, about the COPS Domestic Violence program. He said, ''It has come to my attention that the federal grant entitled 'Community Oriented Policing Services Combating Domestic Violence' '' (COPS) has not been approved—As you know, domestic violence is a serious law enforcement and societal problem that we are just beginning to face. Every year, millions of women are abused and hundreds are murdered by members of their own family. It's time that society began viewing these atrocities as a crime. We must put forward the necessary attention and funding to solve this problem. The COPS grant does exactly that. It provides advocacy, training, and research toward ending this problem. Without this funding victims of domestic abuse and police officers will have nowhere to turn for support, education, resources and training.''

Mr. President, the COPS Domestic Violence Program has been a success. In Massachusetts, police departments have used the money to fund many anti-domestic violence activities:

The Gardner Police Department and a local battered women's resource center were able to establish school-based support groups for children affected by violence in their homes. More than 250 children ages 5–10 have benefited from this program.

In Somerville, nearly 100 city police officers and an equal number of representatives of local non-profit service agencies received anti-domestic violence training. As a result, a young woman who appeared in the Emergency Room seeking assistance for domestic violence was referred to a nurse supervisor who helped her get a restraining order, safety planning, and other support.

Officers in the Domestic Violence Unit of the Fall River Police Department, in coordination with a local battered women's and children's shelter, have been able to conduct personal follow-up in more than 1,100 incidents of domestic violence since September of 1996.

Mr. President, before these funds were available, many local law enforcement agencies lacked the resources to provide anti-domestic violence training and support. In 1995 prior to the awarding of the COPS domestic violence grant, police in Gardner, MA were called to intervene in a dispute involving domestic abuse. Due to the lack of cooperation from the victim, officers did not have sufficient evidence to arrest her boyfriend, but instead were only able to escort him off the property. Two hours after the incident, the victim's boyfriend returned to the property and set it afire, and the woman was killed by asphyxiation. Subsequent to this crime the suspect was arrested, convicted of the crime with which he was charged and sentenced to time in prison. This incident demonstrated the need for a victim's advocate employed by the police department who might have been able to convince the woman of her need for help and then intervene on her behalf. Due to the COPS Domestic Violence grants, the Gardner Police Department now has the resources to more successfully combat domestic violence.

When the Department of Justice announced these Community Policing to Combat Domestic Violence grants on June 1, 1996, police departments were promised 1 year of funding with the ability to receive two additional years of funding. Unfortunately, these successful Domestic Violence programs will be denied the additional 2 years of funding because of a little-noticed change, included in the appropriations bill report language, which no longer allows up to 15 percent of COPS funds to be used for innovative community policing activities such as anti-domestic violence training and support for local law enforcement agencies.

Our amendment earmarks $47 million of the $503 million provided by the Commerce/State/Justice Appropriation bill for the Local Law Enforcement Block Grant (LLEBG) to renew funding of grants made under the COPS Domestic Violence Program. It is appropriate that this money be earmarked for this purpose because the Local Law Enforcement Block Grant Program was designed to provide funds to local governments to fund crime reduction and public safety improvements broadly defined. Additionally, the LLEBG already contains several earmarks in the C/S/J Appropriations bill: $2.4 million for discretionary grants for local law enforcement to form specialized cyber units to prevent child sexual exploitation, and $20 million for the Boys and Girls Clubs.

Some will argue that this appropriations bill increases funding for the Violence Against Women Act (VAWA) and that therefore no additional funds are needed to confront domestic violence. However, that is incorrect for three reasons. First, the increase in funding for the Violence Against Women Act is only $15 million, far less than the $47 million needed to renew the COPS Domestic Violence grants. Second, only 25 percent of the VAWA money goes to police departments—most of the rest goes to prosecution and direct victims services. Third, most of the VAWA money for police departments goes to buy equipment, not for training and support.

Mr. President, this funding is necessary to help police departments to deal with the epidemic of domestic violence. I would like to thank Senators DODD, LAUTENBERG, and JOHNSON for joining me in proposing this important amendment and urge all my colleagues to support it.

Mr. DODD. Mr. President, I rise to support the amendment of my colleague, the Senator from Massachusetts [Mr. KERRY]. This amendment will restore the COPS antidomestic violence grants created by the Violence Against Women Act—a program of vital importance that funds local police and community initiatives to combat domestic violence.

Domestic violence is a serious scourge on our society. Once every 9 seconds, a woman is beaten by her husband or boyfriend, according to FBI crime statistics. Four women are killed each day at the hands of their domestic attackers, according to the National Clearinghouse for the Defense of Battered Women. And 16 people were killed by family violence in Connecticut between September 1995 and September 1996. That is totally unacceptable.

Mr. President, for quite some time I have been extremely concerned that

antidomestic violence programs currently funded through domestic violence COPS grants will no longer have a source of funding as the COPS grants for this purpose are eliminated.

For too long before Congress enacted the 1994 crime law and Violence Against Women Act, domestic violence was considered a private matter—something to be dealt with inside the home, and outside of public view and public policy. The Violence Against Women Act represented a consensus that government and our communities should work together to prevent and stop domestic violence, and that it should be one of our highest priorities.

In Connecticut, many communities were able to rise to that challenge when they received anti-domestic violence grants under the COPS program. More than ten Connecticut cites and towns have used these grants to establish law enforcement infrastructures to support a diverse range of anti-domestic violence programs, each specifically tailored to the needs of that local community. I recently had the opportunity to visit with two police chiefs who are using anti-domestic violence COPS grants to run domestic violence prevention and intervention programs in Bridgeport, CT, and Groton, CT. They have developed different programs that make use of a wide range of resources to fight domestic violence, utilizing police officers, involving victims' shelters and services, incorporating counseling for both victims and batterers, and aggressively pursuing prosecution of batterers.

Programs like these send a message from our communities to victims and batterers alike. These programs say that domestic violence has no place in Connecticut or anywhere in our country. These programs say that if you are a batterer, we will stop you, we will catch you, and we will prosecute you to the fullest extent of the law. And I am told by police chiefs throughout Connecticut that that is why these programs, and the funds that make them possible, have truly improved their ability to combat domestic violence. Domestic violence is preventable, if we provide the funding for initiatives to stop it.

Now, however, the elimination of antidomestic violence COPS grants threatens to force an untimely end to successful programs like those in Connecticut. Law enforcement officials would be hindered in their effort to prevent domestic violence and catch and punish perpetrators, and victims of domestic violence would continue to suffer. Let's not abandon police chiefs when they've just begun to win the battle against domestic violence. Let's not turn our backs on the victims who need our help.

I wrote to the Commerce-State-Justice appropriators to ask them to maintain the funding for these important programs, and I am pleased today to cosponsor the amendment that would do just that. Hundreds of police chiefs and countless victims across the country are counting on us to do no less.

I thank the Senator from Massachusetts for his amendment, and I join him in urging my colleagues to adopt it.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I thank the Senator from Massachusetts for finishing expeditiously and for his help on a number of issues throughout the day as we try to get an agreement on how we can proceed for the remainder of the day, and when we can get votes tomorrow and next week.

Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments in order to S. 1022, and they be subject to relevant second-degree amendments.

Mr. President, I will submit the list since there are several of them. But everybody has been consulted on this list. The Democratic leadership is aware of it as well as the Members on this side.

I ask unanimous consent that the list be printed in the RECORD.

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

DEMOCRATIC AMENDMENTS TO COMMERCE-STATE-JUSTICE

Baucus, EDA.
Biden, COPS.
Biden, trust fund.
Bingaman, registration of nonprofits.
Bumpers, OMB.
Byrd, anti-alcohol.
Conrad, relevant.
Daschle, law enforcement.
Dorgan, sense of Senate—Univ. Service Fund.
Dorgan, NII grants.
Graham, public safety officers.
Harkin, funding for globe.
Inouye, Ninth circuit—northern territories.
Kennedy/Leahy, capital murder.
Kerry, COPS.
Lautenberg, PTO.
Reed, SoS telecom slamming.
Robb, public safety grants.
Sarbanes, Sec. 408 pending No. 989.
Wellstone, Legal Services Corp.
Wellstone, Legal Services Corp.
Harkin, private relief.
Hollings, managers.
Hollings, managers.

REPUBLIC AMENDMENTS TO STATE-JUSTICE-COMMERCE

Domenici, court appointed attorney's fees.
Hatch, DOJ LEG. AFFAIRS.
Burns, Mansfield fellowships.
McCain, INS inoculations.
Stevens, Cable laying.
Hatch, Limitation of funds for Under Secretary of Commerce.
DeWine, Visas.
Helms, Technical.
Warner, Terrorism.
Coverdell, DNA testing/sex offenders.
Bond, small business.
Warner, patent trademark.
Kyl, masters.
Abraham, INS fingerprinting.
Stevens, womens World Cup.
Coats, gambling impact.
McCain, relevant.
McCain, relevant.
Burns, EDA.
Hatch, antitrust provisions.
Gregg, relevant.
Hatch, local law enforcement.

Mr. LOTT. Mr. President, I further ask unanimous consent that all amendments must be offered and debated tonight and any votes ordered with respect to S. 1022 be postponed to occur beginning on 9:30 a.m. on Tuesday, July 29, with 2 minutes for debate equally divided before each vote, and following the disposition of amendments, S. 1022 be advanced to third reading and a passage vote occur, all without further action or debate.

I have more to this request, but I want to emphasize what that means. We will complete all of the amendments tonight. The votes on those amendments and final passage will occur next Tuesday beginning the 9:30.

I further ask that if the Senate has not received the House companion bill at the time of passage of S. 1022, the bill remain at the desk; and I further ask unanimous consent that when the Senate receives the House companion bill, the Senate proceed to its immediate consideration and all after the enacting clause be stricken and the text of S. 1022, as amended, be inserted, the House bill then be read a third time and passed and the Senate insist on its amendment, request a conference with the House and that the Chair be authorized to appoint conferees and that S. 1022 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, reserving the right to object, in the discussions with the chairman of the subcommittee, as I understand it, the amendment that is pending at the desk will be adopted this evening.

Mr. LOTT. That is my understanding Mr. President.

Mr. HOLLINGS. That is correct.

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

Mr. LOTT. I further ask that at 8:30 a.m. on Tuesday the Senate resume the State, Justice, Commerce appropriations bill and there be 30 minutes remaining, equally divided, for debate on each of the two amendments to be offered by Senator WELLSTONE.

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

Mr. LOTT. I further ask that it be in order, if necessary, for each leader to offer one relevant amendment on Tuesday prior to the scheduled 9:30 votes.

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

Mr. LOTT. With regard to the tuna-dolphin issue, I ask unanimous consent that, at 9:30 a.m. on Friday, July 25, the Senate resume the motion to proceed to S. 39, the tuna-dolphin bill, and there be 30 minutes equally divided between Senator MCCAIN, or his designee, and Senator BOXER. I further ask unanimous consent that following the use or yielding back of the time, the Senate proceed to the vote on the motion to invoke cloture on the motion to proceed to S. 39.

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

Mr. LOTT. Mr. President, I further ask that if an agreement can be reached with respect to S. 39—and it appears there may be—it be in order for the majority leader to vitiate the cloture vote, the Senate to then immediately proceed to S. 39, that the managers' amendment be in order, and the amendment and bill be limited to a total of 30 minutes equally divided, and following the disposition of the amendment the bill be advanced to third reading, and passage occur, all without further action or debate.

I think I should clarify this and put it in common language.

If an agreement is worked out, we will vitiate the cloture vote. I would like to modify that agreement to say that, if an agreement is reached, we will vitiate; then we will take that issue up next week with 30 minutes of debate and a vote next week, unless a voice vote would be agreed to for tomorrow or next week.

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

Mr. LOTT. With regard to Wednesday of next week, I ask unanimous consent that at 9:30 a.m., Wednesday, July 30, the Senate proceed to the consideration of Senate Resolution 98. I further ask unanimous consent that there be 2 hours of debate on the resolution equally divided between the chairman and the ranking member, or their designees, with the following amendments in order to this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I realize it gets a little confusing on how we are lining these up. But I think it is being helpful to all Senators. I think it is allowing us to complete the debate and get votes and move important legislation forward in the best way possible.

So the way we are getting it racked up, so to speak, I think is good for the Senate, and we are trying to do the right thing.

So I would like to modify that earlier request to this extent:

That we come in in the morning and go immediately at 9:30 to the global-warming bill. That bill is Senate Resolution 98. I ask consent that there be 2 hours of debate on the resolution equally divided between the chairman and the ranking member or their designees with the only amendments in order to be the following: Kerry amendment adding specific negotiating positions; Senator BYRD's amendment, relevant.

I further ask unanimous consent that following the disposition of the above-mentioned amendments and the expiration or yielding back of time for debate, the Senate proceed to a vote on the resolution with no intervening action or debate, and, if the resolution is agreed to, the preamble then be agreed to, which means that the final vote on global warming would occur around 11:30 tomorrow morning.

Mr. KERRY. Mr. President, reserving the right to object—I will not object—I simply ask the majority leader if he would modify that further, per our agreement, that they would be first-degree amendments with no second-degree amendments.

Mr. LOTT. Mr. President, I ask to further modify my unanimous-consent request.

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

Mr. LOTT. Then the modification of what we had earlier agreed to is that after that vote on Senate Resolution 98, we would then have the vote on the cloture motion on tuna-dolphin unless an agreement is worked out, at which point we would vitiate that cloture vote, and we would get a subsequent time agreement of 30 minutes and a voice vote, or a recorded vote, on that issue next week.

Mrs. BOXER. Reserving the right to object, and I shall not object—

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. The leader did not say exactly what time the cloture vote would take place.

Mr. LOTT. The cloture vote would then take place, after the global warming vote, I presume about 11:45, 11:50, something of that nature.

Mrs. BOXER. Could we say by 12 o'clock?

Mr. LOTT. It certainly would be by 12 o'clock.

Mrs. BOXER. That would be very helpful. One more point. If there should be a recorded vote, which many of us do not anticipate, on the dolphin-tuna compromise, if there is one, could we reserve just a couple of minutes on either side just to talk before that vote, on next week, just 2 minutes?

Mr. LOTT. Before the vote next week.

Mrs. BOXER. Yes.

Mr. LOTT. Sure. I would hate to enter into a time agreement on a specific time now but we would have a vote at an agreed to time and we would have some time to explain it. I think it is appropriate.

Mr. KERRY. It is my understanding the majority leader in the prior order already requested 30 minutes.

Mr. LOTT. I had indicated 30 minutes.

Mrs. BOXER. That is very acceptable. Thank you very much. And I wanted to thank the Senator from Arizona as well for helping resolve this procedure.

Mr. LOTT. Mr. President, I thank the Senators for their cooperation. Let us keep going then. I think we are making good progress.

I ask unanimous consent that at 5 o'clock on Monday, July 28, the Senate proceed to the consideration of the Transportation appropriations bill.

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

Mr. LOTT. For the information of all Senators, any votes ordered with respect to the Transportation appropriations bill will be postponed to occur on Wednesday morning immediately following the global warming resolution vote.

We have changed that now. The Transportation appropriations bill would occur on Wednesday morning.

Mr. FORD. I liked the first one better.

Mr. LOTT. Therefore, no votes will occur during the session on Monday, July 28.

Mr. President, I will yield the floor at this point and in a few minutes we will recap everything we agreed to in those unanimous-consent agreements so that they will be clear and understandable. We will do that before we go out tonight.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 989

Mr. SARBANES. Mr. President, is the Sarbanes amendment now the pending business?

The PRESIDING OFFICER. The Sarbanes amendment is now the pending business.

Mr. SARBANES. I ask unanimous consent that Senators MOYNIHAN, HATCH, JEFFORDS, KERRY, BIDEN, and LEAHY be added as cosponsors.

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

Mr. SARBANES. I hope we could move to adoption of the amendment.

Mr. GREGG. I hope the Senator would ask for adoption.

Mr. HOLLINGS. The question is on the adoption of the amendment.

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

The amendment (No. 989) was agreed to.

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

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

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 993

(Purpose: To make an Amendment Relating to the Health Insurance Benefits of Certain Public Safety Officers)

Mr. GRAHAM. Mr. President, at the completion of these brief remarks, I will send an amendment to the desk.

Mr. President, last year in consideration of this same appropriations bill, the Senate and the House adopted and the President signed into law what is known as the Alu-O'Hara bill. This is legislation which was the result of a tragic circumstance in which two law enforcement officers called to a hostage-taking scene were seriously

burned when the hostage taker set on fire the structure in which the hostages were being held. These two law enforcement officers were subsequently discharged from the law enforcement agency because of their severe injuries, and in the course of their discharge they lost their insurance coverage. So now they were two heroes out of work, lifetime injuries and without health insurance.

This Alu-O'Hara bill, which we adopted last year, provided that law enforcement agencies would provide to any public service officer ''who retires or is separated from service due to an injury suffered as the direct and proximate result of a personal injury sustained in line of duty while responding to an emergency situation or in hot pursuit with the same or better level of health insurance benefits that are otherwise paid by the entity to a public service officer at the time of retirement or separation.'' The enforcement for this was a reduction in that local law enforcement block grant award.

Mr. President, as I indicate, this has been the law since last year. It is currently in the House appropriations bill. Frankly, we are seeking an opportunity to put this into substantive law so we will not have to continue to rely upon the appropriations bill as the means of continuing this important protection for law enforcement officers which has strong support by all the major law enforcement agencies in America.

So I send this amendment to the desk and will ask my colleagues for its favorable adoption when we consider these matters on Tuesday.

The PRESIDING OFFICER. The clerk will report the amendment. The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 993.

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

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

The amendment is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1. Of the amounts made available under this title under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount otherwise to be awarded to an entity under the Local Law Enforcement Block Grant Program shall be made available to that entity, if it is made known to the Federal official having authority to obligate or expend such amounts that the entity employs a public safety officer (as that term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide an employee who is public safety officer and who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are otherwise paid by the entity to a public safety officer at the time of retirement or separation.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. We have no objection to this amendment and I ask unanimous consent the amendment be accepted.

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

The amendment (No. 993) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been working on a sense-of-the-Senate resolution which I hoped to have the agreement of a number of Members of the Senate who have similar interests on the issue of the using universal service funds for the purpose of reaching a balanced budget in the budget reconciliation conference that is now going on. I know that sounds foreign as a subject to those who are not familiar with it, but I want to explain it a little bit and describe why this is important.

I have spoken to a number of Senators in the Chamber this evening—Senator STEVENS, the distinguished chairman of the Senate Appropriations Committee, Senator ROCKEFELLER, Senator HOLLINGS, Senator DASCHLE, Senator SNOWE, and others who are concerned about something that is happening in the reconciliation conference that could have a significant impact on the cost of telephone service in rural areas in this country in the years ahead. Here is what it is.

Our country has been fortunate to enjoy the benefits of a telecommunications system that says it does not matter where you live. If you live in an area where you have very high-cost service, there will be something called a universal service fund that helps drive down that high cost so that everyone in this country can afford telephone service, universally affordable telephone service. That is what the universal service fund is designed to do and has been designed to do for a long, long while. I come from a town of 300 people and telephone service there is affordable because the universal service fund drives down the rate of what would otherwise be high cost. The benefits of a national system is that every telephone in the country makes every other telephone more valuable. A telephone in my hometown in Regent, ND, makes Donald Trump's telephone more valuable in New York City because he can reach that telephone in Regent, ND. That is the whole concept of universally affordable telephone service, and it is why we have a universal service fund.

Now, having said that, the universal service fund was reconstructed some—but not dramatically—during the Telecommunications Act passed by Congress a year and a half ago. We now have a balanced budget proposal that is in conference between the House and the Senate and some are saying in this negotiation that they want to use the revenues from the universal service fund out in the year 2002 in order to help plug a leak on the budget side.

The fact is the universal service fund was never intended to be used for such a purpose. In fact, the universal service fund does not belong to the Government. It does not come into the Federal Treasury and is not expended by the Federal Government. It, therefore, ought not be a part of any discussion on budget negotiations, and yet it is.

This week I have spoken several times to the Office of Management and Budget, and they have explained to me in great detail with no clarity at all why it is now part of this process. I have spoken to people who claim to be experts on this, and none of them have the foggiest idea about what the proposal actually does.

Now, the reason I come to the floor to speak about it is this: We are nearing presumably the end of a conference, and if a conference report comes to the floor of the Senate using the universal service fund as part of a manipulated set of revenues in the year 2002, in order to reach some sort of budget figure, it will be an enormous disservice for the universal service fund. It will deny the purpose of the fund for which we in the Commerce Committee worked so hard to preserve in the Telecommunications Act of 1996. This provision in the reconciliation bill will set a precedent that will be a terrible precedent for the future. The result will be, I guarantee, higher phone bills in rural areas in this country in the years ahead.

I once stopped at a hotel in Minneapolis, MN, and there was a sign at the nearest parking space to the front door, and it said ''Manager's parking space.'' And then below it, it said, ''Don't even think about parking here.'' I don't expect anybody ever parked in that space besides the manager. Don't even think about parking here. I hope that the Senate will pass the sense-of-the-Senate resolution I have proposed that says to the reconciliation conference: ''do not even think about this.'' I say to the budget reconciliation conferees: ''do not try to bring to the floor of the Senate or the House a budget reconciliation conference report that manipulates and misuses the universal service fund.'' It is not right, it is not fair, and it will destroy the underpinnings of what we have done in telecommunications policy to provide affordable telephone service across this country for all Americans. Yes, especially, most especially Americans who live in the rural areas of this country.

I have enormous respect for those people who put these budgets together. It is not easy. But this instance of using the universal service fund as is

now being proposed is, I am afraid, budget juggling at its worst. Juggling I suppose at a carnival or in the backyard is entertaining. Juggling in this circumstance using universal fund support to manipulate the numbers in 2002 is not entertaining to me. It is fundamentally wrong. This money does not belong to the Federal Government. It does not come to the Federal Treasury, and it is not spent by the Federal Government and has no place and no business in any reconciliation conference report.

I was flabbergasted to learn that it was there and it is being discussed. I have spoken to the Director of the Office of Management and Budget about this several times this week, spoken to others who are involved with it. And I must tell you I think that the Congressional Budget Office, the Office of Management and Budget, and any member of the conference that espouses this is making a terrible, terrible mistake. I hope that the Senate will pass the sense-of-the-Senate resolution I have proposed and that we can garner the support of the position I now espouse to say as that parking sign, ''don't even think about this.'' It is wrong, and it will disserve the interests that we have fought so hard to preserve affordable telephone service all across this country.

The Senator from South Carolina has spent a great deal of time on this issue, as has the Senator from Alaska, the Senator from West Virginia, the Senator from Maine, and so many others. As I said, the wording is not yet agreed to on the sense-of-the-Senate resolution. I hope it will be very shortly, and when it is I hope we will pass it and send a message that any conference report that comes back here ought not use universal service support funds because they are not our funds to use.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 994

(Purpose: To amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court)

Mr. DOMENICI. Mr. President, I have an amendment and I understand it is going to be accepted. I will let the managers do that in their wrap-up if they would like unless the Senator has indicated that it is all right.

Mr. President, I ask, has Senator HOLLINGS cleared it?

Mr. HOLLINGS. It has been cleared.

Mr. DOMENICI. I thank the Senator very much.

I send an amendment to the desk, and since it is acceptable on both sides I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 994.

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

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

The amendment is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1. PUBLIC DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES.

Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) DISCLOSURE OF FEES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

''(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

''(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

''(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

''(I) Arraignment and or plea.
''(II) Bail and detention hearings.
''(III) Motions.
''(IV) Hearings.
''(V) Interviews and conferences.
''(VI) Obtaining and reviewing records.
''(VII) Legal research and brief writing.
''(VIII) Travel time.
''(IX) Investigative work.
''(X) Experts.
''(XI) Trial and appeals.
''(XII) Other.

''(C) TRIAL COMPLETED.—

''(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

''(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

''(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

''(i) to protect any person's 5th amendment right against self-incrimination;

''(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

''(iii) the defendant's attorney-client privilege;

''(iv) the work product privilege of the defendant's counsel;

''(v) the safety of any person; and

''(vi) any other interest that justice may require.

''(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.''.

Mr. DOMENICI. Mr. President, I am not sure, if I were to ask every Senator to take a guess, anyone would come anywhere close to answering this question correctly.

I ask, how many dollars do you think we spent last year paying for defense lawyers for criminals in the Federal court who claim they don't have enough money to defend themselves?

We have an obligation. The court has interpreted our Constitution to say they must have counsel, so I am not here complaining. But I don't think anyone—I see my friend from Iowa looking at me—would guess $308 million, and growing tremendously, taxpayers' dollars to defend criminals in the Federal court system.

I am not asking in this amendment that we review that process, although I kind of cry out to any committee that has jurisdiction and ask them to take a look. All I am doing in this amendment is changing the law slightly with reference to letting the taxpayer know how much we are paying criminal defense lawyers. All this amendment does is say when a payment is made to a criminal defense lawyer, a form has to be filed that indicates that payment. There is no violation of the sixth amendment because there are no details. We are not going to, in this statement, reveal the secret strategy of the defense counsel or their latest deposition theory. We are just saying, reveal the dollar amount so the American people know, through public sources, how much we are paying.

Frankly, if I had a little more time, I would state some of the fees that we finally have ascertained, and I think many would say, ''Are you kidding?'' I will just give you three that we know of.

Mr. President, what would you say if I told you that from the beginning of fiscal year 1996 through January 1997, $472,841 was paid to a lawyer to defend a person accused of a crime so heinous that the United States Attorney in the Northern District of New York is pursuing the death penalty? Who paid for this lawyer—the American taxpayer.

What would you say if I told you that $470,968 was paid to a lawyer to defend a person accused of a crime so reprehensible that, there too, the United States Attorney in the Southern District of Florida is also pursuing the death penalty? Who paid for this lawyer—the American taxpayer.

What would you say if I told you that during the same period, for the same purpose, $443,683 was paid to another attorney to defend a person accused of a crime so villainous that the United States Attorney in the Northern District of New York is pursuing the death penalty? Who paid for this lawyer—the American taxpayer.

Now, Mr. President, what would you say if I told you that some of these cases have been ongoing for three or more years and that total fees in some

instances will be more than $1 million in an individual case? That's $1 million to pay criminal lawyers to defend people accused of the most vicious types of murders often which are of the greatest interest to the communities in which they were committed.

At minimum, Mr. President, this Senator would say that we are spending a great deal of money on criminal defense lawyers and the American taxpayer ought to have timely access to the information that will tell them who is spending their money, and how it is being spent. That is why today I am introducing the ''Disclosure of Court Appointed Attorney's Fees and Taxpayer Right to Know Act of 1997''.

Under current law, the maximum amount payable for representation before the United States Magistrate or the District Court, or both, is limited to $3,500 for each lawyer in a case in which one or more felonies are charged and $125 per hour per lawyer in death penalty cases. Many Senators might ask, if that is so, why are these exorbitant amounts being paid in the particular cases you mention? I say to my colleagues the reason this happens is because under current law the maximum amounts established by statute may be waived whenever the judge certifies that the amount of the excess payment is necessary to provide ''fair compensation'' and the payment is approved by the Chief Judge on the circuit. In addition, whatever is considered ''fair compensation'' at the $125 per hour per lawyer rate may also be approved at the Judge's discretion.

Mr. President, the American taxpayer has a legitimate interest in knowing what is being provided as ''fair compensation'' to defend individuals charged with these dastardly crimes in our federal court system. Especially when certain persons the American taxpayer is paying for mock the American Justice System. A recent Nightline episode reported that one of the people the American taxpayer is shelling out their hard earned money to defend urinated in open court, in front of the Judge, to demonstrate his feelings about the judge and the American judicial system.

I want to be very clear about what exactly my bill would accomplish. The question of whether these enormous fees should be paid for these criminal lawyers is not, I repeat, is not a focus of my bill. In keeping with my strongly held belief that the American taxpayer has a legitimate interest in having timely access to this information, my bill simply requires that at the time the court approves the payments for these services, that the payments be publicly disclosed. Many Senators are probably saying right now that this sounds like a very reasonable request, and I think it is, but the problem is that often times these payments are not disclosed until long after the trial has been completed, and in some cases they may not be disclosed at all if the remains are sealed by the Judge. How much criminal defense lawyers are being paid should not be a secret. There is a way in which we can protect the alleged criminal's sixth amendment rights and still honor the American taxpayer's right to know. Mr. President, that is what my bill does.

Current law basically leaves the question of when and whether court appointed attorneys' fees should be disclosed at the discretion of the Judge in which the particular case is being tried. My bill would take some of that discretion away and require that disclosure occur once the payment has been approved.

My bill continues to protect the defendant's sixth amendment right to effective assistance of counsel, the defendant's attorney client privilege, the work product immunity of defendant's counsel, the safety of any witness, and any other interest that justice may require by providing notice to defense counsel that this information will be released, and allowing defense counsel, or the court on its own, to redact any information contained on the payment voucher that might compromise any of the aforementioned interests. That means that the criminal lawyer can ask the Judge to take his big black marker and black-out any information that might compromise these precious Sixth Amendment rights, or the Judge can make this decision on his own. In any case, the Judge will let the criminal lawyer know that this information will be released and the criminal lawyer will have the opportunity to request the Judge black-out any compromising information from the payment voucher.

How would this occur? Under current law, criminal lawyers must fill out Criminal Justice Act payment vouchers in order to receive payment for services rendered. Mr. President, I have brought two charts to the floor to provide Senators with an example of what these payment vouchers look like so that they can get an understanding of what my bill would accomplish. These two payment vouchers are the standard vouchers used in the typical felony and death penalty cases prosecuted in the federal district courts. As you can see Mr. President, the information on these payment vouchers describes in barebones fashion the nature of the work performed and the amount that is paid for each category of service.

My bill says that once the Judge approves these payment vouchers that they be publicly disclosed. That means that anyone can walk down to the federal district court where the case is being tried and ask the clerk of the court for copies of the relevant CJA payment vouchers. It's that simple. Nothing more. Nothing less.

Before the court releases this information it will provide notice to defense counsel that the information will be released, and either the criminal lawyer, or the Judge on his/her own, may black-out any of the barebones information on the payment voucher that might compromise the alleged criminal's precious sixth amendment rights.

Mr. President, I believe that my bill is a modest step toward assuring that the American taxpayer have timely access to this information. In addition to these CJA payment vouchers, criminal lawyers must also supply the court with detailed time sheets that recount with extreme particularity the nature of the work performed. These detailed time sheets break down the work performed by the criminal lawyer to the minute. They name each and every person that was interviewed, each and every phone call that was made, the subjects that were discussed and the days and the times they took place. They go into intimate detail about what was done to prepare briefs, conduct investigations, and prepare for trial.

Mr. President, clearly if this information were subject to public disclosure the alleged criminal's sixth amendment rights might be compromised. My bill does not seek to make this sensitive information subject to public disclosure, but rather continues to leave it to the Judge to determine if and when it should be released. In this way, my bill recognizes and preserves the delicate balance between the American taxpayers' right to know how their money is being spent, and the alleged criminal's right to a fair trial.

I believe we should take every reasonable step to protect any disclosure that might compromise the alleged criminal's sixth amendment rights. My bill does this by providing notice to defense counsel of the release of the information, and providing the Judge with the authority to black-out any of the barebones information contained on the payment voucher if it might compromise any of the aforementioned interests. I believe it is reasonable and fair, and I hope I will have my colleagues' support.

I am very pleased the Senate will accept this. I hope the House does. I believe they will. Because I think the public has a right to know. As a matter of fact, I think we have a right to know, case by case, payment by payment, how much is being paid by the taxpayer to defend criminals in the Federal court.

I yield the floor.

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

The amendment (No. 994) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 995

(Purpose: To Provide for the Payment of Special Masters, and for Other Purposes)

Mr. GREGG. Mr. President, on behalf of Senator KYL, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. KYL, proposes an amendment numbered 995.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.

Section 3626(f) of title 18, United States Code, is amended—

(1) by striking the subsection heading and inserting the following:

''(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.—''; and

(2) in paragraph (4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) in subparagraph (A), as so designated, by adding at the end the following: ''In no event shall a court require a party to a civil action under this subsection to pay the compensation, expenses, or costs of a special master. Notwithstanding any other provision of law (including section 306 of the Act entitled 'An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997,' contained in section 101(a) of title I of division A of the Act entitled 'An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997' (110 Stat. 3009–201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced, before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.''; and

(C) by adding at the end the following:

''(B) The payment requirements under subparagraph (A) shall not apply to the payment to a special master who was appointed before the date of enactment of the Prison Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.) of compensation, expenses, or costs relating to activities of the special master under this subsection that were carried out during the period beginning on the date of enactment of the Prison Litigation Reform Act of 1995 and ending on the date of enactment of this subparagraph.''.

Mr. GREGG. I move to set aside the amendment by Senator KYL.

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

AMENDMENT NO. 996

(Purpose: To require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. COVERDELL, proposes an amendment numbered 996.

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

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

The amendment is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the terms ''criminal offense against a victim who is a minor'', ''sexually violent offense'', and ''sexually violent predator'' have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)));

(2) the term ''DNA'' means deoxyribonucleic acid; and

(3) the term ''sex offender'' means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of blood and saliva specimens from any sex offender;

(B) the analysis of the collected blood and saliva specimens for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 997

(Purpose: To Express the Sense of the Senate That the Federal Government Should not Withhold Universal Service Support Payments)

Mr. HOLLINGS. On behalf of Senator DORGAN and others, I send an amendment to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. DORGAN, for himself, Mr. ROCKEFELLER, Mr. HOLLINGS and Mr. DASCHLE, proposes an amendment numbered 997.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.

Whereas the Congress reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

Whereas the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(A) Quality services should be available at just, reasonable, and affordable rates;

(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(C) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services;

(D) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(E) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; and

(F) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

Whereas Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

Whereas the Conference Committee on H.R. 2015, the Budget Reconciliation Bill, is considering proposals that would withhold Federal and State universal service funds in the year 2002; and

Whereas the withholding of billions of dollars of universal service support payments will mean significant rate increases in rural and high cost areas and will deny qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, be it

Resolved, That it is the sense of the Senate that the Conference Committee on H.R. 2015 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or achieve Federal budget savings.

AMENDMENT NO. 998

Mr. HOLLINGS. Mr. President, I also, on behalf of the distinguished Senator from Delaware, Senator BIDEN, send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. BIDEN, proposes an amendment numbered 998.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.''.

Beginning on the date of enactment of this legislation, the non-defense discretionary spending limits contained in Section 201 of H.Con Res. (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

Mr. HOLLINGS. 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. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, the junior Senator from West Virginia wishes to continue, a little bit, the comments that were made by the Senator from North Dakota [Mr. DORGAN]. Needless to say, the Senator from West Virginia not only wholly agrees with him, but would carry the argument even further.

The concept of universal service is literally sacred in our country. For the majority of the people of our land, which is rural land, it is the only lifeline they have potentially to the present day and to their future day. They are able to afford certain kinds of rural rates. But if people start to take the universal service fund and use it for any other purpose other than what it was originally intended, the whole system of equality between rural States and urban States, of user States and using States, disappears. The concept of universal service is ended.

I would like to suggest that this is not a thought which is held by myself alone. I ask at this moment to have printed in the RECORD a letter from the U.S. Telephone Association and a letter from the Rural Telephone Coalition on the subject that the Senator from North Dakota and I were discussing.

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

UNITED STATES
TELEPHONE ASSOCIATION,
Washington, DC, July 9, 1997.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The United States Telephone Association (''USTA''), representing more than 1,200 companies, is dismayed that Congress has chosen universal telephone service as a vehicle to balance the budget by the year 2002. While USTA recognizes the endeavors of key leaders in rejecting spectrum fees and other inappropriate budget proposals, exploiting the universal telephone service fund to balance the budget is not only bad precedent, it is bad telecommunications policy. Accordingly, USTA strenuously urges you to oppose this proposal in conference.

In its effort to meet the budget accord, the U.S. House of Representatives adopted a reconciliation package that maneuvers universal telephone service support moneys to satisfy current budgetary objectives. To make up for a $2 billion budget shortfall, the House's proposal borrows $2 billion in FY 2001 while artificially reducing universal telephone service support by this same amount in FY 2002. This proposal needlessly jeopardizes a privately run support system that continues to work without federal monetary aid. Moreover, such a ''scoring'' device sets a dangerous precedent that could damage this nation's universal telephone service policy necessary to maintain nationwide, affordable telecommunications service.

USTA has opposed the Office of Management and Budget and the Congressional Budget Office for more than two years over their claims of authority to reflect universal telephone service transactions on the federal budget. The Telecommunications Act clearly establishes the manner in which universal telephone service funds are collected and disbursed. Pursuant to the Act, universal telephone service moneys logically should not be classified as either federal receipts or federal disbursements and thus should not be associated with the federal budget, as the Administration has insisted and Congress has allowed.

USTA appreciates your continued support regarding the elimination of such budget proposals as the imposition of spectrum fees. Similarly, USTA strongly urges you to reject any proposals that would seek to balance the budget at the expense of universal telephone service. We hope we can count on you to help keep such initiatives out of the final conferenced agreement.

Sincerely,

ROY NEEL,
President and CEO.

NRTA—NTCA—OPASTCO,
RURAL TELEPHONE COALITION,
Washington, DC, July 10, 1997.

DEAR SENATOR/REPRESENTATIVE: The undersigned collectively representing approximately 850 of the nation's small rural incumbent local exchange carriers, have been closely following the struggle of the Congress to develop a reconciliation package that meets the targets assigned by the recent budget accord. Although we understand the difficult nature of this task, we applaud the efforts of key leaders who have prevented the adoption of many of the more unrealistic and unjustified concepts for meeting the agreement's targets. These concepts include auctioning electromagnetic radio spectrum at all costs, imposing new electromagnetic radio spectrum fees and auctioning toll-free ''vanity'' numbers.

However, we are alarmed that the U.S. House of Representatives, in its last-minute effort to achieve the budget agreement's targets, adopted a reconciliation package containing language that manipulates universal service support moneys to do so. Universal telecommunications service is a national policy objective, but the moneys that are involved in effectuating this policy are strictly private, not governmental as the House initiative attempts to suggest. The House provision seeks to create the illusion that the U.S. government should somehow have access to these private universal service moneys for the sole purpose of balancing the budget.

Specifically, in attempting to make up for a $2 billion budget shortfall, the U.S. House of Representatives has adopted a reconciliation package that uses universal service support moneys to meet its present budget objectives and even seems to suggest that a totally unnecessary appropriation is involved. This proposal borrows $2 billion in fiscal year (FY) 2001 while artificially reducing universal service support by this same amount in FY 2002—budget gimmickry Congress should reject. This proposal unnecessarily jeopardizes a privately run support system that continues to work without federal monetary aid. Such a misleading ''scoring'' device sets a dangerous precedent that could permanently damage the nation's statutory universal service policy and budget process.

Our organizations have opposed the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) for more than two years over their claims of authority to reflect universal service transactions on the federal budget. Universal service flow transactions represent the collection and distribution of private moneys, for the sole purpose of recovering private investment and expenses necessary to maintain nationwide universal telecommunications service. Therefore, universal service moneys logically cannot be classified as either federal receipts or federal disbursements and thus legally should not be associated with the federal budget, as the administration has insisted and the Congress has allowed.

We are pleased that Congress rejected spectrum fees and other inappropriate proposals that had the sole intent of meeting budgetary targets. However, manipulation of universal service moneys to look like U.S. government resources is not only bad precedent, but also had telecommunications policy. Any measure embracing such a proposal should be strenuously opposed. We hope we can count on your support to keep such initiatives out of the final conferenced reconciliation package. Please feel free to contact any one of our organizations if you have questions about this critical matter.

Sincerely,

JOHN F. O'NEAL,
General Counsel, National Rural Telecom Association.
MICHAEL E. BRUNNER,
Executive Vice President and Chief Executive Officer, National Telephone Cooperative Association.
JOHN N. ROSE,
President, Organization for the Promotion and Advancement of Small Telecommunications Companies.

Mr. ROCKEFELLER. There is another aspect which worries me greatly. I have heard so many people talk about the importance of technology and the importance of understanding that technology is our future and the fact that so many of the people in our rural areas and in our urban areas are not hooked up to the Internet and hooked up to all of the advantages that technology and the computer brings us. It was with that in mind that during the consideration of the Telecommunications Act, a number of Senators, led

by Senator SNOWE of Maine, put forward an amendment which would allow, for the very first time, money to be used with the full consent of the carriers, to be used to wire up 116,000 schools in this country, endless numbers of public libraries, enormous numbers of rural health clinics so that they could develop in the practice of telemedicine and other new technologies that are now and will be available.

If what is being contemplated by those who are working on the reconciliation process is the use of universal service money to plug up a potential shortfall in the spectrum auction, the entire Snowe amendment, which relates to whether or not we are going to have a first- or second-class citizenry in this country —first-class being those who have the money to have computers in their schools and at home and then the second class, and that being the majority, being those who do not—all of that will go down.

I make the further point that this is not the Government's money. Some may try to argue that it is, but it is money that is paid into a special fund and it is money which is being administered by something called NECA, which is the ''national exchange cable association''—I believe that is what it stands for. They are private. They are private. They are a private entity administering this fund.

This has been through a Senate process where it was agreed to in a bipartisan debate, 98 to 1. It has been through a joint board, FCC process, that is State and FCC together, voting 8 to nothing, and through a further final FCC process, 4 to nothing—unanimous, virtually the entire way through.

If the budget negotiators use this universal service fund for any purpose other than for the purposes that the universal service fund is meant to be used for, I think it begins a tremendous downfall in not only our future in terms of rural rates, but also in terms of learning and technology. The Vice President of the United States, our former colleague, Albert Gore, said that in his view the Snowe amendment, relating to 116,000 schools, more public libraries and more rural health clinics, was the biggest and most important thing that had happened in education policy in the last 30 years. He may have said, in this century.

In any event, all of that is in jeopardy, and the resolution, which is being circulated, I hope will be carried by staff members and others who hear the voice of the Senator from North Dakota and myself, to their Senators to know that something called universal service is in dire jeopardy as of this moment, because the tampering with that universal service is now in the bill that may come before us. There has to be a change made. Change is hard to come by. In other words, we really are at the ramparts on this issue.

I thank the Presiding Officer and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, NECA is the National Exchange Carriers Association. Mr. President, this association was formed at the breakup of AT&T back in 1984, and it is a private entity, whereby the different carriers, through their trade associations, self-impose, in an intermittent fashion, the amounts due and owing in order to constitute what we call the universal service fund. It is a private entity. There is no Federal law that says you can be a member or shall be a member or you cannot be a member. It is not under the Federal law; it is under this particular entity that it was associated with and together at that particular time of the breakup.

It depends on the volume of business, obviously. If you get a greater volume and more burdens and so forth—for high-cost areas is really what it was for, initially. It is now being extended to rural, being extended for the schools and the hospitals. But the high-cost areas are being taken care of under this universal service fund.

Mr. President, what we are seeing here—and I hope the conferees on reconciliation get the message—this is the epitome of the national loot. In 1994, this Congress passed, President Clinton signed into law the Pension Reform Act. Under that Pension Reform Act, it provided certain penalties, whereby you can't loot the pension funds of the particular corporate America. They wanted to make sure that a person in this particular corporation who had worked over the years and everything else, didn't have a newcomer in a merger or buyout or whatever it is, abscond with all the moneys and all of a sudden your pension was gone.

Now, it so happens that in the news here, about 6 weeks ago, now 8 weeks ago, that a famous American, Denny McLain, the all-time all-star pitcher, I think it was, for the Detroit Tigers, became a president of the corporation and he used the corporate pension fund in violation of law to pay the company's debt, and he was promptly sentenced to an 8-year jail sentence. We do it at the Federal level and get the good Government award.

We loot the Social Security pension fund, the Medicare trust fund, the civil service pension trust fund, the military retirees' trust fund. They even had in the reconciliation bill —and I put in an amendment—the looting of the airport and airways improvement fund, whereby the moneys that are supposed to go to the improvement of the airways instead is going to the deficit.

Now the cabal, the conspiracy that they call a conference committee has the unmitigated gall to provide as follows, and I read:

> The Senate recedes to the House with modifications.
>
> 3006 of this title provides that expenditures from the universal service fund under part 54 of the Commission's rules for the fiscal year 2002 shall not exceed the amount of revenue to be collected for that fiscal year, less [blank] billion dollars.
>
> Section 3006(B) further provides that any outlays not made from the universal service fund in fiscal year 2002 under subsection (A) are immediately available commencing October 1, 2002.
>
> The conferees note that this subsection shall not be construed to require the amount of revenues collected under part 54 of the Commission's rules to be increased.

What in the world, how else is it going to be done? If you take the amount of the funds necessary to keep universal service constant, less X billion dollars or million dollars, whatever, that they want to fit in here for a budget fix, then the companies and the associations through their companies that make the contributions are going to have to immediately either cut out the service under the service fund and the rules and regulations of the entity that controls it or raise the rates, and then the politicians will all run around saying, ''I'm against taxes, I'm against rate increases,'' when they are causing it in a shameful, shameless way in this particular provision and not even put in the amount. They have a blank here, and they are going to fill in the amount, and it is another smoke and another mirror and another loot.

Oh, yes, wonderful. We pass overwhelmingly the Pension Reform Act to make sure that it is a trust and it can be depended upon, and here, in the very same Congress, we come around and we loot all the particular funds, and now we find a private one. Maybe they will get the Brownback fund before they get through, if they can find it, and add that to it, too. They can get anybody's fund and put something down in black and white and they say, ''Oh, what good boys we are. We put in our thumb and pulled out a plum, and we balance the budget.''

Turn to page 4 on the conference report on a so-called balance budget agreement and report for the 5-year period terminating fiscal year 2002, and on page 4, line 15, the word is not ''balance,'' the word is ''deficit,'' $173.9 billion deficit.

Yet, the print media—I am glad this is on C-SPAN so the people within the sound of my voice can at least hear it, because they are not going to print it—the media goes along with the loot, and then they wonder why the budget is not balanced. If we only level with the American people, they would understand you can't cut taxes without increasing taxes.

We have increased the debt with that particular shenanigan to the tune now of $5.4 trillion with interest costs on the national debt of $1 billion a day. So when you cut down more revenues to pay, you increase the debt, you increase the interest costs, so you get reelected next year, because I stood for tax cuts, but they won't tell them that with the child tax cut that they have actually increased the tax for the child. Now that is at least in the Congressional RECORD in black and white.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of S. 1022, the Commerce, Justice, State, and the Judiciary appropriations bill for fiscal year 1998. The Senate bill provides $31.6 billion in budget authority and $21.2 billion in new outlays to operate the programs of the Department of Commerce, Department of Justice, Department of State, the Judiciary and Related Agencies for fiscal year 1998. When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $31.6 billion in budget authority and $29.4 billion in outlays for fiscal year 1998. The subcommittee is within its revised section 602(b) allocation for budget authority and outlays.

Mr. President, I commend the distinguished subcommittee chairman, Senator GREGG, for bringing this bill to the floor. It is not easy to balance the competing program requirements that are funded in this bill. I thank the chairman for the consideration he gave to issues I brought before the subcommittee, and his extra effort to address the items in the bipartisan balanced budget agreement. It has been a pleasure to serve on the subcommittee.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

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

S. 1022, COMMERCE-JUSTICE APPROPRIATIONS, 1998; SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-Reported bill:					
Budget authority	275	25,587	5,225	522	31,609
Outlays	322	25,188	3,381	532	29,423
Senate 602(b) allocation:					
Budget authority	297	25,588	5,225	522	31,632
Outlays	322	25,479	3,401	532	29,734
President's request:					
Budget authority	257	26,114	5,238	522	32,131
Outlays	286	25,907	3,423	532	30,148
House-passed bill:					
Budget authority.					
Outlays.					
SENATE-REPORTED BILL COMPARED TO:					
Senate 602(b) allocation:					
Budget authority	(22)	(1)	.....	.....	(23)
Outlays	.....	(291)	(20)	.....	(311)
President's request:					
Budget authority	18	(527)	(13)	.....	(522)
Outlays	36	(719)	(42)	.....	(725)
House-passed bill:					
Budget authority	275	25,587	5,225	522	31,334
Outlays	322	25,188	3,381	532	29,423

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

CARBON MONOXIDE VIOLATIONS

Mr. MURKOWSKI. Mr. President, as we consider funding for the Environmental Protection Agency, I would like to raise the issue of Clean Air Act carbon monoxide violations in my home town of Fairbanks with the chairman of the Environment and Public Works Committee, Senator CHAFEE.

As the chairman knows, Fairbanks has one of the highest rates of temperature inversions in the world. When such inversions occur, pollutants from any source in the area are trapped at extremely low altitudes. For example, it is not uncommon to see the smoke from house chimneys trapped directly above a house rather than disbursed in the atmosphere as in other cities nationwide.

While I would have preferred that the EPA not go forward with a bump-up on the rating of Fairbanks' air from moderate to serious, I recognize that this bill is not the place to accomplish that goal. I would like to point out that in the past 20 years, Fairbanks has reduced its violation days from 160 to as low as 1 last year. It is these last violations that are causing difficulties for communities nationwide. However, Fairbanks may never be able to prevent several violations per year due to its unique and extreme cold weather. It is my hope that the EPA would work with Fairbanks to develop strategies to mitigate the pollution that is so severely magnified by the extreme cold weather of my hometown.

Mr. STEVENS. I want to reiterate the concerns expressed by my colleague, Senator MURKOWSKI. The reality may be that no matter what Fairbanks does, it may never be able to comply with EPA standards because of its geographic location.

Mr. CHAFEE. I thank the Senators from Alaska for their remarks about carbon monoxide violations in Fairbanks. Their hometown has dramatically reduced the number of exceedences over the past 20 years and should be recognized for this success. It is my hope that the EPA will continue to work with Fairbanks to devise pollution reduction strategies that recognize the unique conditions that exist in Fairbanks.

Mr. MURKOWSKI: I thank my friend from Rhode Island.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Mr. CHAFEE. Mr. President, I want to take a moment to discuss one provision in the legislation now before the Senate. Under the heading of Related Agencies, the Commerce-State-Justice appropriations bill provides funding for the Office of the U.S. Trade Representative.

As my colleagues know, our Nation's Special Trade Representative, backed by the team of staff at USTR, is responsible for negotiating and administering trade agreements and coordinating overall trade policy for the United States. Those are significant responsibilities, and they are critical to the economic interests of American firms, workers, consumers, and families.

For an agency with such significant duties, USTR does not consume much in the way of taxpayer monies. Annual funding for USTR has hovered at just over $20 million for the past 5 years. In terms of the Federal budget—or for that matter of the several other agencies funded by this bill—$20 million is a mere pittance.

I might say that for what we get in return, the funds spent on USTR represent quite a bargain. Thanks to USTR, we have in place trade agreements and policies that allow our companies to compete successfully worldwide. And where barriers remain, the USTR team works continuously to make further progress. Their work over the years has affected billions of dollars in U.S. trade and contributes enormously to the health of the overall U.S. economy.

Now, USTR does not require much in funding because for the most part, appropriations are spent on two items: salaries and travel. Those basic necessities—the salaries that pay the staff, and the travel that is required for the various ongoing negotiations with our trading partners around the world—make up the bulk of USTR's financial needs. There is not much fat there. Therefore, every dime they get is critical.

I want to commend the chairman of the Commerce-State-Justice Subcommittee for allocating the full budget request for USTR for fiscal year 1998. Under his bill, the Office of the USTR will receive $22,092,000, exactly what the administration sought. I want to thank him for that.

Let me raise one concern, however, that I know is shared by the leadership and most members of the Senate Finance Committee. Since the January 1995 implementation of the Uruguay round agreements and the WTO, USTR has taken on an enormous new docket of cases in which the United States is involved, and all of these cases now come with strict deadlines. As of July 1, there were pending some 47 WTO or NAFTA cases in which the United States is a plaintiff, a defendant, or otherwise a participant. That is quite a workload. Yet despite the increase, USTR has not increased its career legal staff. The number of lawyers and litigators now on staff is virtually the same as in the pre-WTO days. USTR has just 12 lawyers in Washington, with 2 more in Geneva, and only 2 of them are able to devote themselves fulltime to the international litigation. That dearth of staff makes no sense—and only hurts our efforts to win our cases.

I believe USTR must have the resources and personnel that it needs to fulfill its responsibilities. While I am delighted that USTR received its full budget request, I must say that the budget request amount is simply not realistic for an agency facing these new assignments. Even a modest increase of, say, $1 million—which again, in terms of the federal budget is not even visible—would make a significant and positive difference to the ability of USTR to carry out its work. And that in turn would only benefit US workers and families, and the overall US economy.

I want to urge USTR to press the Office of Management and Budget to recognize their new workload. I have mentioned this repeatedly to Ambassador Barshefsky and I hope she will act on it. And I want to exhort OMB in the strongest terms possible to adjust next year's budget request accordingly for

USTR. I am confident that such an adjustment would be met with favor by the members of the authorizing committee, namely the Senate Finance Committee.

If OMB fails to act, then it may fall to Congress to do the right thing, and make the small but necessary increased investment in this agency. Indeed, I seriously considered taking such a step during today's debate. But for now I will wait. Thanks to the good work of the chairman, we do have in this bill $22 million in full funding for USTR, and I intend to do what I can to make sure that that full $22 million becomes law. However, I call upon the administration in no uncertain terms to ensure that in the budget submitted next year, USTR is provided the resources they need.

Mr. McCAIN. Mr. President, I am happy to say that, after reviewing the bill before the Senate, I find relatively few examples of pork-barrel spending. I stress, relatively few, since I can still find a few objectionable provisions in the bill and many in the report. But there are far fewer problems with this bill than the last few appropriations bills we have passed in the Senate.

This bill contains the usual earmarks for centers of excellence. In particular, bill earmarks $22 million for the East-West Center in Hawaii and $3 million for the North/South Center in Florida.

These amounts represent a combined increase of $16.5 million above the administration's request.

Last week, I spoke about the problem of Congress establishing, at taxpayer expense, centers for the study of virtually every subject, irrespective of the availability of research and analysis on those issues already available from existing universities and private research institutions.

This enormous increase in funding for the East-West and North/South Centers is incomprehensible given the dire state of U.S. diplomatic representation in many of the newly independent countries of the post-cold-war world. They are particularly inexplicable in light of the committee's decision to zero out the funding for the National Endowment for Democracy, a decision which the Senate fortunately reversed earlier today.

Mr. President, I would not be at all surprised to see in next year's bill funding for a North-by-Northwest Center, perhaps to include a banquet room honoring the last Alfred Hitchcock.

The bill also contains language that directs the U.S. Marshals Service to provide a magnetometer and not less than one qualified guard at each entrance to the Federal facility located at 625 Silver, S.W., in Albuquerque, NM. I must say that this is perhaps the most specific earmark I have ever seen, even providing an address to ensure the assets are delivered to the proper beneficiaries.

Once again, though, the Appropriations Committee has contributed a few new and innovative ways to earmark port-barrel spending.

The most interesting is language that I will call a reverse earmark. The report earmarks $8 million to begin addressing the backlog in repair and maintenance of FBI-owned facilities, other than those located in and around Washington, DC and Quantico, VA. I wonder whether my colleagues from this area were aware that they had been singled out for exclusion from an earmark.

Other report language earmarks are more typical, such as: Various earmarks for southwest border activities, although I note that my colleagues singled out the New Mexico and Texas borders for special attention to combat illegal border crossing and drug smuggling problems. I was of the impression that these problems were prevalent across the entire border with Mexico, including Arizona and California.

Similarly, the report requires that two-thirds of the additional 1,000 border patrol agents are to be deployed in Texas sectors, with the remaining 300-plus agencies to be scattered across New Mexico, Arizona, or California. The report earmarks $1 million for Nova Southeastern University in Florida for the establishment of a National Coral Reef Institute to conduct research on, what else, coral reefs. And it also earmarks $1 million to the University of Hawaii to conduct similar coral reef studies. I suppose this might be considered a good idea to fund competitive research projects, except these institutions did not have to compete to get these funds, nor will they likely have to compete to continue to receive hand-outs to continue their coral reef research.

The report contains $410,000 for the Alaska Eskimo Whaling Commission, and $200,000 for the Beluga Whale Commission. It contains $2.3 million to reduce tsunami risks to residents and visitors in Oregon, Washington, California, Hawaii, and Alaska. And it earmarks $88 million in NOAA construction funds for specific locations in Alaska, Hawaii, South Carolina, Mississippi, and other States.

And finally, this bill contains earmarks for assistance to the U.S. Olympic Committee to prepare for the 2002 Winter Olympics in Utah. I found $3 million for communications and security infrastructure upgrades, $2 million to formulate a public safety master plan, and language directing that NTIA provide telecommunications support to the Utah Olympics similar to that provided in Atlanta last summer. As my colleagues know, this is just a small portion of the funding we will see channeled to the Utah Olympics. It is in addition to the money included in the supplemental passed earlier this year and in other appropriations bills that have already passed this body.

While the wasteful spending in this bill is less onerous than in other bills I have seen in the past 2 weeks, I still have to object strenuously to the inclusion of these earmarks and add-ons in the bill. We cannot afford pork-barrel spending, even the amount contained in this bill.

I ask unanimous consent that a list of the objectionable provisions in this bill be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN S. 1022 FY 1998 COMMERCE/JUSTICE/STATE/JUDICIARY APPROPRIATIONS BILL

BILL LANGUAGE

Earmarks for funding for the National Advocacy Center in Columbia, South Carolina, which was authorized in 1993 as a center for training federal, state, and local prosecutors and litigators in advocacy skills and management of legal operations: $2.5 million for operations, salaries, and expenses of the Center, $2.1 million to support the National District Attorney's Association participation in legal education training at the Center.

U.S. Marshals Service is directed to provide ''a magnetometer and not less than one qualified guard'' at each entrance to a federal facility (including both buildings and related grounds) at 625 Silver, S.W., in Albuquerque, New Mexico

$125,000 of State Department Diplomatic and Consular Programs funding earmarked for the Maui Pacific Center

$22 million of USIA funds earmarked for the Center for Cultural and Technical Interchange between East and West in the State of Hawaii, and $3 million for an educational institution in Florida known as the North/South Center

Section 606 prohibits construction, repair, or overhaul of vessels for the National Oceanic and Atmospheric Administration in shipyards outside the U.S.

REPORT LANGUAGE

Department of Justice:

Various earmarks for Southwest Border activities, including: $281,000 for a Southwest Border initiative; $11.4 million for Southwest Border control; $29.7 million and the direction to allocate additional necessary resources to address border crossing and drug smuggling problems along the New Mexico and Texas borders; $39.3 million in construction and engineering funds for facilities at 29 specific locations along the Southwest Border

Earmark of not less than $468,000 of the U.S. Marshals Service funding for witness security New York metro inspectors

Earmark of $700,000 for acquisition and installation of video conferencing equipment in jails and courthouses in New York, Illinois, Utah, Colorado, Nevada, Washington, and sites to be determined in New Mexico and Texas after consultation with the Appropriations Committee

Language urging the FBI to favorably consider the FBI Center in West Virginia as the location for a new training program on the investigative use of computers, for which $1 million was earmarked

$1.5 million to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and automation of fingerprint identification services

Increase of $8 million to begin addressing the backlog in repair and maintenance of FBI-owned facilities, other than those located in and around Washington, D.C. and Quantico, Virginia

Earmarks of a portion of the increased funding and positions for identification, apprehension, detention, and deportation of illegal aliens, as follows: $48.3 million for additional detention capacity, including 300 beds in New York, 300 bed in Florida, and 400 beds

in California facilities; $5 million for the Law Enforcement Support Center and expanded services of the Center in Utah.

Directive to deploy not less than two-thirds of the 1,000 new border patrol agents in the Mafa, Del Rio, Laredo, and McAllen sectors in Texas

Earmarks of increased funding for inspection activities for: Full-time manning of three in-transit lounges at Miami International Airport; $4 million for dedicated commuter lanes, including equipment and facilities, at Laredo, Hidalgo, and El Paso, Texas, and Nogales, Arizona; $1.7 million to staff three new airports in Oregon, California, and Nova Scotia; $700,000 for automated permit ports in Maine, Vermont, New York, Montana, Washington, Alaska, and New York; $1.5 million for automated I–94 equipment at airports in New York, Newark, Seattle, San Francisco, Los Angeles, Honolulu, Chicago, Philadelphia, Miami, and Boston.

Earmark for activation of new and expanded prison facilities in Texas, California, Mississippi, South Carolina, Arkansas, Texas, West Virginia, Washington, and Ohio

Language urging the Bureau of Prisons to favorably consider development of MDTV at the Beckley Federal prison facility

$1 million equally divided between Mount Pleasant and Charleston, South Carolina police departments for computer enhancements and equipment upgrades

$3 million for the Utah Communications Agency to support security and communications infrastructure upgrades to counter potential terrorism threats at the 2002 Winter Olympic Games, and $2 million to allow the Law Enforcement Coordinating Council for the 2002 Olympics to develop and support a public safety master plan

$2 million as a grant to establish a Public Training Center for First Responders at Fort McClellan, Alabama

$3.85 million for the National White Collar Crime Center in Richmond, Virginia

Earmarks of Violent Crime Reduction Trust Fund dollars for: $190,000 for the Gospel Rescue Ministries of Washington, D.C. to renovate the Fulton Hotel as a drug treatment center; $2 million for the Marshall University Forensic Science Program; $2 million for a rural states management information system demonstration project in Alaska; $500,000 for the Alaska Native Justice Center; $1 million for the Santee-Lynches Regional Council of Governments Local Law Enforcement Program; $10 million for North Carolina Criminal Justice Information Network for automation and security equipment; $1 million for the National Judicial College; Language urging funding for the New Orleans-based Project Return and Chicago-based Family Violence Intervention Program

$2 million for Southwest Surety Institute at New Mexico State University

$1 million for a public-private partnership demonstration project in Las Vegas, Nevada, for a home for victims of domestic abuse

Language directing funding to complete design of the Choctaw Indian tribal detention facility in Mississippi

Language expressing the expectation that the National Center for Forensic Science at the University of Central Florida will be provided a grant for DNA identification work, if warranted

$850,000 of juvenile justice grants for the Vermont Department of Social and Rehabilitation Services to establish a national model for youth justice boards.

$1 million for the New Mexico prevention project.

$200,000 for the State of Alaska for a study on child abuse and criminal behavior linkage.

$1.75 million for the Shelby County, Tennessee, Juvenile Offender Transition Program.

Direction to examine proposals and provide grants, if warranted, to the following entities: Hill Renaissance Partnership, Lincoln Council on Alcoholism and Drugs, Hamilton Fish National Institute on School and Community Violence, Low Country Children's Center, and Comprehensive Juvenile Justice Crime Prevention and Juvenile Assessment Center in Gainesville, Florida.

DEPARTMENT OF COMMERCE

Language urging the Economic Development Administration to consider applications for grants for: Defense conversion project at University of Colorado Health Sciences Center in Aurora, Colorado; Passenger terminal and control tower at Bowling Green/Warren County, Kentucky, regional airport; Jackson Falls Heritage Riverpark in Nashua, New Hampshire; Bristol Bay Native Association; Redevelopment of abandoned property in Newark, New Jersey; Pacific Science Center in Seattle, Washington; Rodale Center at Cedar Crest College in Lehigh Valley, Pennsylvania; Minority labor force initiative in South Carolina; Cumbres and Toltec Scenic Railroad Commission in Arriba County, New Mexico, and Conejos County, Colorado; Fore River Shipyard in Quincy, Massachusetts; Native American manufacturer's network in Montana; National Canal Museum in Easton, Pennsylvania; Cranston Street Armory in Providence, Rhode Island.

Recommendation that Little Rock, Arkansas, Minority Business Development Center remain in operation.

Recommendation that Jonesboro-Paraground, Arkansas, Metropolitan Statistical Area be designated to include both Craighead and Greene Counties.

Language urging the NTIA to consider grants to University of Montana and Marshall University, West Virginia.

Language directing NTIA to fund telecommunications support for the Olympic Committee Organization in Utah to ensure that similar telecommunications facilities as were available at the Atlanta Olympics

$500,000 earmarked for South Carolina geodetic survey

$300,000 earmarked for Galveston-Houston operation of physical oceanographic real time system

$1.9 million earmarked for south Florida ecosystem restoration, including $1 million for Nova Southeastern University for establishment of a National Coral Reef Institute to conduct research on coral reefs, and $1 million for the University of Hawaii for similar coral reef studies

$450,000 for a cooperative agreement with the State of South Carolina Department of Health and Environmental Control to work on the Charleston Harbor project

Increase of $6.6 million above the request for the National Estuarine Research Reserve System, which serves 22 sites in 18 states and Puerto Rico

$4.7 million for the Pacific fishery information network, including $1.7 million for the Alaska network

Not less than $850,000, for the marine resources monitoring assessment and prediction program of the South Carolina Division of Marine Resources

$390,000 for the Chesapeake Bay resource collection program

$50,000 for Hawaiian monk seals

$500,000 for the Hawaii stock management plan

$300,000 for Alaska groundfish surveys and $5.5 million for Alaska groundfish monitoring

$410,000 for the Alaska Eskimo Whaling Commission and $200,000 for the Beluga Whale Committee

$1 million for research on Steller seals at the Alaska SeaLife Center, $325,000 for similar work by the state of Alaska, and $330,000 for work by the North Pacific Universities Marine Mammal Consortium

$400,000 for the NMFS in Honolulu for Pacific swordfish research

$250,000 to implementation of the state of Maine's recovery plan for Atlantic salmon

$150,000 to the Alaska Fisheries Development Foundation

$200,000 for the Island Institute to develop multispecies shellfish hatchery and nursery facility to benefit Gulf of Maine communities

$3.8 million to develop a national resources center at Mount Washington, New Hampshire, to demonstrate innovative approaches using weather as the education link among sciences, math, geography, and history

$500,000 for the ballast water demonstration in the Chesapeake Bay

$2.3 million to reduce tsunami risks to residents and visitors in Oregon, Washington, California, Hawaii, and Alaska

$3 million increase, with total earmark of $15 million, for the National Undersea Research Program, equally divided between east and west coast research centers, with the west coast funds equally divided between the Hawaii and Pacific center and the West Coast and Polar Regions center

$1.7 million for the New England open ocean aquaculture program

$1 million for the Susquehanna River basin flood system

$97,000 for the NOAA Cooperative Institute for Regional Prediction at the University of Utah

$150,000 to maintain staff at Fort Smith, Arkansas, to improve the ability of southern Indiana to receive weather warnings

Earmarks of $88 million in NOAA construction funds for specific locations in Alaska, Hawaii, South Carolina, Mississippi, and others

DEPARTMENT OF STATE:

$22 million for East-West Center (increase of $15 million), and $3 million for North/South Center (increase of $1.5 million)

SMALL BUSINESS ADMINISTRATION:

Language stating SBA should consider funding a demonstration in Vermont with the Northern New England Tradeswoman, Inc.

The PRESIDING OFFICER. Who seeks recognition?

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

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

METHAMPHETAMINE INITIATIVE

Mr. HATCH. Mr. President, I would like to thank the chairman of the subcommittee for taking what I believe is a necessary and meaningful step to turn the tide on a growing epidemic in this country, methamphetamine abuse. Although originally confined principally to the Southwest, including my home State of Utah, this epidemic is now moving East. Congress needs to take action to stop meth abuse.

Mr. GREGG. I could not agree more with the Senator from Utah. In my home State of New Hampshire, we are now experiencing our own influx of methamphetamine. I am seriously concerned about the effect that the proliferation of this drug is going to have

upon the children of this Nation, particularly in New Hampshire.

Mr. HATCH. Meth abuse, unfortunately, is also rapidly becoming one of our top public health threats. According to the latest data released by SAMHSA in its ''Drug Abuse Warning Network'' report released last week the number of children aged 12 to 17 who have had to go to emergency rooms due to meth use increased well over 200 percent between 1993 and 1995 alone. The number of deaths associated with meth has also increased dramatically. From 1989 to 1994, methamphetamine accounted for 80 percent or more of clandestine lab seizures by the DEA. Clandestine lab crackdowns are at an all-time high, and many more are going undetected. Mobile labs in rural areas of Utah, including numerous locations in Ogden, Provo, and the St. George area are making meth with virtual impunity. Local law enforcement does not have the manpower, resources, or technical expertise to cover such vast areas in a truly meaningful fashion. Federal law enforcement, most principally the Drug Enforcement Administration, has agents specially trained in the areas of methamphetamine lab take downs, but the number of such specialists is extremely limited, and certainly is of insufficient numbers to be any sort of meaningful presence in Utah, as well as the rest of the Rocky Mountains.

I am deeply concerned about the Methamphetamine problem in Utah, as well as the rest of the Nation. In my State, distribution by Mexican traffickers has been expanded by using networks established in the cocaine, heroin, and marijuana trades. Wholesale distribution is typically organized into networks in major metropolitan areas, to include Salt Lake City. Utah has 2,500 isolated noncontrolled airstrips which provide a convenient means for drug smugglers to transfer methamphetamine to vehicles for shipment throughout the United States. Also, there are over 65 public airports throughout the State that are not manned on a 24-hour basis, but can be lit from a plane by using the plane's radio tuned to a specific frequency.

Major highway systems such as I–15, I–70, and I–80 serve to interconnect Mexico with Colorado, Utah, and Wyoming which allows Utah to be an ideal transshipment point to major markets on the west coast, as well as Minneapolis, Chicago, Detroit, and other Midwestern areas. It also results in such illegal drugs being readily accessible throughout Utah.

According to the DEA, methamphetamine seizures nationwide in 1996 were the highest in over a decade. Not easily dissuaded, particularly when such large profits can be made, Mexican traffickers have begun obtaining the necessary precursor chemicals for methamphetamine from sources in Europe, China, and India. These precursor chemicals needed to manufacture methamphetamine drugs are available in Utah and have contributed to the increased consumption of the drug. Further, ephedrine tablets are purchased in large quantities and then converted to methamphetamine.

For these reasons I believe that it is imperative that this Congress provide the necessary resources to the DEA to engage in a meaningful methamphetamine initiative. I fully support the Appropriations Committee's report to S. 1022 that recommends that $16,500,000 of the funds appropriated to the DEA be used to fund a methamphetamine initiative, to include an additional 90 agents and 21 support personnel who will be tasked with implementing a broad approach for attacking methamphetamine abuse in this country. I strongly encourage that some of these funds be applied to funding DEA agents with particularized methamphetamine training be stationed in Utah to combat this ever growing threat in my State, and to prevent the methamphetamine lab activities in Utah from continuing to harm other States throughout this Nation.

Mr. GREGG. It is my intention that these new agents be allocated where they are most needed. Many States, such as New Hampshire and Utah are certainly experiencing the level of increased meth abuse this meth initiative is designed to address.

COOPER HOSPITAL'S TRAUMA REDUCTION INITIATIVE

Mr. LAUTENBERG. I would like to express my support for Cooper Hospital's Trauma Reduction Initiative.

Cooper Hospital is located in Camden, NJ, one of the most troubled cities in the Nation. Between 1994 and 1995, the number of violent crimes declined 4 percent nationwide, while in Camden they rose 8.6 percent. Homicides in Camden rose 28.88 percent, while homicides declined 6 percent nationally. With an estimated population of 82,000, Camden ranks as the sixth most violent city in the country when compared to all cities and towns.

Cooper Hospital's Trauma Reduction Initiative links hospital staff, community leaders, and churches throughout Camden as the frontline of crisis intervention. The Trauma Reduction Initiative represents a community-based approach to deal with the types of violence that disrupt our neighborhoods and burden our health care system.

According to Government research, by 2003, firearms will have surpassed auto accidents as the leading cause of injury death in the United States. But unlike victims of car accidents, who are almost always privately insured, four out of five firearm victims are receiving public assistance or are uninsured. Thus, taxpayers bear the brunt of medical costs that have grown to $4.5 billion a year in the past decade. Cooper Hospital's violence prevention program is designed to help stop the spiral of violent crime and retaliation in Camden. This program could serve as a model for other cities to follow.

The Trauma Reduction Initiative has received funding from the Bureau of Justice Assistance. I ask my colleagues, the chairman and ranking member of the Commerce, Justice, State Appropriations Subcommittee, if they agree that the Trauma Reduction Initiative is worthy of BJA's continued support?

Mr. GREGG. I appreciate the concerns of the Senator from New Jersey about the disturbing amount of violent crime in Camden. I agree that, within the available resources, the Trauma Reduction Initiative is worthy of BJA's continued support.

Mr. HOLLINGS. I, too, share the concerns of the Senator from New Jersey about the escalating costs of firearm violence in our country. I agree with the chairman that, within the available resources, BJA should continue to support the Trauma Reduction Initiative.

TECHNICAL CORRECTIONS

Mrs. FEINSTEIN. Mr. President, I would first like to thank the chairman and ranking member of the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee for joining Senator BOXER and myself in this colloquy regarding our amendment to make technical corrections to title I, section 119 of the Commerce-State-Justice appropriations bill. This section, as amended, will allow the Department of Justice and the Federal Emergency Management Agency to transfer surplus real property to State and local governments for law enforcement, fire fighting, and rescue purposes.

Mrs. BOXER. Mr. President, I would like to join my colleague from California in thanking the chairman and ranking member for all their assistance on this issue. I would also like to extend our appreciation to the chairman and ranking member of the Governmental Affairs Committee, without whose suggestions this amendment would not have gone forward. I am very pleased to cosponsor this amendment, which modifies the amendment I offered in the Appropriations Committee to include the Department of Justice Property Transfer Act.

Mr. GREGG. I thank my colleagues from California for their hard work in including this language in the bill. We all know that the police and fire departments are the first to respond to crises, and this change in law will facilitate local agencies in obtaining surplus Federal property for primary and specialized law enforcement and rescue training. I am pleased to support this change in law for the benefit of our communities.

Mr. HOLLINGS. I join my colleagues in recognizing the value of this language. I would like to ask if the Senator from California knows of any situations where this change in law would serve immediate benefit?

Mrs. FEINSTEIN. I would be pleased to answer that question. I was first made aware of the problems that current property transfer laws poses by the sheriff of Riverside County in southern California. The sheriff's office

has obtained, by short-term lease, a portion of March Air Reserve Base. The sheriff's office has been using this land for joint law enforcement and fire and rescue training. This legislation will allow the sheriff's office to apply directly to the General Services Administration, which will coordinate the application and approval process with the Department of Justice and FEMA to transfer the necessary property. Once again, I thank my colleagues for their support of this legislation.

ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I would like to engage the chairman and the ranking member of the Commerce, Justice, State, and the Judiciary Subcommittee in a colloquy regarding abusive and exploitative child labor.

According to the International Labor Organization [ILO], some 250 million children between the ages of 5 and 14 are working in developing countries and the number is on the rise. I strongly believe that access to primary education reduces the incidence of child labor around the world. It is my understanding that the Asia Foundation supports efforts to improve access to primary education.

I would like to see some language in the conference report urging the Asia Foundation to continue its work in Pakistan. I know that our staffs' have conferred, and that you and the ranking member share my concern about abusive and exploitative child labor.

Mr. GREGG. I commend the Senator for his concern, and would welcome any report language he has regarding the matter. Though it is outside the scope of the conference, I will exploit any opportunity that presents itself that would allow language to be inserted in the conference report.

Mr. HOLLINGS. The Senator from Iowa has been working this issue hard, and I agree with the chairman.

KETCHIKAN SHIPYARD

Mr. MURKOWSKI. Mr. President, Ketchikan, AK, just north of the Canadian border in southeast Alaska, has recently suffered an extreme economic blow due to changes in Federal forest management policies. It is a town of just a few thousand people, and the loss of 406 jobs due to the closure of one of the town's major industries, a pulpmill, severely disrupted the community.

The need for economic revitalization in Ketchikan is great, but the available opportunities are limited. One potentially important opportunity is provided by a local shipyard, Ketchikan Ship and Drydock. However, the ability of this yard to contribute to the local economy is limited without a significant upgrade of its ability to handle a variety of vessel sizes.

It is my understanding that the subcommittee report on this appropriation recognizes similar situations in other areas by suggesting that the Economic Development Administration consider proposals which meet its procedures and guidelines.

Would the distinguished managers of the bill, my friends from New Hampshire and South Carolina, agree that if the EDA receives a proposal for the Ketchikan shipyard which meets its procedures and guidelines, the EDA should consider that proposal and provide a grant if the latter is warranted?

Mr. GREGG. Mr. President, the distinguished Senator from Alaska is correct. I would urge the Economic Development Administration to consider such a proposal that met its procedures and guidelines and urge it to provide a grant if it finds the proposal warranted.

Mr. HOLLINGS. Mr. President, I agree with the response by my friend from New Hampshire.

NIST FUNDING FOR TEXAS TECH UNIVERSITY WIND RESEARCH

Mrs. HUTCHISON. Mr. President, I would like to ask the distinguished Subcommittee Chairman, Senator GREGG, to engage in a colloquy on a matter of extreme importance to my State and a number of others, and that is the need for more research into wind and severe storm disasters and ways to protect people and property from catastrophic harm.

Mr. GREGG. Mr. President, I would be happy to yield to the Senator from Texas and engage in a colloquy.

Mrs. HUTCHISON. Mr. President, as you know, there have been a number of severe tornadoes, wind storms, hurricanes and other wind-related disasters in recent months which have killed scores of people and destroyed communities. Earlier this year, the small town of Jarrell, TX, experienced a tornado that killed 29 people, seriously injured many others, and caused millions of dollars in damage to homes and businesses. The President's home State of Arkansas was also hit by a wind disaster that resulted in loss of life. The home State of the Ranking Minority Member of the Subcommittee, Senator HOLLINGS is still rebuilding after the devastation of Hurricane Hugo in 1989.

Mr. President, there is important work being done at Texas Tech University to help improve design construction of buildings to make them more resilient to windstorms. The laboratory building will include space to house a wind tunnel, a structural and building component testing lab and a material testing lab. These laboratory facilities will be used to develop innovative building frames and components that are resilient to extreme winds and windborne debris and yet are economically affordable. The research will also produce results to help cope with the environmental effects of wind erosion and dust and particulate generation.

The Department of Commerce, through the National Institute of Standards and Technology, does wind research. NIST in particular is engaged in research that complements the Texas Tech project.

The Committee has provided $276,852,000 for the scientific and technical research and services (core programs) appropriation of NIST. Part of the increased amount is for continued research, development, application and demonstration of new building products, processes, technologies and methods of construction for energy-efficient and environmentally compatible buildings.

Senator GREGG, do you concur that it is the intent of the committee to direct $3.8 million in funds provided to NIST for scientific and technical research and services for cooperative research between NIST and Texas Tech University to pursue this important wind research?

Mr. GREGG. It is the intent of the Committee to direct $3.8 million of NIST's scientific and technical research and services funding provided in the bill for cooperative research with Texas Tech University. I look forward to working with the Senator from Texas to ensure that the additional funds provided for core programs for continued research, development, application and demonstration of new building products, processes, technologies and methods of construction supports cooperative wind research between NIST and Texas Tech University.

SMALL BUSINESS DEVELOPMENT CENTERS

Mr. CHAFEE. I wonder if I could get the attention of the distinguished manager of the bill, Commerce, Justice, State Appropriations Subcommittee Chairman JUDD GREGG. I have a proposal related to small business development centers, and I'd like to get him to comment on it.

Mr. GREGG. I'd be happy to.

Mr. CHAFEE. I thank the Senator. What I propose to do is give more SBDCs the tools they need to encourage small companies to start exporting. As the Senator knows, the SBDCs are doing a terrific job helping small business owners devise business plans, marketing strategies, and so forth, but many of them simply don't have the capacity to offer advice on how to export.

We ought to try to change that, in my view. Exporting is the name of the game today—even for small businesses. And one way to do that would be to broaden access to a successful small business export promotion program called the International Trade Data Network, or ITDN.

Now, what is the ITDN? The ITDN is a computer-based service that small business owners can use to retrieve a stunning amount of international trade data—compiled both from Federal Government sources and the private sector. With a few quick keystrokes, individuals can read about everything from market demographics to descriptions of upcoming trade missions to explanations of relevant export and import regulations to potential contract leads. Small businesses anxious to export can learn about virtually every industry and virtually every country.

The ITDN was developed in 1988 by the Export Assistance Center at Bryant College in Smithfield, RI, and it's

been a big help to literally hundreds of Rhode Island's small businesses. In fact, 18 companies in Rhode Island use the ITDN every single day.

Listen to some of these endorsements from Rhode Island business owners. One said, ''The information made available through the ITDN is an integral part of our Pre-Entry Level Market Analysis.'' Another reported, ''I find the ITDN to be a state-of-the-art, user friendly software that is a one-stop shop for international information. It is a vital tool for businesses today that need to survive in a global environment.''

But right now, only 30 or so of our 960 Small Business Development Centers have direct access to the ITDN. So what I'd like to do is expand the program, so that SBDCs all across the country are connected to it. Specifically what I have in mind is converting the ITDN to an internet-based website, and establishing an Interactive Video Trade Conferencing Center at each State's lead small business assistance office. My proposal would also make the ITDN technology available to the Approximately 2,500 SBDC sub-centers across the country.

As I understand the situation, SBDCs are already authorized to conduct export promotion activities under Section 21 of the Small Business Act. In fact, representatives of Bryant College met with the SBA's Associate Administrator for the SBDC program earlier this year to discuss this proposal, and received a very positive response. For one reason or another, however, the SBA has been reluctant to dedicate any money to this purpose.

The 1988 Commerce, Justice, State Appropriation bill contains $75.8 million for the SBDC program, an increase of some $2.3 million over the 1997 funding level. In talking with the folks at the Export Assistance Center at Bryant College, it's my understanding that expanding the ITDN could be done over 2 years, with a first year cost of about $925,000. I'd ask the distinguished manager if I could get his endorsement of my proposal.

Mr. GREGG. I appreciate the Senator's interest in this matter, and I agree that we ought to look for ways to increase American small businesses' capacity to export.

Having looked at the Senator from Rhode Island's proposal, and listened to his remarks, I think that the ITDN program could be an excellent tool for opening international markets. I strongly encourage the Small Business Administration to make funds available for the expansion of the ITDN in fiscal year 1998.

Mr. CHAFEE. I want to thank my friend from New Hampshire for his support for this initiative.

''MADE IN THE USA'' ADVERTISING

Mr. KOHL. I understand that the FTC has proposed to weaken the standard for ''Made in the U.S.A.'' advertising from ''all to virtually all'' U.S. content to ''substantially all'' U.S. content. The proposal sets forth two alternative safe harbors for ''Made in the U.S.A.'' claims: 75 percent U.S. content—U.S. manufacturing costs represent 75 percent of the total manufacturing costs for the product and the product was last substantially transformed in the U.S. or; two level substantial transformation—The product was last substantially transformed in the United States and all significant inputs were last substantially transformed in the United States.

I also understand that the new proposed guidelines would have the effect of allowing products made with 25 percent or more foreign labor and foreign materials to be labeled ''Made in the U.S.A.'' In some cases, the FTC's proposed guidelines would allow products made entirely with foreign materials and foreign components to be labeled ''Made in the U.S.A.''

The ''Made in the U.S.A.'' label, a time-honored symbol of American pride and craftsmanship, is an extremely valuable asset to manufacturers. Allowing this label to be applied to goods not wholly made in America will encourage companies to ship U.S. jobs overseas because they can take advantage of the cheaper labor markets while promoting their products as ''Made in the U.S.A.'' For products not wholly made in the U.S.A., companies already can make a truthful claim about whatever U.S. content their products have—e.g., ''Made in the U.S.A. of 75 percent U.S. component parts'' or ''Assembled in the U.S.A. from imported and domestic parts''. However, if manufacturers seek to voluntarily promote their products as ''Made in the U.S.A.'' they must be honest in that promotion and only apply the ''Made in the U.S.A.'' label to products wholly made in the U.S.A.

Mr. GREGG. I am aware of the concerns expressed by my colleague on the Appropriations Committee and share the Senator's concerns on the need to protect American jobs. My subcommittee has jurisdiction over the FTC and you can be assured that we will closely watch any action taken by the FTC regarding the current standard for ''Made in the U.S.A.''

Mr. HOLLINGS. I too want to assure the Senator that our Subcommittee will closely monitor any actions on the FTC's part to change the ''Made in the U.S.A.'' designation. The ''Made in the U.S.A.'' label should continue to assure consumers that they are purchasing a product wholly made by American workers.

Mr. KOHL. I thank Senator GREGG and Senator HOLLINGS for their comments on this important issue. I am reassured by their interest in this matter.

JEFFERSON PARISH COMMUNICATIONS SYSTEM

Mr. BREAUX. Mr. President, I rise to discuss with the distinguished chairman of the subcommittee, Senator GREGG, the distinguished ranking member of the subcommittee, Senator HOLLINGS, and my distinguished colleague from Louisiana, Senator LANDRIEU, an important safety issue facing Jefferson Parish, LA.

As my colleagues know, the Jefferson Parish Sheriff's Office is one of the most progressive and notable law enforcement offices in the country. Unfortunately, they have been forced to use a conventional 450 MHz UHF radio system that is far too small and antiquated to handle current traffic volumes and to provide the secure and varied communications capabilities necessary in today's law enforcement environment. Replacing this old system with a new 800 MHz digital system is necessary to ensure the safety of its residents and guests, and to enhance the operational efficiencies of the sheriff's office.

Hurricane Danny recently demonstrated the dire need for this new communications system. Grand Isle, off the southern-most part of Jefferson Parish, is a barrier island with approximately 2,500 residents. There is, however, only one road leading from Grand Isle to the mainland. When it appeared this road was at risk because of Danny's 70–75 mph winds and high tides, the sheriff's office decided to evacuate the island. Unfortunately, before the island could be safely evacuated, one of the radio towers was damaged and rendered inoperable by the hurricane. The sheriff's office was forced to borrow cellular telephones in order to evacuate the island.

Ms. LANDRIEU. The Senator makes a fine point, and I would like to add that the new communications system would also support inter-operability with most of the adjoining parishes and the city of New Orleans. This would mean expanded emergency capabilities throughout the region which are vital to the entire State of Louisiana.

Mr. BREAUX. Mr. President, as my colleague knows, the sheriff's office of Jefferson Parish has sought assistance in the past and has helped to highlight the need for Federal assistance to help local law enforcement agencies replace outdated communications equipment. In fact, the sheriff's office was influential in getting a discretionary grant program created in 1994 that would provide funds for these types of activities. However, Congress has consistently earmarked these funds, leaving no funds for grant applicants.

Ms. LANDRIEU. Mr. President, the Jefferson Parish Sheriff's Office has demonstrated its commitment to this project by allocating over 50 percent of the cost of this initiative in a dedicated escrow account. In a competition for funds, the sheriff's office, with its well developed procurement strategy and available matching funds, would no doubt prevail as a deserving candidate.

Mr. GREGG. I thank the Senators from Louisiana for bringing this issue to my attention. I understand that the new communication system for the sheriff's office in Jefferson Parish is a priority and I will give this request my attention and consideration in conference.

Mr. HOLLINGS. I too, thank the Senators from Louisiana and believe that this is a project worthy of attention in conference.

Mr. BREAUX. I greatly appreciate the assistance of the distinguished chairman and ranking member of the subcommittee in this matter. I would like to thank them and my colleague from Louisiana, Senator LANDRIEU, for joining me in this colloquy.

ODYSSEY MARITIME DISCOVERY CENTER EXHIBITS AND LECTURE SERIES

Mrs. MURRAY. Mr. President, I would like to urge the chairman and ranking member of the Commerce, State Justice Appropriations Subcommittee to join me in directing the National Marine Fisheries Service, through the Information and Analyses, Resource Information account, to provide $250,000 to the Odyssey Maritime Discovery Center in Seattle, WA.

The Odyssey Center is a new educational learning center opening in July, 1998. This Center will establish an educational link between the everyday maritime, fishing, trade, and environmental activities that occur in the waters of Puget Sound and Alaska, and the lessons students learn in the classroom. Through high-tech and interactive exhibits, over 300,000 children and adults per year will discover that what happens in our waters, on our coast lines, at our ports affects our State's and Nation's economic livelihood, environmental well-being, and international competitiveness. The Center wishes to establish an exhibits and lecture series to link the public, particularly school children, with the maritime, fishing, trade, and environmental industries. Named in honor of the great Senator of Washington, Warren G. Magnuson, this series would begin in 1998 and would serve as an educational resource on the sustainable development, uses, and protection of our seas and coastal waters. This series would provide a fitting tribute to Senator Magnuson, the founder of this Nation's Federal fisheries policies and the namesake of our principal fisheries management law, the Magnuson-Stevens Fishery Conservation and Management Act.

Mr. HOLLINGS. Mr. President, I join the Senator from Washington in supporting this exhibits and lecture series at the Odyssey Maritime Discovery Center and believe the National Marine Fisheries Service should provide $250,000 through the Information and Analyses, Resource Information account. I too feel this series will provide a fitting tribute to the former Senator from Washington and an important learning tool for young people.

Mr. GREGG. Mr. President, I also join the Senator from Washington in supporting this lecture series. I think Senator Magnuson would be honored by this educational effort to teach children about the ways of the sea, and the economic and ecological ways of life that depend on it.

Mrs. MURRAY. I thank the chairman and ranking member of the Subcommittee for their support and interest.

Mr. GORTON. Mr. President, I join in support of this effort on behalf of the Odyssey Maritime Discovery Center and I applaud Senator MURRAY's efforts on the Center's behalf.

WOMEN'S BUSINESS CENTERS

Mr. DOMENICI. Mr. President. On June 12, I introduced in behalf of myself and Senator BOND, along with 24 other cosponsors, a bill to strengthen the Small Business Administration's [SBA] women's business centers program. This bill, S. 888, the ''Women's Business Centers Act of 1997,'' reflects our commitment for a stronger and more dynamic program for women-owned businesses.

I am pleased that the Small Business Committee has included the text of this bill into its 3-year reauthorization of the Small Business Act. It is anticipated that this reauthorization bill will be considered by the Senate within the next few months. The language in the reauthorization bill, as stated in the ''Women's Business Centers Act of 1997,'' increases the annual funding authorization for the women's business centers to $8 million from the present level of $4 million, authorizes the centers to receive funding for 5 years rather than the present 3 years, changes the matching Federal to non-Federal funding formula, and enables organizations receiving funds at the date of enactment to extend their program from 3 to 5 years.

Since the Small Business Committee's reauthorization bill has not yet been considered by the Senate, the additional funds for the women's business centers' program are not included in S. 1022. I do want, however, to thank Senator GREGG, Chairman of the Commerce, State, Justice, and Judiciary Subcommittee of the Senate Appropriations Committee, for providing full funding of the authorized $4 million for 1998. This is most appreciated by all of us who support the women's business centers' activities, and it is especially important since the House has requested $1 million less for this program.

It will be most beneficial if the Small Business reauthorization bill is considered and passed in the Senate and House prior to conference on this appropriations measure. I draw my colleagues' attention to this issue because absent the higher authorized funds of $8 million for the women's centers' program, it means in 1998 we may not be able to achieve the expansion of this program as we intended. There will be insufficient funds to expand the program into States who presently do not have women's centers and existing programs cannot extend their programs from 3 to 5 years. This is a serious problem because we are well aware of the positive benefits of the women's business centers in helping women entrepreneurs, the fastest growing group of new small businesses in the United States. These business centers are able to leverage public and private resources to help their clients develop new businesses or expand existing ones, and their services are absolutely essential for the successful and continued growth of this sector of our economy.

I am also concerned that because there are insufficient funds to expand the women's business centers' program, existing centers will not be able to extend their activities from the present 3-year grant program to a 5-year schedule. These existing centers in approximately 29 States have proven track records of support to women entrepreneurs. The Office of Women's Business Ownership within the SBA will continue its administration of the overall program and will be able to develop a few new sites in States that do not have centers; however, the office is not yet authorized to extend funding an additional 2 years for existing sites. This is most regrettable because these successful existing centers desperately need these small amounts of funds to continue their professional assistance to their women-owned business clients.

Mr. President, I want to once again go on record that I am dissatisfied that the SBA has not given appropriate attention to the women's business program. It has failed to provide sufficient professional personnel to the Office of Women's Business Ownership in order to carry out its important tasks. It has repeatedly requested less funding than authorized for the program despite the fact that this is one of the most successful of all SBA programs. To my knowledge, it has never come to Congress and requested additional monies for the program; instead, it has expected Congress to do SBA's work in trumpeting the successes of this small but vital program. I find it most discouraging that while we in Congress are well aware of the outstanding work of the women's business centers—and the administration's repeatedly publicized the success stories last year—there appears to be minimal support within SBA for expanding the work of this very small program. This is a loss to the agency, and it is most assuredly a loss to countless thousands of women entrepreneurs, let alone a loss to our overall national economy.

We must keep in mind that the funds in this bill for the women's business centers reflect those appropriated in 1997, and, therefore, the expansion of this program as envisioned in S. 888, the ''Women's Business Centers Act of 1997'' and the reauthorization of the Small Business Act, may be delayed. As evidenced by cosponsorship of S. 888, a fourth of the Senate, on a bipartisan basis, supports expansion of the women's business centers' program. We need to be aware of the consequences of this and do everything we possibly can to provide the support this critical and highly successful program needs in the future. Thank you.

THE VERMONT WORLD TRADE OFFICE

Mr. LEAHY. Mr. President, I would like to take a moment to highlight a

program in my State which I believe is a model the Small Business Administration [SBA] should consider investing in. Small businesses are the driving force of Vermont's economy. An important reason for their success in the State has been the development of a healthy export market for the goods they produce. Forty percent of Vermont companies, employing some 70,000 Vermonters, are engaged in some degree of export trade. In 1995, Vermont created and funded the Vermont World Trade Office [WTO] to provide technical assistance to Vermont businesses and information on foreign trade opportunities. The office has been overwhelmed by requests from companies interested in exploring trade opportunities. To meet that demand and make the office more convenient to Vermont businesses, the WTO hopes to open satellite offices in other parts of the State, expand services and offer additional seminars for interested businesses. Funding from the SBA would make this expansion possible. I believe that a modest investment by SBA would yield a valuable demonstration of the importance of export assistance in building and expanding markets for small businesses. Does the Senator from New Hampshire agree that this would be an appropriate use of SBA funding?

Mr. GREGG. Mr. President, I thank the Senator from Vermont for bringing this project to my attention. I agree that many small businesses do not have adequate access to information on building an export market for their goods. A demonstration of the importance of this assistance by the Vermont World Trade Office would benefit other States considering a similar system. I urge the SBA to consider providing the Vermont World Trade Office with $150,000 to conduct such a demonstration.

VIOLENCE INSTITUTE

Mr. LAUTENBERG. I want to express my support for the University of Medicine and Dentistry of New Jersey's [UMDNJ] Violence Institute, which provides valuable assistance to our efforts to curb violent behavior in all aspects of our society. The Violence Institute's programs are not directed solely at violent behavior of a criminal nature, but also focus on issues of domestic violence, and violence against women and children. I want to note that the Violence Institute was one of only a handful of projects recommended for special funding in the conference report accompanying the fiscal year 1997 Commerce, Justice, State appropriations bill.

I ask my colleagues, the chairman and ranking member of the Commerce, Justice, State Appropriations Subcommittee, Senators GREGG and HOLLINGS, if they agree that the Violence Institute's initiatives to curb violent behavior are consistent with the Department of Justice's objectives and that such programs are worthy of the Department's support?

Mr. GREGG. I appreciate the concerns of my colleague from New Jersey about reducing violent behavior in our society, and I agree that the Violence Institute provides valuable assistance in addressing the epidemic of violent crime in the United States. Successful programs that provide research into the basic causes of violence, and that develop initiatives to prevent the spread of violent crime, can be valuable tools in our Nation's fight against crime. I believe that programs such as the ones conducted at the Violence Institute are worthy of the Department's support.

Mr. HOLLINGS. I, too, share the concerns of the Senator from New Jersey about violent crime in our society. The Violence Institute's research in this area makes a significant contribution to the Department of Justice's efforts to address this problem, and I agree with the chairman that programs like the Violence Institute are worthy of the Department's support.

COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

Mr. LEAHY. Mr. President, Chairman GREGG and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary recognize in the Report for S. 1022 that the ''pace of technological change in the telecommunications industry poses enormous challenge'' both to law enforcement and national security agencies in conducting court-authorized wiretaps and ''in the conduct of foreign counterintelligence and terrorism investigations in the United States.'' The Communications Assistance for Law Enforcement Act [CALEA], which I sponsored in the 103d Congress, addressed this public safety and national security problem, after considerable debate and hearings in the Judiciary Committees of both the House and the Senate. I commend the chairman and the subcommittee for recognizing ''that digital telephony is a top law enforcement priority.''

CALEA authorizes $500 million for the Attorney General to pay telecommunications carriers for costs associated with modifying the embedded base of equipment, services, and facilities to comply with CALEA. Nevertheless, S. 1022 does not include any funding for this law, based upon the Committee's finding ''that the Bureau has adequate resources available.''

Moreover, the report recommends that no funds be expended for CALEA until the following requirements are met: First, the Bureau creates a working group with industry officials approved by the House and Senate Appropriations Committees, and second, the working group develops a new ''more rational, reasonable, and cost-effective CALEA implementation plan'' that is satisfactory to the Senate Appropriations Committee.

Would Chairman GREGG agree with me that in addition to the Appropriations Committees, the Judiciary Committees of both the House and Senate, which authorized CALEA, should also be involved in approving the industry officials on the working group and any plan provided by the working group?

Mr. GREGG. Yes. It is appropriate for the Committees on the Judiciary of both the House and the Senate to be involved and that was the intention of the committee when it prepared the report.

Mr. HOLLINGS. Yes. I agree with Senators LEAHY and GREGG.

Mr. LEAHY. This addresses one of the concerns I have with the report's new requirements for expenditures of money for CALEA implementation.

I am also concerned about whether creation of the working group tasked with developing a CALEA implementation plan will delay, rather than facilitate, implementation of this law and compliance by telecommunications carriers with the four law enforcement requirements enumerated in this important law. Indeed, the report places no time constraints on creation of this working group or on when the Bureau-working group implementation plan must be submitted to the specified committees.

Further delay in implementation of CALEA poses risks for the effectiveness of our law enforcement agencies. As the committee acknowledges, they are already encountering problems in executing court-authorized wiretaps. The industry, with the input of law enforcement, has drafted a specifications standard for CALEA. I am concerned that objections from the Bureau over elements in that proposed standard are delaying its adoption. I would like to see the Bureau accept that standard and get on with CALEA implementation.

I am also concerned that the working group proposed by the committee will work behind closed doors, without the accountability that CALEA intended. We should make sure that any meetings of the working group will be open to privacy advocates and other interested parties.

I fully appreciate that questions have been raised about how the implementation of CALEA is proceeding. That is why, over a year ago, Senator SPECTER and I asked the Digital Privacy and Security Working Group, a diverse coalition of industry, privacy and government reform organizations, for its views on implementation of CALEA, and other matters. We circulated to our colleagues on June 20, 1997, a copy of this group's ''Interim Report: Communications Privacy in the Digital Age.'' The report recommends that hearings be held to examine implementation of CALEA, how the Bureau intends to spend CALEA funds, and the viability of CALEA's compliance dates. This recommendation is a good one.

We should air these significant questions at an open hearing before the authorizing Committees. I would rather see the authorizing Committees work in that fashion with the Appropriations Committees to make funds immediately available and insure those

funds are spent to establish a minimum standard that serves law enforcement's pressing needs, without some of the enhancements being proposed by the FBI that industry claims are delaying the process of implementation. The committees should insist on some priorities in terms of geographic need and capability. I think we could resolve this with a little oversight, and return to the spirit of reasonableness that characterize the drafting of CALEA.

TECHNICAL CORRECTIONS

Mr. GREGG. Mr. President, the following are technical corrections to the fiscal year 1998 Departments of Commerce, Justice, and State, the Judiciary and related agencies appropriations report: First, under ''Title I—Department of Justice'', on page 7, line 3, delete $17,251,958,000; and insert $17,278,990,000; on page 7, line 6, delete $826,955,000 and insert $853,987,000; and second, under ''Title V—Related Agencies, Small Business Administration'', on page 126, line 22, delete $8,756,000 and insert $8,756,000,000.

AMENDMENT NO. 979

Mr. GREGG. Mr. President, I ask unanimous consent that we now adopt the managers' amendment, which is the pending amendment No. 979.

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

The amendment (No. 979) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 999 THROUGH 1021, EN BLOC

Mr. GREGG. Mr. President, I now send a series of amendments to the desk and ask unanimous consent that they be considered read and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to these amendments be inserted at this point in the RECORD, with all of the above occurring, en bloc.

These amendments have been cleared by both sides of the aisle.

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

The amendments (Nos. 999 through 1021) were agreed to, as follows:

AMENDMENT NO. 999

At the appropriate place, insert the following: Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended.

AMENDMENT NO. 1000

(Purpose: To require a non-profit public affairs organization to register with the Attorney General if the organization receives contributions in excess of $10,000 from foreign governments in any 12-month period)

On page 65, between lines 9 and 10, insert the following:

SEC. 120. (a) Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)) is amended by inserting after ''The term 'agent of a foreign principal' '' the following: ''(1) includes an entity described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 that receives, directly or indirectly, from a government of a foreign country (or more than one such government) in any 12-month period contributions in a total amount in excess of $10,000, and that conducts public policy research, education, or information dissemination and that is not included in any other subsection of 170(b)(1)(A), and (2)''.

(b) Section 3(d) of such Act (22 U.S.C. 613(d)) is amended by inserting '', other than an entity referred to in section 1(d)(1),'' after ''any person''.

Mr. BINGAMAN. Mr. President, this amendment is basically a sunshine provision that would require nonprofit public affairs organizations to register with the Attorney General if such organizations receive contributions in excess of $10,000 from foreign governments in any 12-month period.

This provision would not affect churches, hospitals, or other nonprofit, 501(c)3 organizations which are not focused on public policy matters. In fact, this amendment only affects those public policy nonprofit organizations that do accept foreign government money.

Furthermore, this amendment does not prohibit or object to such foreign government contributions. It only requires that organizations publicly acknowledge such contributions—when they are over a threshold of $10,000 a year from all foreign government sources—by registering this information with the Attorney General under the Foreign Agents Registration Act.

Mr. President, I'm sure that many of my colleagues may be wondering what triggered the need for this legislation. Let me state that this amendment is not directed at any particular organization or nonprofit entity. This is simply a common-sense provision that will help make the public affairs environment healthier by the disclosure of when foreign government money is supporting a given nonprofit public affairs organization and when not.

These nonprofit organizations are organized for the public good and they are subsidized by the American people. To the degree that these organizations are weighing in on important public policy matters—particularly on our Nation's economic policies and defense strategies, but also in other public policy areas—and are receiving foreign government contributions to support their activities, I believe that the American public has the right to know that such foreign government contributions have been made to that organization.

Members of Congress and their staff meet regularly with representatives of many nonprofit public affairs organizations—which are permitted to engage in public education activities on the Hill. But while some organizations like the Japan Economic Institute and Korea Economic Institute are quite straightforward about their primary funding sources and register with the Attorney General that their sources of funding are foreign governments, some other nonprofit public affairs organizations actually try to keep from public view the fact that they receive substantial foreign government revenue.

When these groups meet with Members of Congress and staff, mail information all around the country, and organize public affairs events without ever disclosing the fact that their funding comes from other countries' national governments, something is wrong.

Mr. President, this amendment has a different target than the discussions going on about campaign finance reform. It is focused on a rather narrow window in the law which allows some nonprofits to be bolstered by foreign government funds while not having to be upfront with the broader public.

I believe that our public policy process can only benefit by the disclosure that this legislation would require. And I trust that my colleagues will agree and hope that they will support this amendment which I am offering today.

AMENDMENT NO. 1001

At the appropriate place, insert the following new section:

SEC. . The Office of Management and Budget shall designate the Jonesboro-Paragould, AR Metropolitan Statistical Area in lieu of the Jonesboro, AR Metropolitan Statistical Area. The Jonesboro-Paragould, AR Metropolitan Statistical Area shall include both Craighead County, AR and Greene County, AR, in their entirety.

AMENDMENT NO. 1002

On page 29 of the bill, on line 18, before the ''.'' insert the following: '', of which $25,000,000 shall be for grants to states for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors''.

Mr. BYRD. Mr. President, of the funds appropriated for law enforcement grants in the bill before us, my amendment would ensure that $25 million would be provided for grants to states for programs and activities to enforce state laws regarding youth access to alcohol. This amendment adds no money to the bill and needs no offset.

All states prohibit the sale of alcoholic beverages to minors. In addition, thee are a range of other laws regarding youth access to alcohol that states may have on the books. For instance, some states, in addition to prohibiting the sale of alcoholic beverage to minors, have laws prohibiting the consumption of alcoholic beverages by minors, and still others ban possession of alcoholic beverages by minors.

Mr. President, just today in The Washington Post there is an article regarding a sting operation in Arlington County in establishments that sell alcohol to minors. According to the officer in charge of the operation, minors purchased alcoholic beverages without any kind of I.D. check in 57 percent of the establishments visited. This is a

disgrace, Mr. President, and, I am afraid, a not uncommon occurrence. I concur wholeheartedly with a quote of Eric, who is 19 years old and who participated in the sting operation. According to Eric, ''We've figured out why we have an underage drinking problem.'' With the media and advertisements besieging our nation's youth with unrealistic messages about alcohol consumption combined with insufficient enforcement of laws already on the books, what you wind up with is, indeed, an ''underage drinking problem.'' The article concludes by saying that County officials even warned establishments that they would be using underage people to buy alcohol, and, still, 57 percent of the time the underage participants in the operation were able to purchase alcohol without challenge. What would the percentage have been had the letters not been sent? Mr. President, I ask unanimous consent that the article from The Washington Post be printed into the RECORD.

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

ALCOHOL SALES TO MINORS TARGETED—170 OF 294 BUSINESSES SOLD TO TEEN TESTERS

[From the Washington Post, July 24, 1997]

(By Brooke A. Masters)

When the Arlington County police decided to crack down on restaurants, hotels and stores that sell alcohol to minors, they were shocked by the results.

Since mid-June, they have sent 18- and 19-year-old testers to 294 establishments, and the testers were able to buy booze at 170 of them. Servers and clerks failed to check identification at everything from the Ritz-Carlton Hotel to two out of three restaurants in the Fashion Centre at Pentagon City to dozens of small convenience stores.

''We're making purchases at 57 percent of the places we go to. It's really absurd,'' said Lt. Thomas Hoffman, who is overseeing the sting. ''We figured we'd get 30 percent.''

Eric, a 19-year-old Virginia Tech sophomore who participates in the stings, said, ''We've figured out why we have an underage drinking problem.''

Eric, who is not being fully identified because he's still out trying to buy alcohol, and his fellow student aides wear recording devices when they enter a store or a restaurant. They carry no identification, so stores and restaurants can't claim that the testers provided fake IDs.

In restaurants, the students order drinks, and county police officers take over once the alcohol arrives, Hoffman said. They pour the drinks into evidence bottles, take pictures of the server and hand out arrest warrants.

In stores, the students take beer or wine up to the counter, pay for it and leave. Then an officer goes in and makes an arrest, he said. Often, the employees claim that they usually check ID or that the tester is a regular. The employees all have been charged with serving alcohol to a minor, a misdemeanor.

At Hard Times Cafe in Clarendon, the young female tester came in with an older man, and the server ''looked at the guy and assumed he's her father and he wouldn't let her drink under age,'' said Su Carlson, the general manager. ''We were wrong. But it's slightly entrapment. It's better to put an undercover person in an establishment, and if they see someone underaged drink, ID them.''

The sting also has caught four underage people selling alcohol, which also is illegal, Hoffman said. One of those caught was a 10-year-old working beside her father at a family-run store, he said.

Testers have revisited 12 stores and restaurants after busting employees a first time, and two of them, a Giant pharmacy and a CVS drugstore, failed to card a second time, police records show.

''We are constantly educating our people about selling alcohol to minors with training sessions, booklets and videos,'' Giant Vice President Barry Scher said. ''But we have 5,000 checkers, and we do the best we can.''

The Virginia Department of Alcoholic Beverage Control has started administrative proceedings against 29 establishments where arrests have been made, and that's just the beginning. ''It is our intention to file a charge against each and every establishment,'' said Philip Disharoon, assistant special agent in charge of the Alexandria/Arlington ABC office.

The sting, while it is Arlington's first in recent years, is not unprecedented in the Washington area. In 1994, Montgomery County sent underage drinkers to 25 county hotels and eventually cited 14 businesses for selling alcohol to minors in hotel rooms.

Nor did the operation come out of the blue: Arlington officials sent letters to all licensed stores, restaurants and hotels in April warning that they would be using underage people to buy alcohol.

Mr. BYRD. Mr. President, alcohol is the drug used most by teens with devastating consequences. According to statistics compiled by the National Center on Addiction and Substance Abuse, among children between the ages of 16 and 17, 69.3 percent have at one point in their lifetimes experimented with alcohol. As I consistently remind my colleagues, in the last month, approximately 8 percent of the nation's eighth graders have been drunk. Eighth graders are 13 years old, Mr. President! Junior and senior high school students drink 35 percent of all wine coolers and consume 1.1 billion cans of beer a year. And I will repeat what is common knowledge to us all—every state has a law prohibiting the sale of alcohol to individuals under the age of 21. Knowing this, how is it then that two out of every three teenagers who drink report that they can buy their own alcoholic beverages? As if the dangers of youth alcohol consumption are not bad enough, statistics have shown that alcohol is a gateway to other drugs such as marijuana and cocaine.

Drinking impairs one's judgment and when mixed with teenage driving there are too often lethal results. In 1995, there were 2,206 alcohol-related fatalities of children between the ages of 15 and 20. For many years, I have taken the opportunity when addressing groups of youth West Virginians to warn them about the dangers of alcohol, and I have supported legislative efforts to discourage people, particularly young people, from drinking any alcohol. I am proud to have sponsored an amendment two years ago which requires states to pass zero-tolerance laws that will make it illegal for persons under the age of 21 to drive a motor vehicle if they have a blood alcohol level greater than .02 percent. This legislation helps to save lives and sends a message to our nation's youth that drinking and driving is wrong, that it is a violation of the law, and that it will be appropriately punished.

Our children are besieged with media messages that create the impression that alcohol can help to solve life's problems, lead to popularity, and enhance athletic skills. These messages coupled with insufficient enforcement of laws prohibiting the consumption of alcohol by minors give our nation's youth the impression that it is okay for them to drink. This impression has deadly consequences. In the three leading causes of death for 15 to 24 year olds, accidents, homicides, and suicides, alcohol is a factor. Efforts to curb the sale of alcohol to minors have high payoffs in helping to prevent children from drinking and driving death or injury.

There is a link between alcohol consumption and increased violence and crime, and I believe that directing funding to programs to enforce underage drinking and sale-to-minors laws will have a positive effect on efforts to address juvenile crime. According to the Center on Addiction and Substance Abuse at Columbia University, on college campuses, 95 percent of violent crime is alcohol-related and in 90 percent of campus rapes that are reported, alcohol is a factor. 31.9 percent of youth under the age of 18 in long-term, state operated juvenile institutions were under the influence of alcohol at the time of their arrest. These statistics are frightening and they need to be addressed.

This amendment will send a clear message to states that the federal government recognizes that enforcement of underage drinking laws is an important priority and that we are willing to back that message up with funds to assist states in their efforts. It is not good enough to simply urge better enforcement. We must provide the resources.

In addition, Mr. President, I would like to say to my good friend, the Chairman of the Judiciary Committee, Senator HATCH, that I intend to work with him when S. 10, the Violent and Repeat Juvenile Offender Act of 1997, is being reauthorized and before the Senate in order to authorize funding for this program in the coming fiscal years.

I call on my colleagues to support this amendment which will help states and localities better enforce youth alcohol laws and protect our children.

AMENDMENT NO. 1003

On page 86, line 3 after ''Secretary of Commerce.'' insert the following:

SEC. 211. In addition to funds provided elsewhere in this Act for the National Telecommunications and Information Administration Information Infrastructure Grants program, $10,490,000 is available until expended: *Provided*, That this amount shall be offset proportionately by reductions in appropriations provided for the Department of Commerce in Title II of this Act, provided amounts provided: *Provided further*, That no

reductions shall be made from any appropriations made available in this Act for the National Oceanic and Atmospheric Administration, National Institute of Standards and Technology and National Telecommunications and Information Administration public broadcasting facilities, planning and construction.

AMENDMENT NO. 1004

On page 29 of the bill, line 2, after ''Center'' insert the following: '', of which $100,000 shall be available for a grant to Roberts County, South Dakota; and of which $900,000 shall be available for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the state forensic laboratory''.

AMENDMENT NO. 1005

Purpose: To improve the bill by amending section 305 to realign Guam and the Northern Mariana Islands with the United States Court of Appeals for the Twelfth Circuit)

On page 93, strike the matter between lines 14 and 15 and insert the following:

''Ninth	California, Nevada.'';

On page 93, strike the matter between lines 17 and 18 and insert the following:

''Twelfth	Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.''.

On page 94, strike lines 14 through 19 and insert the following:

''(1) is in California or Nevada is assigned as a circuit judge on the new ninth circuit;

(2) is in Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington is assigned as a circuit judge on the twelfth circuit; and''.

AMENDMENT NO. 1006

(Purpose: Sense of the Senate regarding half a century of service to U.S. taxpayer)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE EXEMPLARY SERVICE OF JOHN J. R. BERG TO THE UNITED STATES.

Whereas, John H. R. Berg began his service to the United States Government working for the United States Army at the age of fifteen after fleeing Nazi persecution in Germany where his father died in the Auschwitz concentration camp; and,

Whereas, John H. R. Berg's dedication to the United States Government was further exhibited by his desire to become a United States citizen, a goal that was achieved in 1981, 35 years after he began his commendable service to the United States; and,

Whereas, since 1949, John H. R. Berg has been employed by the United States Embassy in Paris where he is currently the Chief of the Visitor's and Travel Unit, And, this year has supported over 10,700 official visitors, 500 conferences, and over 15,000 official and unofficial reservations; and,

Whereas, John H. R. Berg's reputation for ''accomplishing the impossible'' through his dedication, efficiency and knowledge has become legend in the Foreign Service; and,

Whereas, John H. R. Berg has just completed 50 years of outstanding service to the United States Government with the United States Department of State,

Therefore Be It *Resolved*, it is the Sense of the Senate that John H. R. Berg deserves the highest praise from the Congress for his steadfast devotion, caring leadership, and lifetime of service of the United States Government.

Mr. HARKIN. Mr. President it is my great pleasure to offer this sense of the Senate to recognize and commend John H.R. Berg for 50 years of service to the U.S. Government on behalf of myself and Senator WARNER. Mr. Berg's employment with the U.S. Government began at age 15 working for the U.S. Army in 1946. From July 1947 to February 1949 he worked with the American Graves Registration Command in Paris.

In July 1949, Mr. Berg began his employment with the U.S. Embassy in Paris. Currently, he is the chief of the visitors and travel unit in our Embassy in Paris. Currently, he is the chief of the visitors and travel unit in our Embassy in Paris. So far this year, as chief of the Embassy's travel and visitors office, Mr. Berg and his staff of three have supported over 10,700 official visitors, 500 conferences, and over 15,000 official and unofficial reservations. The position entails coordinating all travel, transportation, housing control rooms and airport formalities for visits and conferences. Mr. Berg's dedication, efficiency, and wide range of useful host government and private sector contacts have been invaluable to the Embassy and the U.S. Government. His support efforts, personal interest, and ability to accomplish the impossible have become legend in the Foreign Service and to those of us who know his work personally.

I know I speak for those who have worked with Mr. Berg when I say that he has devoted his life to providing dedicated, faithful, and loyal service to the U.S. Government. He willingly and cheerfully works long hours—evenings, weekends and holidays—to ensure that our visits are handled in the most skillful and efficient manner possible. And he has received five Department of State Meritorious Honor Awards for his outstanding work.

A little known fact about John Berg was that he was a stateless person at the beginning of his service to the U.S. Government. He was born in Germany in 1930, but lost his German citizenship in 1943 due to Nazi Jewish persecution. After his father was deported to Auschwitz, he and his mother with a small group of brave Jews, hid in Berlin from the Gestapo until the end of the war. The heroism they exhibited and the dangers they faced are documented in the book, ''The Last Jews of Berlin,'' by Leonard Gross. His father died in the concentration camp. And after World War II, John Berg moved to France where he began working for the American Government, and has now completed 50 years of service to the U.S. Government. For all his adult life, John Berg's most fervent desire was to become a U.S. citizen. That goal was realized, and he was sworn in as an American citizen in 1981.

Mr. President I cannot think of a better role model for those in the public sector. Therefore, I believe that John Berg deserves the absolute highest praise from the President and the Congress for his 50 years of dedicated service to the U.S. Government.

Mr. WARNER. Mr. President, I am privileged to join my friend from Iowa, Senator HARKIN, in putting in the Senate's recognition of John Berg—an institution himself.

His service to Americans was his life. No task was insurmountable; no task was performed with less than all-out dedication.

My most memorable among many trips to Paris was during the bicentennial of the Treaty of Paris in 1983. President Reagan had appointed me as his representative to the many events the French hosted to honor the first treaty to recognize, in 1783, a new Nation—the 13 colonies as the United States of America. John Berg was my aid-de-camp throughout that visit. I should add to that official visits to the 40th and 50th recognitions of D-day, June 6, 1944.

And so it goes for all of us in Congress as we salute John Berg. Well done, sir.

AMENDMENT NO. 1007

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

''The Administrative Office of the United States Courts, in consultation with the Judicial Conference, shall conduct a study of the average costs incurred in defending and presiding over federal capital cases from the initial appearance of the defendant through the final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, with constitutional requirements.''

'': *Provided Further*, That the Attorney General, shall review the practices of U.S. Attorneys' Offices and relevant investigating agencies in investigating and prosecuting federal capital cases, including before the initial appearance of the defendant through final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on the Appropriations and Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, consistent with constitutional requirements, and outlining a protocol for the effective, fiscally responsible prosecution of federal capital cases''.

AMENDMENT NO. 1008

(Purpose: To express the sense of the Senate with respect to slamming)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE WITH RESPECT TO SLAMMING.

(a) STATEMENT OF PURPOSE.—The purposes of this statement of the sense of the Senate are to—

(1) protect consumers from the fraudulent transfer of their phone service provider;

(2) allow the efficient prosecution of phone service providers who defraud consumers; and

(3) encourage an environment in which consumers can readily select the telephone service provider which best serves them.

(b) FINDINGS.—The Congress finds the following:

(1) As the telecommunications industry has moved toward competition in the long distance market, consumers have increasingly elected to change the company which

provides their long-distance phone service. As many as fifty million consumers now change their long distance provider annually.

(2) The fluid nature of the long distance market has also allowed an increasing number of fraudulent transfers to occur. Such transfers have been termed ''slamming'', which constitutes any practice that changes a consumer's long distance carrier without the consumer's knowledge or consent.

(3) Slamming is now the largest single consumer complaint received by the Common Carrier Bureau of the Federal Communications Commission. As many as one million consumers are fraudulently transferred annually to a telephone consumer which they have not chosen.

(4) The increased costs which consumers face as a result of these fraudulent switches threaten to rob consumers of the financial benefits created by a competitive marketplace.

(5) The Telecommunications Act of 1996 sought to combat this problem by directing that any revenues generated by a fraudulent transfer be payable to the company which the consumer has expressly chosen, not the fraudulent transferor.

(6) While the Federal Communications Commission has proposed and promulgated regulations on this subject, the Commission has not been able to effectively deter the practice of slamming due to a lack of prosecutorial resources as well as the difficulty of proving that a provider failed to obtain the consent of a consumer prior to acquiring that consumer as a new customer. Commission action to date has not adequately protected consumers.

(7) The majority of consumers who have been fraudulently denied the services of their chosen phone service vendor do not turn to the Federal Communications Commission for assistance. Indeed, section 258 of the Communications Act of 1934 directs that State commissions shall be able to enforce regulations mandating that the consent of a consumer be obtained prior to a switch of service.

(8) It is essential that Congress provide the consumer, local carriers, law enforcement, and consumer agencies with the ability to efficiently and effectively persecute those companies which slam consumers, thus providing a deterrent to all other firms which provide phone services.

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

(1) the Federal Communications Commission should, within 12 months of the date of enactment of this Act, promulgate regulations, consistent with the Communications Act of 1934 which provide law enforcement officials dispositive evidence for use in the prosecution of fraudulent transfers of presubscribed costumers of long distance and local service; and

(2) the Senate should examine the issue of slamming and take appropriate legislative action in the 105th Congress to better protect consumers from unscrupulous practices including, but not limited to, mandating the recording and maintenance of evidence concerning the consent of the consumer to switch phone vendors, establishing higher civil fines for violations, and establishing a civil right of action against fraudulent providers, as well as criminal sanctions for repeated and willful instances of slamming.

AMENDMENT NO. 1009

(Purpose: To foster a safer elementary and secondary school environment for the nation's children through the support of community policing efforts)

On page 65, line 10, insert the following: ''Section 120. There shall be no restriction on the use of Public Safety and Community Policing Grants, authorized under title I of the 1994 Act, to support innovative programs to improve the safety of elementary and secondary school children and reduce crime on or near elementary or secondary school grounds.''

AMENDMENT NO. 1010

(Purpose: To limit the funds made available for the Office of the Under Secretary of Commerce for Intellectual Property Policy, if such office is established, and for other purposes)

On page 75, line 3, strike all beginning with ''$20,000,000,'' through line 8 and insert the following: ''such funds as are necessary, not to exceed 2 percent of projected annual revenues of the Patent and Trademark Office, shall be made available from the sum appropriated in this paragraph for the staffing, operation, and support of said office once a plan for this office has been submitted to the House and Senate Committees on Appropriations pursuant to section 605 of this Act.''.

AMENDMENT NO. 1011

At the appropriate place, add the following:

''Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows:

''(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.''.

AMENDMENT NO. 1012

At the appropriate place, insert ''*Provided further,* That none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD–258 fingerprint card, or any other means used to transmit fingerprints, for the purpose of conducting a criminal background check on any applicant for any benefit under the Immigration and Nationality Act unless the applicant's fingerprints have been taken by an office of the Immigration and Naturalization Service or by a law enforcement agency, which may collect a fee for the service of taking and forwarding the fingerprints.''

AMENDMENT NO. 1013

(Purpose: To strike a restriction concerning the transfer of certain personnel to the Office of Legislative Affairs or the Office of Public Affairs of the Department of Justice)

On page 2, lines 17 through 22, strike the colon on line 17 and all that follows through ''basis'' on line 22.

AMENDMENT NO. 1014

On page 125, strike lines 3-9.

AMENDMENT NO. 1015

(Purpose: To provide a waiver from certain immunization requirements for certain aliens entering the United States)

At the appropriate place, insert the following: WAIVER OF CERTAIN VACCINATION REQUIREMENTS

SEC. . (a) IN GENERAL.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) The Attorney General should exercise the waiver authority provided for in subsection (g)(2)(B) for any alien orphan applying for an IR3 or IR4 category visa.''.

Mr. MCCAIN. Mr. President, This is intended to resolve a potentially serious problem involving foreign children emigrating to the United States for the purpose of being united with their adoptive parents. Quite simply, the amendment urges the Attorney General to exercise that authority to waive vaccination requirements for certain categories of emigres that is part of current law.

Last year, my colleague from Arizona, Senator KYL, succeeded in getting passed legislation authorizing the Attorney General to waive the immunization requirements for legal aliens entering the country if medical, moral or religious considerations so warrant. Unfortunately, that authority has not been exercised, despite extenuating circumstances that clearly argue for such a waiver from the immunization requirement. No where is this failure to exercise that authority more damaging than in the area of foreign-borne orphans being adopted by U.S. citizens.

Neither Senator KYL nor I would argue that immigrants with serious communicable diseases should be allowed into the United States. What we are saying is that children whose medical conditions cannot be accurately determined without a more thorough examination than can be administered in their home country should not be subjected to vaccinations that may trigger unforeseen reactions, for instance, from allergies to a specific serum. Additionally, other medical conditions may exist that make immunization at a specific time unadvisable, as would be the case with a child suffering from influenza. All this amendment does is tell the Attorney General to do what common sense dictates should be done anyway: not subject children to vaccinations to which their systems may not be immediately adaptable.

Mr. President, I urge my colleagues to support this amendment. It would do nothing that could pose a health risk to the American public; it only eliminates the risk to children, often from countries with far more primitive health care than is available here, of immunizations if their individual medical conditions indicate such treatment would pose a serious risk to the health of the child.

AMENDMENT NO. 1016

SEC. . The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

AMENDMENT NO. 1017

(Purpose: To exclude from the United States aliens who have been involved in extrajudicial and political killings in Haiti)

At the appropriate place, insert the following:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) GROUNDS FOR EXCLUSION.—None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergea, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergea, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(6) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. DEWINE. Mr. President, my amendment excludes Haitians from the U.S. who have been involved in extrajudicial and political killings in Haiti. Specifically, it does this by denying funds for the issuance of visas to these persons.

There have been numerous cases of politically-motivated assassinations in Haiti. Some of these extrajudicial killings occurred while former President Jean-Bertrand Aristide was in exile. Many others took place after he returned to power. Unfortunately, these killings have continued after Mr. Aristide left office and Rene Preval became President.

The Haitian Government has assigned over eighty extrajudicial and political killing cases to the Special Investigative Unit. The Haitian Government claims that they have fired several government employees who are suspects in these killings.

But the sad fact remains that to date, no one has been convicted for any of these assassinations. Simply stated, there has been no substantial progress in these investigations.

We need to encourage the Haitians to bring these killers to justice. We need to let them know that these killings cannot be tolerated.

My amendment denies funding for the issuance of visas to those who have been credibly alleged to have ordered, carried out, materially assisted, or sought to conceal these extrajudicial and political killings. The amendment exempts persons for medical reasons, or if they have cooperated fully with the investigation of these political murders.

The legislation also includes a reporting requirement. The Administration would be directed to submit, to the appropriate congressional committees, (1) a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings; (2) a list of those refused entry to the United States as a result of this provision; and (3) a report on this matter, to be submitted once each year, until such time as the Government of Haiti has completed the investigation of these extrajudicial and political killings and has prosecuted those implicated in these murders.

It is an unfortunate reality that political violence has been a way of life in Haiti. Too many Haitians have died due to acts of political violence. The adoption of this amendment will not solve their problems overnight. But it can help. I believe this legislation sends a strong signal that violence must not be used as a political tool in Haiti. It also sends a message to the Haitians that we will vigorously support those who want to end political violence and create a lasting society of peace and prosperity in Haiti.

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

AMENDMENT NO. 1018

(Purpose: To improve the bill)

On page 114, strike lines 14–23.

AMENDMENT NO. 1019

(Purpose: To delay the effective date of the amendments made by section 233 of the Antiterrorism and Effective Death Penalty Act of 1996)

At the appropriate place in title I of the bill, insert the following:

SEC. 1 . Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

AMENDMENT NO. 1020

On page 139, after line 13 insert the following:

''GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended: Provided, That funds made available for this purpose shall be taken from funds made available on page 23, line 21.''

AMENDMENT NO. 1021

At the appropriate place in the bill, insert the following: *Provided further*, that not to exceed $2,000,000 may be made available for the 1999 Women's World Cup Organizing Committee cultural exchange and exchange related activities associated with the 1999 Women's World Cup.''

Mr. GREGG. I ask unanimous consent that Senator KERRY of Massachusetts and Senator FEINSTEIN be added as cosponsors to Senator STEVEN's USIA amendment.

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

Mr. GREGG. Mr. President, at this point I wish to thank, obviously, my staff and the minority staff for the extraordinary amount of time and energy they have put into this bill. They have been here all day and have done an incredible amount of work in an extremely complex situation, I would say, on a number of occasions. How they sort it all out, I am not sure. But they have and they have done it beautifully. I thank them for their energies. I thank the ranking member for all his time and patience in this exercise, which has been reasonably complicated but very successful as a result of all this.

Mr. HOLLINGS. Mr. President, I am really grateful to the distinguished chairman, the Senator from New Hampshire, for his leadership. His staff has been very professional and cooperative. It is truly a bipartisan measure. It has been a privilege and pleasure to work with him. Obviously, my staff has

been working around the clock, and I am really indebted to them. I thank the distinguished chairman.

Mr. GREGG. I thank the Senator for all his work.

MORNING BUSINESS

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

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

PRIVILEGE OF THE FLOOR

Mrs. BOXER. Mr. President, in behalf of Mr. BINGAMAN, I ask unanimous consent that privileges of the floor be granted to Dr. Robert Simon on detail from the Department of Energy to his staff, during the pendency of Senate Resolution 98 or any votes occurring thereupon.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 23, 1997, the Federal debt stood at $5,367,622,941,689.53. (Five trillion, three hundred sixty-seven billion, six hundred twenty-two million, nine hundred forty-one thousand, six hundred eighty-nine dollars and fifty-three cents.)

One year ago, July 23, 1996, the Federal debt stood at $5,171,664,000,000. (Five trillion, one hundred seventy-one billion, six hundred sixty-four million.)

Five years ago, July 23, 1992, the Federal debt stood at $3,988,415,000,000. (Three trillion, nine hundred eighty-eight billion, four hundred fifteen million.)

Ten years ago, July 23, 1987, the Federal debt stood at $2,300,098,000,000. (Two trillion, three hundred billion, ninety-eight million.)

Fifteen years ago, July 23, 1982, the Federal debt stood at $1,086,341,000,000 (One trillion, eighty-six billion, three hundred forty-one million) which reflects a debt increase of more than $4 trillion—$4,281,281,941,689.53 (Four trillion, two hundred eighty-one billion, two hundred eighty-one million, nine hundred forty-one thousand, six hundred eighty-nine dollars and fifty-three cents) during the past 15 years.

APPROVAL OF GEORGE TENET AS DIRECTOR OF CENTRAL INTELLIGENCE

Mr. BYRD. Mr. President, on Thursday evening, July 10, 1997, the Senate confirmed the nomination of George J. Tenet, of Maryland, to be the Director of Central Intelligence. I am delighted that the Senate has taken this action, based on the unanimous recommendation of the Senate Intelligence Committee.

George Tenet is well known to many members of the Senate, as he served with distinction as a staff member, and then Staff Director of the Senate Intelligence Committee during the service of Senator David Boren, of Oklahoma, when he was Chairman of that Committee. When Senator Boren retired, to take up the post of President of the University of Oklahoma, George became the Assistant to the President for Intelligence matters on the staff of the National Security Council, and served with great distinction in that capacity. As a result of that service, he was asked by Mr. John Deutsch to be the Deputy Director of Central Intelligence when Mr. Deutsch was appointed Director, and he has served as the Acting Director since January of this year when Mr. Deutsch returned to the private sector. Mr. Tenet has been praised on the floor by the current leadership of the Senate Intelligence Committee, by the Chairman, the distinguished Senator from Alabama, Mr. SHELBY, and the Ranking Democrat, the distinguished Senator from Nebraska, Mr. KERREY. They have praised Mr. Tenet's capabilities, judgment and character. I wish to express my own confidence in his leadership and I believe he has the capacity to bring the agency out of the unfortunate period that it has recently experienced which was tarnished by espionage scandals, and too rapid a turnover in the Office of the Director. He faces the challenge of bringing morale up, as well as restoring public and Congressional confidence in the intelligence organization of the nation. It is his responsibility to ensure that the Intelligence Community performs on the basis of the highest standards of integrity, and that the tremendous analytical, technical, and personnel resources that the community possesses, without rival in the world, are brought to bear on the often dangerous and difficult targets and areas of concern that constitute the intelligence agenda of the nation.

Mr. Tenet is already known as a strong leader with clear focus and a broad vision. I do not believe there is any recent Director of Central Intelligence that I have dealt with that brings as strong a knowledge of and constituency in the Senate as he enjoys. Intelligence in the confusing and shifting world of this post-cold war era is vital to both branches of the national government, and to be successful must enjoy the strong support of both of them. George is uniquely qualified to bring about a working consensus on the priorities, activities and budget of the intelligence community. He enjoys an extraordinarily deep reservoir of support here in the Senate, and I believe in the White House and the Intelligence Community as well. He is an outstanding choice, and the President is to be commended on his selection. I look forward to working with him to ensure that the highly dedicated, talented and courageous individuals who serve the nation silently day and night across the globe enjoy the support that they need to carry out their duties. I wish him a long, fruitful and rewarding tenure as our new Director of Central Intelligence.

CNN'S COVERAGE OF THE SENATE CAMPAIGN FINANCE HEARINGS

Mr. CRAIG. Mr. President, Cable News Network announced this week that it would provide live television coverage of the Senate Governmental Affairs Committee hearings on campaign finance activities. But, Mr. President, their decision was based only on the fact that former Republican National Committee chairman, Haley Barbour, is scheduled to testify.

CNN has been suspiciously absent in its live coverage of the hearings, only allowing its viewers to see the opening statements of the chairman and the ranking member during the past 2 weeks of the hearings.

As I understand it, CNN based its decision to provide live coverage of Mr. Barbour's testimony on the judgment that he has celebrity status. Or, as CNN's own Washington Bureau chief, Frank Sesno, called them yesterday, ''major players''.

That is a decision more fitting of the program ''Entertainment Tonight'', instead of a network which prides itself on being the world's leader of news.

I am certain that I am not the only one disappointed by CNN's decision to forgo live coverage of the hearings. In fact, on CNN's own Internet web page, an overwhelming number of CNN's viewers are distressed over the network's failure to provide live coverage.

One viewer wrote, and I quote:

> Although I am very pleased that you are carrying the campaign finance hearings through your Web site, I must say after all of the interminable O.J. hearings you carried live on CNN, why on God's earth aren't you carrying the hearings as well? I am very disappointed.

It was signed by Jim Merrick on July 16.

Mr. President, there has been such sufficient controversy over the CNN's lack of live coverage of the hearings—and even the lack of regular coverage of the hearings by the other television networks—that CNN devoted a substantial portion of its program ''Inside Politics'' on Tuesday, to discuss the uproar.

In a roundtable discussion, where journalists interview each other about what a great job they're doing, CNN's Judy Woodruff asked ABC's Hal Bruno about the difference of these hearings as compared to the Watergate and Iran-Contra hearings. Hal Bruno replied, and I quote:

> Government was at a standstill in Washington as a result of Watergate and the whole country was immersed in it. And the same was true to a lesser degree with Iran-Contra. These were major stories of revelations of criminal wrongdoing.

Mr. President, Hal Bruno's comment is an outrage.

For one, the country was immersed in these events because the television networks were carrying the hearings live.

And furthermore, the campaign finance hearings have uncovered much more serious charges and allegations. They include: Espionage, foreign influence peddling, campaign corruption and even money laundering. Just look at this summary by the staff of the Governmental Affairs Committee on what has been revealed so far during 2 weeks of hearings.

Hal Bruno's statement is ludicrous, and CNN's lack of live coverage of the hearings proves that they are ignoring a major news story.

Mr. President, I have written a letter to CNN president, Tom Johnson, and CNN Washington Bureau chief, Frank Sesno, expressing my disappointment and anger over their decision. This is the same network that covered endless hours of the O.J. Simpson murder trial—a news event that affected relatively few Americans. I have not yet received a reply from my letter, and I doubt I will.

Mr. President, I ask for unanimous consent to have printed in the RECORD the summary of highlights of the first 2 weeks of hearings by the Governmental Affairs hearings, and my letter to CNN's president and Washington Bureau chief.

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

U.S. SENATE,
REPUBLICAN POLICY COMMITTEE,
Washington, DC, July 22, 1997.

Mr. TOM JOHNSON,
President, CNN, Atlanta, GA.

DEAR MR. JOHNSON: I am disappointed over CNN's unwillingness to provide live, gavel-to-gavel coverage of the Senate Governmental Affairs hearings on campaign finance activities. If you had been carrying the hearings, your viewers would have been able to watch the testimony of witnesses who gave compelling evidence of criminal wrongdoing by foreign donors to the Democratic party during the 1996 elections. The result of such testimony even prompted a key Democrat on the committee, Senator Joseph Lieberman of Connecticut, to publicly acknowledge that there was a Chinese government plan to influence the elections. Unfortunately, CNN viewers were not given the opportunity to draw their own conclusions.

Now, I have come to learn that your network is planning to provide live coverage of this week's scheduled testimony of former Republican National Committee chairman, Haley Barbour. Unlike previous witnesses, who linked one Democratic fundraiser to possible charges of espionage and illegal influence buying and peddling, Mr. Barbour has not been charged with any crime nor has he broken any laws. Why does CNN deem Mr. Barbour's testimony so important as to merit live coverage? Is your network ''celebrity watching''—like ''Entertainment Tonight''?

What can be said about CNN's decision to only provide live coverage of Mr. Barbour's testimony is media bias at best, and tabloid journalism at worst. Your intensive coverage of the O.J. Simpson trial suggests that the later is more accurate. It's apparent that CNN has already decided what the public is interested in watching instead of the public making that decision for themselves.

Sincerely,

LARRY E. CRAIG,
Chairman.

SUMMARY OF HIGHLIGHTS OF TESTIMONY OF FIRST TWO WEEKS OF HEARINGS BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS INTO 1996 CAMPAIGN FINANCE ABUSES

DNC Finance Director Richard Sullivan acknowledged that the DNC's process for vetting contributions had ''atrophied,'' and that the Republican Party's system for vetting contributions was ''much more systematic, complex and thorough'' than the Democratic Party's system.

The Committee learned that John Huang was pushed for his job at the DNC by a foreign corporation and its head, James Riady, a close friend of President Clinton.

The Committee learned that Huang was also pushed for his fund-raising position by senior White House officials, like Harold Ickes, but he was not hired by the DNC until President Clinton himself pushed for Huang's hiring.

The Committee revealed several instances of foreign contributions being laundered into the DNC:

(1) Yogesh Gandhi made a $325,000 contribution to the DNC at an event at the Sheraton-Carlton Hotel in Washington in 1996 and shortly thereafter received two $250,000 wire transfers from a Japanese businessman named Tanaka to cover the contribution. This was Gandhi's first US political contribution and the $325,000 represented more than half the funds raised by the DNC at the Sheraton-Carlton event.

(2) Johnny Chung contributed $50,000 to the DNC in March 1996, at a time when he had less than $10,000 in his account. A few days after making the contribution Chung received a $50,000 wire transfer from the Bank of China. Soon after making the $50,000 contribution from these funds, Chung attended the President's weekly radio address with 5 visiting Chinese officials and guests.

(3) In 1992 John Huang contributed $50,000 on behalf of Hip Hing Holdings, a Riady-owned company in Los Angeles, and sought reimbursement for the contribution from Lippo Group in Indonesia.

The Committee also revealed that Chinese arms merchant Wang Jun, son of a prominent Communist official whose arms company has been accused of selling cruise missiles to Iran, attended an event with the President after he contributed $50,000 to the DNC through Ernest Green of Lehman Brothers.

The Committee learned that Gregory Loutschansky, a former Soviet citizen living in Tel Aviv who is reputed to be an international gun-runner and drug-smuggler, was invited by the DNC to an October 1995 dinner with the President, but was denied a visa by the State Department to enter the US.

The Committee learned that Roger Tamraz, a US citizen and major DNC donor, was invited by the DNC to meet with the Vice President, but the invitation was withdrawn after the Vice President's staff objected because Tamraz had ''a shady reputation.'' Despite the fact that Tamraz was deemed unacceptable to meet the Vice President, the DNC invited Tamraz to four subsequent events with the President.

The Committee learned that President Clinton's friend Charlie Trie made a $50,000 contribution to the DNC in June 1995 and raised large amounts for the Presidential Legal Expense Trust, even though a financial disclosure form he filled out after securing a presidential appointment showed he earned only $60,000 that year.

The Committee learned that John Huang had worked for Lippo Bank in Los Angeles, but the CEO of the Bank did not know what Huang did in his office.

The Committee learned that Lippo Group, run by the Riady family, which employed Huang, had over the past few years become a major business partner with China Resources, a trading company wholly owned by the Government of the People's Republic of China, which has reportedly served as an intelligence-collection front for China.

The Committee learned that Huang was given a political appointment in the Commerce Department, but his boss, Commerce Under secretary Jeffrey Garten found Huang totally unqualified for the position and limited his activities to administrative duties.

The Committee learned that Huang was ''walled off'' from handling China trade policy and was allowed to handle only some matters related to Taiwan.

The Committee learned that despite being ''walled off'' from China policy, Huang was given intelligence briefings on China.

The Committee learned that while he was at the Commerce Department, Huang had a Top Secret security clearance and received 37 intelligence briefings, at which he was shown 10 to 15 intelligence reports, meaning that he saw between 370 and 550 pieces of intelligence.

The Committee learned that of the pieces of intelligence shown to Huang, he kept possession of 12 classified documents until the end of his tenure at the Commerce Department.

The Committee learned that while he served as a relatively low-level political functionary at the Commerce Department, Huang made at least 67 visits to the White House, often meeting with senior officials on US trade policy.

The Committee learned that while he worked at the Commerce Department, Huang routinely and regularly used the office of Stephens Inc., a Little rock-based company with an office across the street from the Commerce Department, to send and receive phone calls, faxes, and packages, which a Stephens employee testified no other non-Stephens employee did.

The Committee learned that Huang had over 400 contacts with Lippo bank and Lippo group employees and associates while he worked at the Commerce Department, was receiving classified information, attending White House briefings, and using the Stephens Inc. office to send and receive messages and faxes.

The Committee learned that Huang did make personal calls from his Commerce Department phone, indicating that he was not using the Stephens office to avoid using his official phone for personal matters.

The Committee learned that while he served at the Commerce Department, Huang made six visits to the Chinese Embassy and had three other contacts with Chinese Embassy officials, even though he had been ''walled off'' from anything having to do with China.

The Committee learned that while he served at the Commerce Department, Huang may have illegally solicited several large contributions for the DNC, for which his wife Jane was listed as the solicitor by the DNC, from several individuals.

July 22, 1997.

Mr. TOM JOHNSON,
President, CNN, Atlanta, GA.

DEAR MR. JOHNSON: I am disappointed over CNN's unwillingness to provide live, gavel-to-gavel coverage of the Senate Governmental Affairs hearings on campaign finance activities. If you had been carrying the hearings, your viewers would have been able to

watch the testimony of witnesses who gave compelling evidence of criminal wrongdoing by foreign donors to the Democratic party during the 1996 elections. The result of such testimony even prompted a key Democrat on the committee, Senator Joseph Lieberman of Connecticut, to publicly acknowledge that there was a Chinese government plan to influence the elections. Unfortunately, CNN viewers were not given the opportunity to draw their own conclusions.

Now, I have come to learn that your network is planning to provide live coverage of this week's scheduled testimony of former Republican National Committee chairman, Haley Barbour. Unlike previous witnesses, who linked one Democratic fundraiser to possible charges of espionage and illegal influence buying and peddling, Mr. Barbour has not been charged with any crime nor has he broken any laws. Why does CNN deem Mr. Barbour's testimony so important as to merit live coverage? Is your network ''celebrity watching''—like ''Entertainment Tonight''?

What can be said about CNN's decision to only provide live coverage of Mr. Barbour's testimony is media bias at best, and tabloid journalism at worst. Your intensive coverage of the O.J. Simpson trial suggests that the later is more accurate. It's apparent that CNN has already decided what the public is interested in watching instead of the public making that decision for themselves.

Sincerely,

LARRY E. CRAIG,
Chairman.

HONORING THE SUETTERLINS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Catherine and Martin Suetterlin of St. Louis County, MO, who on September 27, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Suetterlins' commitment to the principles and values of their marriage deserves to be saluted and recognized.

NATIONAL SAFE PLACE WEEK

Mr. FORD. Mr. President, I rise today in support of a Senate resolution submitted by the distinguished Senator from Idaho. Senate Resolution 96 sponsored by Senator LARRY CRAIG would designate the week of March 15 through March 21, 1998 as ''National Safe Place Week.''

Project Safe Place is a creative approach to serving youth and families in crisis. I am particularly pleased to cosponsor this resolution on behalf of the first program started in my home State of Kentucky. Project Safe Place began in a firehouse in Louisville, KY in 1983, providing a safe haven from various negative influences such as child abuse, substance abuse, and crime. Safe Places put distressed children and families in touch with the resources they need to keep them safe. This assistance often comes in the form of counseling and a safe and secure place to stay.

Today, the Safe Place Program has spread to 34 States across the country. More than 6,000 business locations displaying the black and yellow Safe Place sign indicating that those in need can seek help from those inside.

The Safe Place Program exemplifies the best in our local communities. Project Safe Place is about community businesses and volunteers working together to help the most vulnerable in our society. It is essential that we bring this valuable program to every community, because those in need feel more comfortable in turning to resources in their own neighborhoods and communities.

By designating March 15 through March 21, 1998 as ''National Safe Place Week,'' we not only bring public awareness to this outstanding program, but recognize those volunteers and businesses who give so much to make our communities a truly safe place. I urge my colleagues to lend their names to this worthwhile legislation.

RETIREMENT OF CAROLE STEVENSON

Mr. FORD. Mr. President, I would like to say a few words about a dedicated Senate employee, Carole Stevenson, who is retiring after 30 years of Federal service. Carole worked for me when I served as chairman of the Rules Committee. She currently works on the staff of our colleague, TIM JOHNSON.

Carole held a number of jobs as she went about acquiring her 30 years of service. She worked for Senators Capehart and Kefauver in the fifties, the Architect of the Capitol and the executive branch in the sixties, and the Office of Technology Assessment in the mid-seventies. She even took off a decade to have and raise a family.

Carole joined the staff of the Senate Rules Committee in 1977 and stayed for 20 years. She held a variety of jobs, moving from front office receptionist, to room reservationist, to secretary and staff assistant in the Technical Services section of the Rules Committee.

To put it simply, Carole was a hard worker who took pride in her work. She always wanted to do a good job for her employer, and she did. She loves the Senate, so she did her best.

I want to personally thank Carole for her service to the Senate. Her many friends in this great institution will miss her. All of us wish her well in her retirement.

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 sundry nominations which were referred to the Committee on the Judiciary. (The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF DRAFT LEGISLATION ENTITLED ''THE IMMIGRATION REFORM TRANSITION ACT OF 1997''—MESSAGE FROM THE PRESIDENT—PM 55

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 the Judiciary.

To the Congress of the United States:

I am pleased to submit for your immediate consideration and enactment the ''Immigration Reform Transition Act of 1997,'' which is accompanied by a section-by-section analysis. This legislative proposal is designed to ensure that the complete transition to the new ''cancellation of removal'' (formerly ''suspension of deportation'') provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Public Law 104–208) can be accomplished in a fair and equitable manner consistent with our law enforcement needs and foreign policy interests.

This legislative proposal would aid the transition to IIRIRA's new cancellation of removal rules and prevent the unfairness of applying those rules to cases pending before April 1, 1997, the effective date of the new rules. It would also recognize the special circumstances of certain Central Americans who entered the United States in the 1980s in response to civil war and political persecution. The Nicaraguan Review Program, under successive Administrations from 1985 to 1995, protected roughly 40,000 Nicaraguans from deportation while their cases were under review. During this time the *American Baptist Churches v. Thornburgh* (ABC) litigation resulted in a 1990 court settlement, which protected roughly 190,000 Salvadorans and 50,000 Guatemalans. Other Central Americans have been unable to obtain a decision on their asylum applications for many years. Absent this legislative proposal, many of these individuals would be denied protection from deportation under IIRIRA's new cancellation of removal rules. Such a result would unduly harm stable families and communities here in the United States and undermine our strong interests in facilitating the development of peace and democracy in Central America.

This legislative proposal would delay the effect of IIRIRA's new provisions so that immigration cases pending before April 1, 1997, will continue to be considered and decided under the old suspension of deportation rules as they existed prior to that date. IIRIRA'S new cancellation of removal rules would generally apply to cases commenced on or after April 1, 1997. This proposal dictates no particular outcome of any case. Every application for suspension of deportation or cancellation of removal must still be considered on a case-by-case basis. The proposal simply restores a fair opportunity to those whose cases have long been in the system or have other demonstrable equities.

In addition to continuing to apply the old standards to old cases, this legislative proposal would exempt such cases from IIRIRA's annual cap of 4,000 cancellations of removal. It would also exempt from the cap cases of battered spouses and children who otherwise receive such cancellation.

The proposal also guarantees that the cancellation of removal proceedings of certain individuals covered by the 1990 ABC litigation settlement and certain other Central Americans with long-pending asylum claims will be governed by the pre-IIRIRA substantive standard of 7 years continuous physical presence and extreme hardship. It would further exempt those same individuals from IIRIRA's cap. Finally, individuals affected by the legislation whose time has lapsed for reopening their cases following a removal order would be granted 180 days in which to do so.

My Administration is committed to working with the Congress to enact this legislation. If, however, we are unsuccessful in this goal, I am prepared to examine any available administrative options for granting relief to this class of immigrants. These options could include a grant of Deferred Enforced Departure for certain classes of individuals who would qualify for relief from deportation under this legislative proposal. Prompt legislative action on my proposal would ensure a smooth transition to the full implementation of IIRIRA and prevent harsh and avoidable results.

I urge the Congress to give this legislative proposal prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 24, 1997*.

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2169. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2169. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2591. A communication from the Assistant Secretary of the Treasury (Legislative Affairs and Public Liaison), transmitting, pursuant to law, the report of the Chairman of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1992; to the Committee on Foreign Relations.

EC–2592. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Guaranty Corporation, transmitting, pursuant to law, a rule entitled ''Disclosure of Premium-Related Information'' (RIN1212–AA66) received on July 22, 1997; to the Committee on Labor and Human Resources.

EC–2593. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear, transmitting, pursuant to law, a rule received on July 21, 1997; to the Committee on Environment and Public Works.

EC–2594. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, eleven rules received on July 22, 1997; to the Committee on Environment and Public Works.

EC–2595. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–2596. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report under the Full Employment and Balanced Growth Act of 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC–2597. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule entitled ''Phase Two Recommendations of Task Force on Disclosure Simplification'' (RIN3235–AG80, 33–7431) received on July 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. No. 105–57)

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 1061. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–58).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1000. A bill to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''.

S. 1043. A bill to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on July 23, 1997:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John N. Abrams, 0000.
Maj. Gen. Roger G. Thompson, Jr., 0000.
Maj. Gen. Michael S. Davison, Jr., 0000.

The following-named officers for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral

Rear Adm. (lh) Thomas J. Hill, 0000.
Rear Adm. (lh) Douglas L. Johnson, 0000.
Rear Adm. (lh) Jan H. Nyboer, 0000.
Rear Adm. (lh) Paul V. Quinn, 0000.

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (lh) John A. Gauss, 0000.

The following Air Force National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated, under title 10, United States Code, section 12203:

To be brigadier general

Col. Tommy L. Daniels, 0000.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William J. Begert, 0000.
Maj. Gen. Lance W. Lord, 0000.

The following-named officers for appointment as the Judge Advocate General* and the Assistant Judge Advocate General**, U.S. Army and for appointment to the grade indicated under title 10, United States Code, section 3037:

To be major general

Brig. Gen. Walter B. Huffman, 0000*.
Brig. Gen. John D. Altenburg, Jr., 0000**.

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Montgomery C. Meigs, 0000.

The following-named officers for appointment in the Regular Army to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Edwin J. Arnold, Jr., 0000.
Col. John R. Batiste, 0000.
Col. Buford C. Blount, III, 0000.
Col. Steven W. Boutelle, 0000.
Col. John S. Brown, 0000.
Col. Edward T. Buckley, Jr., 0000.
Col. Eddie Cain, 0000.
Col. Kevin T. Campbell, 0000.
Col. Jonathan H. Cofer, 0000.
Col. Bantz J. Craddock, 0000.
Col. Keith W. Dayton, 0000.
Col. Barbara Doornink, 0000.
Col. Paul D. Eaton, 0000.
Col. Jeanette K. Edmunds, 0000.
Col. Karl W. Eikenberry, 0000.
Col. Dean R. Ertwine, 0000.
Col. Steven W. Flohr, 0000.
Col. Nicholas P. Grant, 0000.
Col. Stanley E. Green, 0000.
Col. Craig D. Hackett, 0000.
Col. Franklin L. Hagenbeck, 0000.
Col. Hubert L. Hartsell, 0000.
Col. George A. Higgins, 0000.
Col. James C. Hylton, 0000.
Col. Gene M. LaCoste, 0000.
Col. Michael D. Maples, 0000.
Col. Philip M. Mattox, 0000.
Col. Dee A. McWilliams, 0000.
Col. Thomas F. Metz, 0000.
Col. Daniel G. Mongeon, 0000.
Col. William E. Mortensen, 0000.
Col. Raymond T. Odierno, 0000.
Col. Eric T. Olson, 0000.
Col. James W. Parker, 0000.
Col. Ricardo S. Sanchez, 0000.
Col. John R. Schmader, 0000.
Col. Gary D. Speer, 0000.
Col. Mitchell H. Stevenson, 0000.
Col. Carl A. Strock, 0000.
Col. Charles H. Swannack, Jr., 0000.
Col. Hugh B. Tant, III, 0000.
Col. Terry L. Tucker, 0000.
Col. William G. Webster, Jr., 0000.
Col. John R. Wood, 0000.

(The above nominations were reported with the recommendation that they be confirmed.)

The following executive reports of committees were submitted on July 24, 1997:

By Mr. THURMOND, from the Committee on Armed Services:

John J. Hamre, of South Dakota, to be Deputy Secretay of Defense.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. HATCH, from the Committee on the Judiciary:

Richrd Thomas White, of Michigan, to be a member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1999.

Calvin D. Buchanan, of Mississippi, to be U.S. attorney for the Northern District of Mississippi for the term of 4 years.

Thomas E. Scott, of Florida, to be U.S. attorney for the Southern District of Florida for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

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. SPECTER:

S. 1061. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 1062. A bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1063. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1064. A bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1065. A bill to amend the Ethics in Government Act with respect to the appointment of an independent counsel; read the first time.

By Mr. WELLSTONE (for himself, Mr. GRASSLEY, Mr. KERREY, Mr. JOHNSON, Mr. DASCHLE, and Mr. CONRAD):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KENNEDY, and Mr. HARKIN):

S. 1067. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. Con. Res. 42. Concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 1062. A bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR ECUMENICAL PATRIARCH BARTHOLOMEW

Mr. D'AMATO. Mr. President, today I join my friend and colleague from the Banking Committee, Senator SARBANES, to offer a bill that would authorize a congressional gold medal in recognition of the tremendous leadership role—in interfaith relations, international affairs, the promotion of global environmental protection, and the defense of human rights worldwide—of his all holiness Ecumenical Patriarch Bartholomew of Constantinople.

In addition, we are submitting a concurrent resolution providing for the use of the rotunda of the Capitol for a ceremony honoring Patriarch Bartholomew on his visit to the United States in late October of this year.

The Ecumenical Patriarch Bartholomew is the 270th successor of the nearly 2,000 year old Orthodox Christian Church founded in 36 A.D.

As the spiritual leader of the Orthodox Christian Church, Patriarch Bartholomew is the voice for nearly 300 million followers around the world—5 million of which live in the United States and are of Greek, Russian, Ukrainian, and Serbian descent. The contributions of these Americans to our history and culture exemplify the values, ideals, and dreams of this great Nation.

A champion of religious unity and cooperation, Patriarch Bartholomew is working to promote interfaith dialog between the Orthodox Church and the Roman Catholic Church, leading Protestant denominations, Muslim leaders, and various faiths of America's multiethnic diversity.

Patriarch Bartholomew has also sought to strengthen the bonds between Judaism and Orthodox Christianity. In 1994, he worked side by side with Rabbi David Schneier and the Appeal of Conscience Foundation to cosponsor the Peace and Tolerance Conference, bringing together Christians, Jews, and Muslims for human and religious freedom.

As a citizen of Turkey, Patriarch Bartholomew is deeply concerned about the need to sustain the cause of peace. He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation, adherence to international law, and respect for the human rights of victims of aggression.

The impact of Patriarch Bartholomew's compassion is far-reaching. In the war-torn countries of the Balkans,

Patriarch Bartholomew has helped to advance reconciliation among Catholic, Muslim, and Orthodox communities.

Mr. President, Patriarch Bartholomew also cares very deeply for the environmental legacy we will one day leave to our children. Together with global leaders, he convened an international environmental symposium emphasizing the health and well-being of the world's oceans. The Patriarch is also a cosponsor of an annual conference addressing the protection of our global environment.

Born in Turkey in 1940, Patriarch Bartholomew has selflessly dedicated his life to religious service. He is a graduate of the renowned Theological School of Halki, which was forced to close by the Turkish Government in 1971. This school must re-open as a basic matter of religious freedom.

Patriarch Bartholomew has also received numerous honorary doctorates and academic honors from institutes and universities all across the globe.

Mr. President, in October of this year, Patriarch Bartholomew will visit the United States to offer his spiritual message of unity, compassion, and brotherhood. It is our belief that Congress honor the work of this great leader in recognition of his outstanding and enduring contributions to: the freedom of the world's religions, world peace, conflict resolution and the rule of law, global environmental protection, the betterment of humankind, and the protection of dignity and human rights of every man, woman, and child.

Therefore, Mr. President, it is fitting and appropriate that this body bestow the congressional gold medal upon a visionary for our times, his all holiness Ecumenical Patriarch Bartholomew.

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. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ecumenical Patriarch Bartholomew—

(A) is the spiritual leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians in America; and

(B) is recognized in the United States and abroad as a leader in the quest for world peace, respect for the earth's environment, and greater religious understanding;

the extraordinary efforts of Ecumenical Patriarch Bartholomew continue to bring people of all faiths closer together in America and around the world;

(3) the courageous leadership of Ecumenical Patriarch Bartholomew for peace in the Balkans, Eastern Europe, the Middle East, the Eastern Mediterranean, and elsewhere inspires and encourages people of all faiths toward his dream of world peace in the new millennium; and

(4) the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental academic, and other institutions around the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Ecumenical Patriarch Bartholomew. in recognition of his outstanding and enduring contributions to religious understanding and peace.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

Mr. SARBANES. Mr. President, I am pleased to join Senator D'AMATO, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in introducing legislation awarding the congressional gold medal to Ecumenical Patriarch Bartholomew, the spiritual leader of approximately 300 million Orthodox Christians worldwide. The occasion of this legislation is to honor Patriarch Bartholomew's first visit to the United States as Patriarch and to recognize his outstanding contributions to world peace and understanding during his tenure as head of this ancient branch of Christianity. As a Greek-Orthodox American and member of the Greek Orthodox Cathedral of the Annunciation in Baltimore, I am particularly gratified to join in this tribute.

During his American visit, which will take place from October 19 through November 17, 1997, Patriarch Bartholomew will meet with thousands of Orthodox faithful and will take the opportunity to convey his message of reconciliation to Americans of all backgrounds and beliefs. His All Holiness has been a leader in ecumenical understanding and has convened important meetings which have brought together participants of all religious backgrounds. In 1994, in cooperation with Rabbi David Schneier and the Appeal of Conscience Foundation, he cosponsored a peace and tolerance Conference in Istanbul where Christians, Jews, and Muslims joined together to discuss important and pressing issues.

As spiritual head of world Orthodoxy, Patriarch Bartholomew has been a leader in the quest for peace throughout the world, particularly in Eastern Europe, the Balkans, and the Middle East. He has vigorously spoken out against extremists and those who would use violence to achieve their ends and has counseled respect for all peoples, irrespective of their nationality and religion; his ministry has been a call to our best virtues.

From his historical seat in Istanbul, Turkey, Patriarch Bartholomew has served as a mediator between East and West, Christians and Muslims, and as a force for openness and tolerance in the newly emerging independent countries of Eastern Europe.

As he pursues the goal of peace, Patriarch Bartholomew is equally vigorous in his desire to preserve and promote the earth's environment as a reflection of God's creation. Working with the European Commission, the Worldwide Fund for Nature, and his Royal Highness Prince Philip, he has cosponsored significant international conferences on the environment, including one scheduled for this fall on the future ecological health of the Black Sea.

I believe it is most fitting that the visit and the accomplishments of Patriarch Bartholomew should be recognized and honored by this gold medal as it will reflect the appreciation of the American people for his ministry of peace and reconciliation.

I am also pleased to join Senator D'AMATO in submitting a concurrent resolution providing for the use of the rotunda for a ceremony honoring Patriarch Bartholomew.

By Mr. ROCKEFELLER:

S. 1063. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Finance.

TEMPORARY DUTY SUSPENSION

Mr. ROCKEFELLER. Mr. President, today I am introducing a duty suspension bill that will not only benefit the chemical workers in my state of West Virginia, but also will enable U.S. farmers to grow more crops at lower cost and protect the environment at the same time.

This legislation will suspend the U.S. duty on a hydrochloride known by its code name of KN001. This substance is a key raw material in a new, environmentally safe family of agricultural chemicals invented by DuPont in the 1980's. These new agricultural chemicals, called sulfonylureas, are used in extremely small amounts by farmers to control weed growth in their fields without harming the crops that the farmers are trying to grow. By suppressing weed growth, these chemicals make sure that all of the available soil nutrients and moisture go into growing the crops instead of growing weeds. Because sulfonylureas operate on plant enzymes, they do not affect insects or animals, and because they biodegrade

rapidly, they are among the most environmentally friendly crop protection chemicals in use today.

An additional benefit of suspending the duty on KN001 is the effect it will have on jobs in my home state of West Virginia. DuPont is in the process of constructing a $20 million revitalization project at their plant in Belle, West Virginia, and KN001 is the cornerstone of that project. The new investment will enable the production at Belle of a new sulfonylurea product family that uses KN001 as a feedstock. This revitalization project will preserve 50 existing jobs at Belle and create over a dozen new jobs.

On top of all that, I've been told that this duty suspension is unlikely to result in any substantial revenue loss to the U.S. Treasury. Because it is used in the manufacture of new products, U.S. imports of this chemical are very small, and the resulting duty is also small. Equally important is the fact that this substance is not manufactured in the United States by another company, so no U.S. producer should be disadvantaged by the duty suspension. It's rare that we get a chance to support legislation that benefits workers, farmers, and the environment at virtually no cost to the Treasury. This is one of those times, and I hope the Senate will look favorably on this modest measure at the appropriate time.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.41 2-4-dichlon-5-hydrozyhydrazine hydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1064. A bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GLACIER BAY MANAGEMENT AND PROTECTION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation addressing several important aspects of the administration and management of Glacier Bay National Park, one of the most popular and unique tourist destinations in the country.

This bill will encourage the continuation of the Park Service's ongoing efforts to work with concession operators to improve visitor services, as well as deal fairly and finally with a longstanding dispute over the status of commercial and subsistence fishing.

On the latter subject, this bill reflects the progress of several years of discussions with local interests and the Park Service. These efforts have been positive, but have been hampered from achieving consensus by some groups' unwillingness to compromise. Insofar as possible, this bill represents an attempt to stake out reasonable and responsible middle ground that respects the wishes of all concerned.

Mr. President, commercial fishermen have plied the waters of Glacier Bay and the outer coast of the area now included in the park for over 100 years. local native villagers, the Huna Tlingit people, have done so for thousands of years. At no time have these activities damaged the park or its resources, nor have they harmed the area's wild and scenic qualities in any way.

This simple fact cannot be overemphasized. To put it another way—commercial fishermen and local villagers have continually fished in Glacier Bay since long before it became a park or a monument, and the fact that we value it so highly today is proof that they have not had an adverse impact on the species of the bay.

Unfortunately, some interests don't care about fairness, and would like to see fishing and gathering banned no matter how environmentally benign or how critical to local livelihoods.

On subsistence, this bill corrects inconsistencies in the Alaska National Interest Lands Conservation Act [ANILCA] concerning subsistence fishing and gathering in Glacier Bay National Park. Villagers living near Glacier Bay, whose ancestors have used the bay continually for the last 9,000 years, must be allowed to use the bay's resources to feed their families —to fish for halibut, salmon, and crabs, and to collect clams, seaweeds, berries, and other foods that are traditional in their culture.

Let me emphasize that we are talking about a relative handful of families from the local Native village of Hoonah, which has a population of less than 900, and a few people from other nearby communities such as Elfin Cove, Gustavus, and Pelican. We are not talking about thousands of people. These Alaskans do not have convenient supermarkets. They deserve respect—they deserve to have their historic use recognized and provided for by this Congress.

My bill also addresses commercial fishing in the park. For generations, commercial fishermen have caught salmon, halibut, and crabs in Glacier Bay and have fished the rich grounds of the outside coast.

There is no biological reason for restricting commercial fishing activity anywhere in the park. The fishery resources are healthy, diverse, closely monitored, and carefully regulated. It should also be noted that of the park's approximately 3 million acres of marine waters, only about 500,000 are productive enough to warrant significant interest.

These fisheries already are restricted as to method and number of participants, and are carefully managed to ensure continued abundance. There is nothing in this bill, and there is no desire by the fishing industry, to change these controls or increase the level of this sustainable activity. Closely monitored by the State of Alaska, which has proven itself a reliable custodian of the fisheries resources, commercial fishing does not harm the environment in any way.

Mr. President, in the grand scheme of this Nation's economy, these fisheries are small potatoes. But to the fishermen who depend upon them, to their families, and to the small, remote communities in which they live, these fisheries are of utmost importance. They are harm-free, and those who participate in them deserve their government's help, not the destruction of their simple lifestyle.

This bill authorizes fishing throughout the park. However, because there are special sensitivities inside Glacier Bay itself, it also designates the waters inside the bay—as opposed to the outer coast—as a special scientific reserve, for which a joint Federal-State group of scientists will make recommendations on where fishing should or should not occur, and at what level.

A further special provision is also included in the one area where there is a significant potential for conflict between fishermen and certain nonmotorized uses such as kayaking. This area is the Beardlee Islands, near the entrance to the bay. Under this bill, the only commercial fishing that would be allowed in the Beardslees would be crab fishing, and that only by the very small number of people—perhaps half a dozen—that can show both a significant history of participation and significant dependence on that fishery for their livelihoods. This privilege could be transferred to one successor when the original fisherman retires, but will cease after that. And at any point, the Park Service could eliminate all fishing in the Beardslees with a fair payment to the individual fishermen. The

reason for such a special rule in the Beardslees is simply that these fishermen have no other option than fishing in the Beardslees, due to the size of their vessels, their reliance on this one fishery, and other factors.

This bill will not contribute to any increase in fishing pressure; in fact, over time the opposite may occur. It will simply provide for the scientifically sound continuation of an environmentally benign activity.

In closing, Mr. President, let me add that the continuation of both subsistence and commercial fishing enjoys wide support from local residents, including environmental groups such as the Southeast Alaska Conservation Council.

I ask unanimous consent that the text of the bill be printed in the RECORD and look forward to my colleagues' support for this measure.

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

S. 1064

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 ''Glacier Bay Management and Protection Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the geographical area comprising Glacier Bay National Park has been recognized as having important national significance since the creation of Glacier Bay National Monument by Presidential proclamation on February 26, 1925, and the subsequent Presidential proclamation expanding the monument on April 18, 1939;

(2) in 1980, Congress enlarged and redesignated the monument as Glacier Bay National Park;

(3) the Park provides valuable opportunities for the scientific study of marine and terrestrial resources in various stages of a postglaciation period;

(4) the Park is a popular tourist destination for cruise ship and tour boat passengers, recreational boaters, fishermen, back-country kayakers, hikers, and other users;

(5) improvements to the Park's infrastructure and an increase in small passenger vessel capacity within the Park are needed to provide for increased enjoyment by visitors to the Park and more efficient management of Park activities;

(6) Huna Tlingit Indians residing near Glacier Bay have engaged in subsistence fishing and gathering in and around the bay for approximately 9,000 years, interrupted only by periodic glacial advances, and reestablished after each glacial retreat;

(7) commercial fishing has occurred in and around Glacier Bay for over 100 years, long before the area was recognized by the Federal Government;

(8) commercial fishing and subsistence fishing and gathering in Glacier Bay National Park occur at stable levels of activity that have no perceivable adverse effect on the health or sustainability of marine resources in the Park, including the marine resources of Glacier Bay;

(9) commercial fishing and subsistence fishing and gathering are of great importance to local residents who often lack other alternatives for sustaining their livelihood; and

(10) the continuation of commercial fishing and subsistence fishing and gathering in Glacier Bay has widespread support among local residents and Glacier Bay users, including the environmental community and operators of back-country kayak tours.

SEC. 3. INFRASTRUCTURE IMPROVEMENT.

Section 1306 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3196) is amended by adding at the end the following:

''(c) GLACIER BAY PARK.—

''(1) GLACIER BAY LODGE.—

''(A) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement, partnership, or other contractual relationship with the operator of Glacier Bay Lodge in Bartlett Cove for the purpose of making improvements to the Lodge and related visitor facilities.

''(B) SCOPE OF WORK.—Improvements to the physical plant and infrastructure under subparagraph (A) may include—

''(i) expansion of the overnight lodging, meeting space, and food service capacity of the Lodge;

''(ii) improvement of visitor access, including boat landing facilities, paths, walkways, and vehicular access routes;

''(iii) construction of a visitor information center and an Alaska Native cultural center;

''(iv) construction of research and maintenance facilities necessary to support Glacier Bay National Park and Glacier Bay Lodge activities;

''(v) construction or alteration of staff housing; and

''(vi) correction of deficiencies that may impair compliance with Federal or State construction, safety, or access requirements.

''(2) ALTERATION OF PARK HEADQUARTERS.—Before entering into a cooperative agreement or contract for alteration or expansion of National Park Service facilities in or near Gustavus, Alaska, the Secretary shall provide to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes a cost-benefit analysis of the alteration or expansion, including an examination of other reasonable alternatives to achieve the desired level of service.''.

SEC. 4. SMALL PASSENGER VESSELS.

Section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197) is amended by adding at the end the following:

''(d) GLACIER BAY PASSENGER VESSELS.

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall promulgate regulations to increase the number of Glacier Bay entry permits available to tour boats during June, July, and August to a level consistent with the demand for the entries.

''(2) TRANSIT SEPARATE FROM TOUR BOATS.—Increases in tour boat entry permits for Glacier Bay under paragraph (1) shall be considered separate from, and shall not affect or be affected by, the number of entry permits provided to small passenger vessels providing passage to and from Glacier Bay Lodge.''.

SEC. 5. SURVEY OF PARK USERS.

Section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197) (as amended by section 4) is amended by adding at the end the following:

''(e) SURVEY OF GLACIER BAY USERS.—

''(1) SURVEY DESIGN.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a plan for conducting a comprehensive survey of Glacier Bay National Park users during the following visitor season, including individuals arriving in the Park on commercially operated vessels, to determine—

''(A) the extent to which the users consider the activities of other groups of users of the Park as having an adverse impact on the users' enjoyment of the Park; and

''(B) the extent to which the expectations of the users for the Park are being satisfied.

''(2) RESULTS.—Not later than December 31 of the calendar year in which the survey is conducted pursuant to the plan submitted under paragraph (1), the Secretary shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the results of the survey and any recommendations the Secretary considers necessary to reconcile competing uses of the Park or satisfy visitor access needs of the Park.''.

SEC. 6. FISHING.

Section 1314 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202) is amended by adding at the end the following:

''(d) FISHING IN GLACIER BAY NATIONAL PARK.—

''(1) DEFINITIONS.—In this subsection:

''(A) COUNCIL.—The term 'Council' means the Glacier Bay Fishery Science Advisory Council established by paragraph (6).

''(B) EXTERIOR WATERS OF THE PARK.—The term 'exterior waters of the Park' means the marine waters in the Park but outside Glacier Bay proper.

''(C) GLACIER BAY PROPER.—The term 'Glacier Bay proper' means the waters of Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

''(D) PARK.—The term 'Park' means Glacier Bay National Park.

''(E) RESERVE.—The term 'Reserve' means the Glacier Bay Marine Fisheries Reserve designated by paragraph (4).

''(F) RESIDENT POPULATION.—The term 'resident population' means a discrete population of fish or shellfish that—

''(i) spawns in the Park;

''(ii) is comprised of individual fish or shellfish the majority of which spend the greater part of their life cycle in the Park; or

''(iii) is demonstrated to be reliant on unique features of the Park for the survival of the population.

''(2) SUBSISTENCE USE.—

''(A) IN GENERAL.—Subject to subparagraph (B), subsistence fishing and gathering by a local resident of the Park, including a resident of Hoonah, shall be allowed in the Park in accordance with title VIII.

''(B) PERMANENT STRUCTURES.—No permanent structure associated with subsistence fishing or gathering, including a set net site, fish camp, cabin, or other related structure, may be constructed in the Park.

''(3) COMMERCIAL FISHING GENERALLY.—

''(A) ALLOWED COMMERCIAL FISHING.—

''(i) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary shall allow commercial fishing in the Park using the following methods and means in use for commercial fishing in the Park during calendar years 1980 through 1996:

''(I) Trolling or seining for salmon, except that seining may not be used in Glacier Bay proper.

''(II) Longlining.

''(III) Use pots or ring nets.

''(ii) FEDERAL AND STATE LAWS.—Fishing allowed under clause (i) shall be subject to any applicable Federal or State law.

''(iii) ADVERSE IMPACT.—

''(I) IN GENERAL.—If the Secretary determines that scientifically valid information demonstrates a significant adverse impact is occurring to a resident population as a result of commercial fishing in the Park, the Secretary shall consult with the relevant State fishery management authority and may request that the authority initiate remedial action.

''(II) EMERGENCY ACTION.—If the Secretary determines that commercial fishing is causing an emergency that poses an immediate threat to a Park resource, including a resident population of fish or shellfish, and that the relevant State fishery management authority is not taking appropriate action, the Secretary may promulgate such regulations as are necessary to protect the threatened resource for the duration of the emergency.

''(B) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of this subsection, the Secretary and the relevant State fishery management authority shall jointly prepare and publish a memorandum of understanding that—

''(i) describes the respective authority of the Secretary and the State fishery management authority with regard to the management of commercial fishing in the Park; and

''(ii) establishes a process for consultations and regulatory action under subparagraph (A).

''(4) GLACIER BAY MARINE FISHERIES RESERVE.—

''(A) DESIGNATION.—The waters of Glacier Bay proper are designated as the Glacier Bay Marine Fisheries Reserve.

''(B) PURPOSES.—The purposes of the Reserve are—

''(i) to maintain a high degree of protection for the living marine resources of the Glacier Bay marine ecosystem;

''(ii) to provide for the continued health, diversity, and abundance of the resources in the Glacier Bay marine ecosystem;

''(iii) to provide a continuing opportunity for the conduct of fisheries science in a postglacial ecological environment; and

''(iv) to provide for sustainable public use and enjoyment of the marine resources of Glacier Bay.

''(C) FISHING.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Reserve shall remain open to fishing in accordance with paragraphs (2) and (3).

''(ii) CLOSURES AND RESTRICTIONS.—A closure or a restriction on time, area, or method or means of access to the Reserve may be implemented by the appropriate State fishery management authority if the closure or restriction—

''(I) is recommended by the Council; and

''(II) is required to achieve the purposes of the Reserve.

''(iii) COMMENT.—Before implementing a closure under clause (ii), the appropriate State fishery management authority shall solicit comments from affected commercial or subsistence users of the Reserve.

''(5) BEARDSLEE ISLANDS.—

''(A) RESTRICTION ON FISHING.—Notwithstanding paragraph (4)(C), the waters of the Beardslee Islands managed as wilderness shall be closed to commercial fishing, except that the appropriate State fishery management authority shall allow commercial fishing for Dungeness crab by an individual who, during calendar years 1984 through 1995—

''(i) participated in commercial fishing for Dungeness crab in the Beardslee Islands for a minimum of 10 fishing seasons; and

''(ii) was reliant on the fishing referred to in clause (i) for a significant part of the individual's fishery-related income.

''(B) INFORMATION.—In making a determination of eligibility under subparagraph (A), the appropriate fishery management authority shall consider all available public records as well as any other information made available by the prospective applicant.

''(C) INELIGIBILITY.—

''(i) IN GENERAL.—If an individual engaged in commercial fishing in the waters of the Beardslee Islands under this paragraph voluntarily ceases to participate actively in the fishing for a period of at least 1 year for any reason other than illness, injury, or national service, the individual shall not be eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph.

''(ii) DESIGNATED SUCCESSOR.—

''(I) IN GENERAL.—An individual who is ineligible to engage in commercial fishing under clause (i) may, at any time before or during the year in which the individual ceases to participate actively in fishing, designate a successor that may engage in commercial fishing for Dungeness crab in the waters of the Beardslee Islands under this paragraph as long so the successor—

''(aa) engages in commercial fishing for Dungeness crab in the waters of the Beardslee Islands; and

''(bb) is reliant on the fishing for a significant part of the individual's fishery-related income.

''(II) INELIGIBILITY OF SUCCESSOR.—If a successor designated under subclause (I) voluntarily ceases to participate actively in fishing in the waters of the Beardslee Islands under this paragraph for a period of at least 1 year for any reason other than illness, injury, or national service, the individual shall no longer be eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph.

''(D) TEMPORARY SUCCESSOR.—

''(i) IN GENERAL.—If an individual eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph is forced by reason of illness, injury, or national service to forego the fishing, the individual may designate a temporary successor for a period of 1 year.

''(ii) RENEWAL.—The designation of a temporary successor under clause (i) may be renewed yearly so long as the condition of illness, injury, or national service continues to prevent the eligible individual from participating in the commercial fishing.

''(E) OTHER LAW.—An individual eligible to fish under this paragraph shall be subject to any other Federal or State law.

''(F) FISHING CESSATION AGREEMENT.—

''(i) IN GENERAL.—The Secretary and an individual engaged in commercial fishing under this paragraph may agree on the cessation of commercial fishing by the individual.

''(ii) DESIGNATION OF SUCCESSOR.—An individual who agrees to cease commercial fishing under clause (i) may not designate a successor under subparagraph (C)(ii).

''(G) FORCED RETIREMENT OF SUCCESSOR.—The Secretary may require an individual designated as a successor under subparagraph (C)(ii) to cease commercial fishing under this paragraph if the facility—

''(i) determines that cessation of commercial fishing by the individual would be significantly beneficial to the Reserve; and

''(ii) compensates the individual for the individual's expected lifetime earnings for the commercial fishing, as determined by—

''(I) the individual's average annual earnings over a 5-year period from the commercial fishing; or

''(II) if a minimum of 5 years of data on the individual's earnings from the commercial fishing are unavailable, the average annual earnings of the individual's predecessor for the commercial fishing.

''(6) FISHERY SCIENCE ADVISORY COUNCIL.—

''(A) ESTABLISHMENT.—There is established the Glacier Bay Fishery Science Advisory Council.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The Council shall consist of 5 members, of whom—

''(I) 2 members shall be professional fishery biologists appointed by the Secretary;

''(II) 2 members shall be professional fishery biologists appointed by the Governor of Alaska; and

''(III) 1 member shall be a professional fishery biologist who is not employed by the Federal Government or the State of Alaska, who shall—

''(aa) be appointed jointly by the Secretary and the Governor of Alaska; and

''(bb) serve as chairperson of the Council.

''(ii) APPOINTMENTS.—Appointments to the Council shall be made not later than 60 days after the date of enactment of this subsection.

''(iii) REPLACEMENT.—A Council member shall serve on the Council until replaced by the authority that appointed the individual.

''(C) RESPONSIBILITIES.—The Council shall—

''(i) not later than 180 days after the date of enactment of this subsection, provide a report reviewing the status of knowledge about fishery resources in the Park to the Secretary, the State of Alaska, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives; and

''(ii) not later than 1 year after the date of enactment of this subsection, in consultation with appropriate Federal and State agencies, prepare a fisheries management plan for the Reserve, including areas managed as wilderness, in accordance with subparagraph (D).

''(D) FISHERIES MANAGEMENT PLAN.—The fisheries management plan referred to in subparagraph (C)(ii) shall—

''(i) describe a framework for pursuing opportunities for fisheries science in combination with the continued harvest of fish and shellfish from the Reserve, consistent with sound management practices and in accordance with recognized principles for the management of sustainable resources; and

''(ii) make such recommendations as the Council considers appropriate regarding fishery research needs and regulations regarding fishing times, areas, methods, and means.

''(E) CONTINUING RECOMMENDATION.—After completing the fisheries management plan under subparagraph (D), the Council shall continue to meet at least annually, and at such other times as the Council considers necessary, to provide to the Secretary and the entities referred to in subparagraph (C)(i) such additional recommendations on fishery research and management priorities and needs in the Reserve as the Council considers appropriate.

''(F) CONSENSUS DECISIONS.—For a recommendation, designation, or determination of the Council to be effective it shall be made by consensus.

''(G) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(7) EFFECT ON TIDAL AND SUBMERGED LAND.—

''(A) CLAIM TO TIDAL OR SUBMERGED LAND.—

''(i) IN GENERAL.—Nothing is this subsection invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land.

''(ii) FUTURE ACTION.—No action taken pursuant to or in accordance with this subsection shall bar the State of Alaska from asserting at any time its claim of title to any tidal or submerged land.

''(B) JURISDICTION.—Nothing in this subsection, and no action taken pursuant to this subsection, shall expand or diminish Federal or State jurisdiction, responsibility, interests, or rights in the management, regulation, or control of waters or tidal or submerged land of the State of Alaska.''.

Mr. President, I rise today to offer a bill to provide tax relief to America's

farmer-owned cooperatives. My bill would allow members of America's farmer-owned cooperatives to pass-through the small producer tax credit for ethanol to cooperative members, who are currently not able to take this credit.

Farmer-owned cooperatives are at the heart of America's rural communities. Cooperatives and cooperative members—family farmers whose survival and prosperity are essential for our whole country—work hard, invest, and contribute to their communities daily. We owe them their fair share of that daily effort, along with a level playing field to compete on with other businesses.

I am therefore introducing legislation that will allow the small ethanol producer credit to pass through to cooperative owners and members. Farmer-owned cooperatives have invested over $1 billion in ethanol production and marketing, and more than 857,000 farmers have a stake in the continued development and growth of this important domestic value-added industry. Yet, the members of these cooperatives are unable to benefit from this tax credit because cooperatives are not allowed to passthrough the credit.

By Mr. WELLSTONE (for himself, Mr. GRASSLEY, Mr. KERREY, Mr. JOHNSON, Mr. DASCHLE, and Mr. CONRAD):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Finance.

TAX RELIEF LEGISLATION

Mr. WELLSTONE. This situation is extremely unfair—owners of other ethanol production facilities are able to take advantage of this incentive, yet we are denying family farmers their fair share of the benefit. While I strongly support the preservation and extension of the ethanol tax incentives—vital for this maturing industry—passthrough of the small producer credit is a separate issue of fundamental fairness for family farmers.

I believe all Members can agree that family farmers, who have made a substantial investment in ethanol production, should be able to take advantage of the same tax benefits that other small business owners who produce ethanol now enjoy. Passthrough of this tax credit is not a corporate subsidy and does not benefit large corporations, but is an incentive for America's family farmers to help produce a fuel that decreases our foreign oil dependence, spurs rural development, and improves our Nation's air quality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Subsection (d) of section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

''(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

''(A) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage dividend for the taxable year referred to in subparagraph (A) is includible in gross income.

''(C) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part.''

(b) TECHNICAL AMENDMENT.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

''(k) CROSS REFERENCE.—

"For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

By Mr. KERRY (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KENNEDY, and Mr. HARKIN):

S. 1067. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on Foreign Relations.

THE CODE OF CONDUCT ON ARMS TRANSFERS ACT OF 1997

Mr. KERRY. Mr. President, today I am introducing the Code of Conduct on Arms Transfers Act of 1997, a bill to place restrictions on military assistance and arms transfers to governments that are not democratic, do not respect human rights, are engaged in armed aggression, or are not participating in the U.N. Register of Conventional Arms.

Before I discuss the specifics of the legislation, I want to take a moment to pay tribute to our former colleague and long-time champion of this effort, Senator Mark Hatfield. During his four terms in the Senate, Senator Hatfield developed a reputation as a man committed to the search for peace and a staunch advocate of nonmilitary solutions for international problems. It was natural for Senator Hatfield to take the lead in an effort to make U.S. arms sales policy more reflective of American values. He did not succeed in winning passage of a Code of Conduct, but he placed the issue in front of the Senate and the public, and moved the debate forward. I am sure he is gratified to see that the House of Representatives adopted a version of the Code as an amendment to the bill to authorize State Department activities for fiscal year 1998. I am honored to follow in his footsteps and introduce derivative legislation, the 1997 Code of Conduct Act.

The Code of Conduct on Arms Transfers Act embodies a fundamental shift in the way that the United States will deal with the transfer of conventional weapons to the rest of the world. Like many other aspects of our national security structure, arms sales and other military assistance must be adjusted to the realities of the post-cold-war era. The central theme of our foreign policy has changed from containment of communism to expansion of democracy. We no longer need to send massive amounts of weaponry to our surrogates around the world in an arms race against communism. Instead we must evaluate the effect that arms transfers have on regional stability, the promotion of democracy and the protection of human rights.

Unfortunately, our arms transfer policies have not adjusted to this reality. The United States continues to be the primary supplier of arms to the world. We ranked first in arms transfer agreements with developing nations from 1988 to 1995. In 1995 the United States ranked first in deliveries to the developing world for the fourth year in row. The United States share of all arms transfers to developing nations rose from 11.1 percent in 1988 to 44.1 percent in 1995. In constant dollars the United States has increased deliveries to developing nations from $5.5 billion in 1988 to $9.5 billion in 1995. It is disturbing to me that an analysis done by the Project on Demilitarization and Democracy revealed that, of the arms transfers to developing nations over a 4-year period, 85 percent went to non-Democratic governments. It is clear that other factors, including short-term economic benefits from sales, dominate the U.S. Government's decision making process concerning arms

sales and the nature of the recipient regimes appears to be of little consequence.

The Code of Conduct seeks to elevate the consideration of democracy, human rights and nonaggression from their current status as policy afterthoughts to primary criteria for decisions on arms transfers. A quote from a February 17, 1995 press release from the White House illustrates—by what it omits—the unfortunate tendency to ignore these factors. The release states, in part: ''The U.S. continues to view transfers of conventional arms as a legitimate instrument of U.S. foreign policy—deserving U.S. government support—when they enable us to help friends and allies deter aggression, promote regional security, and increase interoperability of U.S. forces and allied forces. * * * The U.S. will exercise unilateral restraint in cases where overriding national security or foreign policy interests require us to do so.''

The criteria denoted in that statement are, indeed, critical components of a sound U.S. policy on arms transfers and should continue to be considered as such. But the statement omits what should be the very important consideration of the effects arms transfers are likely to have on democratization, nonaggression, and human rights. The U.S. is the largest exporter of weapons to developing nations and we must learn to exercise unilateral restraint not just for national security and foreign policy interests, but also for the furtherance of democracy and human rights.

By exercising restraint, we cannot only further our foreign policy goal of fostering democracy, but also enhance our security as well. The June 1996 Report of the Presidential Advisory Board on Arms Proliferation Policy concluded that U.S. and international security are threatened by the proliferation of advanced conventional weapons. According to the Report, ''The world struggles today with the implications of advanced conventional weapons. It will in the future be confronted with yet another generation of weapons, whose destructive power, size, cost, and availability can raise many more problems even than their predecessors today. These challenges will require a new culture among nations, one that accepts increased responsibility for control and restraint, despite short-term economic and political factors pulling in other directions.'' The Code of Conduct is a step toward that new culture.

The bill I am introducing today differs from past versions of the Code of Conduct in two significant ways. Most importantly, the language no longer requires that Congress pass legislation to accept a Presidential waiver for countries that do not meet the criteria. Under previous versions of the legislation, the President was required to submit to Congress an annual list of countries determined to meet the criteria for human rights, democracy, and nonaggression. For countries that failed to meet this threshold, the President could have requested a national security waiver, but the Congress would have had to enact the waiver through legislation. In my judgment, this approach made granting a waiver pass a very stiff test. Consequently, this provision was a major impediment to passage of the Code. Under the terms of the bill being introduced today, the President will still submit the annual list of countries that meet the criteria, but a Presidential request for a national security waiver does not require further action by the Congress. Congress could, of course, disapprove the waiver through the normal legislative process, but that likely would require overriding a Presidential veto. The design of the waiver process in the bill I am introducing is the same as that passed by the House.

The second difference from past versions of the Code is the inclusion of a section to promote an international arms transfer regime. We are far and away the world's biggest arms merchant and we must lead the way for the rest of the world in addressing this issue. But the United States cannot do this alone. We should not deceive ourselves regarding the ability or willingness of other arms-producing nations to rush in and fill any gap we create. Russia, France, China, and other nations all have the potential to provide weapons the United States and its manufacturers will not provide. My legislation will require the President to expand international efforts to curb worldwide arms sales and to work toward establishing a multilateral regime to govern the transfer of conventional arms. It requires the President to notify allied governments when the United States determines a nation is ineligible under the Code for arms transfers, and request that our allies join the United States in refusing to transfer arms to that nation. The bill also requires the President to report annually to the Congress on steps he is taking to gain international acceptance of the principles incorporated in this legislation and on the progress he is making toward establishing a permanent multilateral structure for controlling arms transfers.

If some of my colleagues view this effort as naive in a rough and tumble world, I call their attention to a commentary editorial in the June 16, 1997, issue of Defense News which endorses the Arms Trade Code of Conduct as passed by the House of Representatives. The editors concluded that the Code ''would create a useful tool to shine light on some nations' darkest human rights and other unsavory secrets.'' The effort to establish an international Code of Conduct has won the support of former Costa Rican President Oscar Arias and a dozen of his fellow Nobel Peace laureates. Similar legislation has been introduced in the European Union and several of its member nations, and the new government in the United Kingdom has expressed support for the concept.

The United States should lead the way and stop selling arms to nations that ignore the rights and needs of their citizens that use those arms to bully their neighbors or their own populations. We should lead the way to establishment of a multilateral regime that will effectively prevent such nations from obtaining arms with which to enforce and administer nefarious activities. This legislation, and the similar legislation already passed by the House of Representatives, can be the vehicle to accomplish this objective.

I want to thank Senator DORGAN, who previously has offered a Code of Conduct provision as an amendment to other legislation, for joining as a cosponsor today, along with Senators FEINGOLD, LEAHY, MOSELEY-BRAUN, WELLSTONE, LANDRIEU, KENNEDY, and HARKIN.

With their support, and the support of other Senators whose support I am confident will be forthcoming, I am hopeful that we will see the Congress enact and the President sign into law this year legislation that will ensure that the values of democratization, human rights, and nonaggression—which are so important to our Nation and so often lauded and referenced by elected officials from both parties—will be legally established as criteria for arms sales and transfers to other nations by the United States.

I ask unanimous consent the text of the bill be printed following my remarks.

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

S. 1067

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 ''Code of Conduct on Arms Transfers Act of 1997''.

SEC. 2. PURPOSE.

The purpose of this Act is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 3. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1998, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and

minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extrajudicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN UNITED NATIONS REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—

(1) IN GENERAL.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(A) subject to paragraph (2), the President submits a request for an exemption to Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; or

(B) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfers to such government.

(2) DISAPPROVAL.—A request for an exemption to provide military assistance and arms transfers to a foreign government shall not take effect, or shall cease to be effective, if a law is enacted disapproving such request.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1)(A) in conjunction with the submission of the annual congressional presentation documents for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—Whenever the President determines that it would not be contrary to the national interest to do so, he shall submit to Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(B). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government; and

(C) the cost to the United States of such assistance and arms transfers.

SEC. 4. PROMOTING AN INTERNATIONAL ARMS TRANSFERS REGIME.

(a) INTERNATIONAL COOPERATION.—Prior to the beginning of each fiscal year, the President shall compile a list of countries that do not meet the requirements in section 3(a) and for which the President has not requested an exemption under section 3(c). The President shall—

(1) notify the governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies, done at Vienna, July 11 and 12, 1996 (in this section referred to as the ''Wassenaar Arrangement''), and such other foreign governments as the President deems appropriate, that the countries so listed are ineligible to receive United States arms sales and military assistance under this Act; and

(2) request that the countries so notified also declare the listed countries as ineligible for arms sales and military assistance.

(b) MULTILATERAL EFFORTS.—The President shall continue and expand efforts through the United Nations and other international fora, such as the Wassenaar Arrangement, to limit arms transfers worldwide, particularly transfers to countries that do not meet the criteria established in section 3, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms.

(c) REPORT.—

(1) IN GENERAL.—Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report to Congress—

(A) describing efforts he has undertaken during the preceding year to gain international acceptance of the principles contained in section 3; and

(B) evaluating the progress made toward establishing a multilateral regime to control the transfer of conventional arms.

(2) SUBMISSION OF THE REPORT.—This report shall be submitted in conjunction with the submission of the annual congressional presentation documents for foreign assistance programs for a fiscal year.

SEC. 5. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this Act, the terms ''United States military assistance and arms transfers'' and ''military assistance and arms transfers'' mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 224

At the request of Mr. WARNER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

S. 251

At the request of Mr. SHELBY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 349

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 349, a bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

S. 442

At the request of Mr. WYDEN, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 859

At the request of Mr. KYL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on Social Security benefits.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from

Louisiana [Ms. LANDRIEU], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 920

At the request of Mr. WYDEN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 920, a bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes.

S. 1000

At the request of Mr. CHAFEE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Wyoming [Mr. THOMAS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Colorado [Mr. ALLARD], the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. REID], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1000, a bill to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''.

S. 1002

At the request of Mr. ABRAHAM, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1002, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 1060

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 1060, a bill to restrict the activities of the United States with respect to foreign laws that regulate the marketing of tobacco products and to subject cigarettes that are exported to the same restrictions on labeling as apply to the sale or distribution of cigarettes in the United States.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from New Jersey [Mr. TORRICELLI], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the names of the Senator from New Jersey [Mr. TORRICELLI), and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE CONCURRENT RESOLUTION—42—AUTHORIZING THE USE OF THE CAPITOL FOR A CEREMONY HONORING ECUMENICAL PATRIARCH BARTHOLOMEW

Mr. D'AMATO (for himself and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 42

Whereas Ecumenical Patriarch Bartholomew is the spiritual leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians in America;

Whereas Ecumenical Patriarch Bartholomew is recognized in the United States and abroad as a leader in the quest for world peace, respect for the earth's environment, and greater religious understanding;

Whereas the extraordinary efforts of Ecumenical Patriarch Bartholomew continue to bring people of all faiths closer together in America and around the world;

Whereas the courageous leadership of Ecumenical Patriarch Bartholomew for peace in the Balkans, Eastern Europe, the Middle East, the Eastern Mediterranean, and elsewhere inspires and encourages people of all faiths toward his dream of world peace in the new millennium; and

Whereas the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental, academic, and other institutions around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used in October 21, 1997, for a congressional ceremony honoring Ecumenical Patriarch Bartholomew. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED

THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

ROBB AMENDMENT NO. 977

Mr. ROBB proposed an amendment to the bill (S. 1033) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 7, line 3, strike ''$24,948,000'' and insert in lieu thereof, ''$26,948,000''.

On page 7, line 16, before the period, insert the following: '': *Provided further,* That of the total amount appropriated, not less than $13,774,000 shall be made available for civil rights enforcement, of which up to $3,000,000 shall be provided to establish an investigative unit within the Office of Civil Rights''.

On page 34, line 6, strike ''$47,700,000'' and insert in lieu thereof ''$44,700,000''.

On page 35, line 1, strike ''$3,000,000'' and insert in lieu thereof ''$4,000,000''.

BINGAMAN (AND) CAMPBELL AMENDMENT NO. 978

Mr. BUMPERS (for Mr. BINGAMAN, for himself and Mr. CAMPBELL) proposed an amendment to the bill S. 1033, supra; as follows:

On page 13, line 20, strike ''$13,619,000'' and insert ''$13,469,000''.

On page 14, line 22, strike ''$10,991,000'' and insert ''$11,141,000''.

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

GREGG AMENDMENT NO. 979

Mr. GREGG proposed an amendment to the bill (S. 1022) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 65, strike lines 3 through 9 and insert the following:

SEC. 119. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

''(I) law enforcement purposes, as determined by the Attorney General; or

''(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

''(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.''

BROWNBACK AMENDMENT NO. 980

Mr. BROWNBACK proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6 . Section 28(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)) is amended by adding at the end the following:

''(12) For each fiscal year following fiscal year 1997, the Secretary may not enter into a contract with, or make an award to, a corporation under the Program, or otherwise permit the participation of the corporation in the Program (individually, or through a joint venture or consortium) if that corporation, for the fiscal year immediately preceding that fiscal year, has revenues that exceed $2,500,000,000.''.

LUGAR (AND OTHERS) AMENDMENT NO. 981

Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. LEAHY, Mr. GRAHAM, Mr. LIEBERMAN, Mr. ROTH, Mr. DODD, Mr. MACK, and Ms. MIKULSKI) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 113, line 7, after the word ''expended.'' insert the following new heading and section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States information Agency to the National Endowment for Democracy as authorized by the National Endowment Democracy Act, $30,000,000 to remain available until expended.

On page 100, line 24 strike ''$105,000,000'' and insert ''$75,000,000''.

McCONNELL (AND OTHERS) AMENDMENT NO. 982

Mr. MCCONNELL (for himself, Mr. LUGAR, Mr. LEAHY, Mr. GRAHAM, Mr. LIEBERMAN, Mr. ROTH, Mr. DODD, Mr. MACK, and Ms. MIKULSKI) proposed an amendment to amendment No. 981 proposed by Mr. LUGAR to the bill, S. 1022, supra; as follows:

On page 113, line 7, after the word ''expended.'' insert the following new heading and section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment Democracy Act, $30,000,000 to remain available until expended. This shall become effective one day after enactment of this Act.

On page 100, line 24, strike ''$105,000,000'' and insert ''$75,000,000''.

WARNER AMENDMENT NO. 983

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 1022, supra; as follows:

In Section 112(c)(6)(A) before the semicolon insert the following: ''subject to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 471 and following) and the Public Buildings Act of 1959 (40 U.S.C. 601–619).''

In Section 112(c)(6) be further amended by: (1) striking the word ''and'' after the semicolon, (2) by inserting ''and'' after the semicolon in subparagraph (B), and (3) by adding the following paragraphs (C):

''(C) The General Services Administration is authorized to and shall continue the ongoing procurement to consolidate or relocate the organization's headquarters facilities in accordance with the authority granted pursuant to the Public Buildings Act of 1959 (40 U.S.C. §§601–619) and authorizing Committee Resolutions.''.

In Section 112(c)(7)(A), strike ''without regard to'' and insert ''subject to'', add ''of 1959'' after ''Public Buildings Act'' and strike ''and the'' before ''Stewart B. McKinney Homeless Assistance Act.'' and insert ''and without regard to the''.

In Section 112(c)(12) strike ''including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or interest therein,''.

LUGAR (AND OTHERS) AMENDMENT NO. 984

Mr. LUGAR (for himself, Mr. LEAHY, Mr. MCCONNELL, Mr. GRAHAM, Mr. DODD, Mr. ROTH, Mr. LIEBERMAN, Mr. MACK, and Ms. MIKULSKI):

Strike all after the last word in the bill and substitute the following:

''1998

''SEC. . NATIONAL ENDOWMENT FOR DEMOCRACY.

''For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended. The language on page 100, line 24 to wit, '$105,000,000' is deemed to be '$75,000,000'.''

McCONNELL (AND OTHERS) AMENDMENT NO. 985

Mr. MCCONNELL (for himself, Mr. LEAHY, Mr. LUGAR, Mr. GRAHAM, Mr. DODD, Mr. ROTH, Mr. LIEBERMAN, Mr. MACK, and Ms. MIKULSKI) proposed an amendment to amendment No. 984 proposed by Mr. LUGAR to the bill, S. 1022, supra; as follows:

Strike all after the word ''1998'' on line 4 of the underlying amendment and substitute the following:

SEC. . NATIONAL ENDOWMENT FOR DEMOCRACY.

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000 to remain available until expended. The language on page 100, line 24 to wit, ''$105,000,000'' is deemed to be ''$75,000,000''. This shall become effective one day after enactment of this Act.''

FEINSTEIN (AND OTHERS) AMENDMENT NO. 986

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mrs. MURRAY, Mrs. BOXER, Mr. REID, and Mr. BRYAN) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 93, line 5, strike all through line 15 on page 97 and insert the following new section:

SEC. 305. COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.

(a) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the ''Commission'').

(2) FUNCTIONS.—The functions of the Commission shall be to—

(A) study the present division of the United States into the several judicial circuits;

(B) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(C) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 10 members appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Chief Justice of the United States.

(C) Two members appointed by the Majority Leader of the Senate.

(D) Two members appointed by the Minority Leader of the Senate.

(E) Two members appointed by the Speaker of the House of Representatives.

(F) Two members appointed by the Minority Leader of the House of Representatives.

(2) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(3) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(5) QUORUM.—Six members of the Commission shall constitute a quorum, but three may conduct hearings.

(c) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(2) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(d) PERSONNEL.—

(1) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(3) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(4) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(e) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to

provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(f) REPORT.—No later than 18 months following the date on which its sixth member is appointed in accordance with subsection (b)(2), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(g) CONGRESSIONAL CONSIDERATION.—No later than 60 days after the submission of the report, the Committees on the Judiciary of the House of Representatives and the Senate shall act on the report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE RESOLUTION

KERRY (AND CHAFEE) AMENDMENT NO. 987

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by them to the resolution (S. Res. 98) expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; as follows:

On page 4, line 13, after ''period,'' insert the following:

''(ii) provides countries with incentives and flexibility in reducing emissions cost-effectively by using the market-oriented approaches of emissions budgets, emissions trading, and appropriate joint implementation with all Parties,

''(iii) includes credible compliance mechanisms, and

''(iv) provides appropriate recognition for countries that undertake emissions reductions prior to the start of the mandated reductions;''.

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

BOND AMENDMENT NO. 988

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 1022, supra; as follows:

On page 143, between lines 18 and 19, insert the following:

SEC. 5 . Notwithstanding any other provision of law, no amount made available to the Small Business Administration under this title may be obligated or expended to carry out section 7(a) of the Small Business Act (15 U.S.C. 637(a)) before the date on which the Committees on Appropriations and the Committees on Small Business of the House of Representatives and the Senate receive, pursuant to section 10(e) of the Small Business Act (15 U.S.C. 639(e)), unredacted copies of all documents requested by the Chairman of the Committee on Small Business of the Senate in a letter of May 16, 1997, relating to the program under section 7(a) of the Small Business Act (15 U.S.C. 637(a)).

SARBANES (AND OTHERS) AMENDMENT NO. 989

Mr. SARBANES (for himself, Mr. MOYNIHAN, Mr. HATCH, Mr. JEFFORDS, Mr. KERRY, Mr. BIDEN, and Mr. LEAHY) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 124, beginning on line 5, strike all through page 125, line 2.

WELLSTONE AMENDMENTS NOS. 990–991

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1022, supra; as follows:

AMENDMENT NO. 990

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . For fiscal year 1998 and subsequent fiscal years, in determining, under section 1007(a)(2)(B) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(B)), the eligibility for legal assistance of an individual who is a victim of domestic violence, a recipient described in such section shall calculate the assets and income described in such section as the assets and income of the individual, rather than—

(1) the assets and income of the spouse of the individual; or

(2) the joint assets and income of the individual and the spouse.

AMENDMENT NO. 991

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . The Attorney General, in consultation with the Legal Services Corporation, shall—

(1) conduct a study, with respect to individuals adversely affected due to changes in their Federal benefits resulting from the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193), and the amendments made by that Act, who otherwise would have obtained assistance from the Legal Services Corporation or grantees thereof, but who were unable to obtain such assistance as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–55), regarding—

(A) the estimated number of those individuals; and

(B) the legal, financial, and personal effects on those individuals, as appropriate, of that inability to obtain assistance from the Legal Services Corporation or grantees thereof; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the results of the study conducted under paragraph (1).

KERRY (AND OTHERS) AMENDMENT NO. 992

Mr. KERRY (for himself, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. JOHNSON) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, $47,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*,'' after ''*Provided*,''.

GRAHAM AMENDMENT NO. 993

Mr. GRAHAM proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1. Of the amounts made available under this title under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount otherwise to be awarded to an entity under the Local Law Enforcement Block Grant Program shall be made available to that entity, if it is made known to the Federal official having authority to obligate or expend such amounts that the entity employs a public safety officer (as that term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide an employee who is public safety officer and who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are otherwise paid by the entity to a public safety officer at the time of retirement or separation.

DOMENICI AMENDMENT NO. 994

Mr. DOMENICI proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1 . PUBLIC DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES.

Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (40 and inserting the following:

''(4) DISCLOSURE OF FEES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

''(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

''(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

''(ii) make public only the amounts approved for payment to defense counsel by diving those amounts into the following categories:

''(I) Arraignment and or plea.
''(II) Bail and detention hearings.
''(III) Motions.
''(IV) Hearings.
''(V) Interviews and conferences.
''(VI) Obtaining and reviewing records.
''(VII) Legal research and brief writing.
''(VIII) Travel time.
''(IX) Investigative work.
''(X) Experts.
''(XI) Trial and appeals.
''(XII) Other.

''(C) TRIAL COMPLETED.—

''(i) IN GENERAL.—If a request for payment is not submitted until after the completion

of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

''(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

''(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are

(i) to protect any person's 5th amendment right against self-incrimination;

''(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

''(iii) the defendant's attorney-client privilege;

''(iv) the work product privilege of the defendant's counsel;

''(v) the safety of any person and

''(vi) any other interest that justice may require.

''(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.''.

KYL AMENDMENT NO. 995

Mr. GREGG (for Mr. KYL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.

Section 3626(f) of title 18, United States Code, is amended—

(1) by striking the subsection heading and inserting the following:

''(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.—''; AND

(2) in paragraph (4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) in subparagraph (A), as so designated, by adding at the end the following: ''In no event shall a court require a party to a civil action under this subsection to pay the compensation, expenses, or costs of a special master. Notwithstanding any other provision of law (including section 306 of the Act entitled 'An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997,' contained in section 101(a) of title I of division A of the Act entitled 'An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, (110 Stat. 3009–201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced, before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.''; and

(C) by adding at the end the following:

''(B) The payment requirements under subparagraph (A) shall not apply to the payment to a special master who was appointed before the date of enactment of the Prison Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.) of compensation, expenses, or costs relating to activities of the special master under this subsection that were carried out during the period beginning on the date of enactment of the Prison Litigation Reform Act of 1995 and ending on the date of enactment of this subparagraph.''.

COVERDELL AMENDMENT NO. 996

Mr. GREGG (for Mr. COVERDELL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the terms ''criminal offense against a victim who is a minor'', ''sexually violent offense'', and ''sexually violent predator'' have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)));

(2) the term ''DNA'' means deoxyribonucleic acid; and

(3) the term ''sex offender'' means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of blood and saliva specimens from any sex offender;

(B) the analysis of the collected blood and saliva specimens for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

DORGAN (AND OTHERS) AMENDMENT NO. 997

Mr. HOLLINGS (for Mr. DORGAN, for himself, Mr. ROCKEFELLER, Mr. HOLLINGS, and Mr. DASCHLE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.

Whereas the Congress reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

Whereas the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(A) Quality services should be available at just, reasonable, and affordable rates;

(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(C) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services;

(D) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(E) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; and

(F) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

Whereas Federal and state universal contributions are administered by an independent, non-federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

Whereas the Conference Committee on H.R. 2015, the Budget Reconciliation Bill, is considering proposals that would withhold Federal and State universal service funds in the year 2002; and

Whereas the withholding of billions of dollars of universal service support payments will mean significant rate increases in rural and high cost areas and will deny qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, be it

Resolved, That it is the sense of the Senate that the Conference Committee on HR 2015 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or achieve Federal budget savings.

BIDEN AMENDMENT NO. 998

Mr. HOLLINGS (for Mr. BIDEN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.''.

Beginning on the date of enactment of this legislation, the non-defense discretionary spending limits contained in Section 201 of

H. Con. Res. (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays;

BAUCUS (AND BURNS) AMENDMENT NO. 999

Mr. HOLLINGS (for Mr. BAUCUS for himself and Mr. BURNS) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended.

BINGAMAN AMENDMENT NO. 1000

Mr. HOLLINGS (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 65, between lines 9 and 10, insert the following:

SEC. 120. (a) Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)) is amended by inserting after ''The term 'agent of a foreign principal' '' the following: ''(1) includes an entity described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 that receives, directly or indirectly, from a government of a foreign country (or more than one such government) in any 12-month period contributions in a total amount in excess of $10,000, and that conducts public policy research, education, or information dissemination and that is not included in any other subsection of 170(b)(1)(A), and (2)''.

Section 3(d) of such Act (22 U.S.C. 613(d)) is amended by inserting '', other than an entity referred to in section 1(d)(1),'' after ''Any person''.

BUMPERS AMENDMENT NO. 1001

Mr. HOLLINGS (for Mr. BUMPERS) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . The Office of Management and Budget shall designate the Jonesboro-Paragould, AR Metropolitan Statistical Area in lieu of the Jonesboro, AR Metropolitan Statistical Area. The Jonesboro-Paragould, AR Metropolitan Statistical Area shall include both Craighead County, AR and Greene County, AR, in their entirety.

BYRD (AND HATCH) AMENDMENT NO. 1002

Mr. HOLLINGS (for Mr. BYRD, for himself and Mr. HATCH) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 29 of the bill, on line 18, before the '':'' insert the following: '', of which $25,000,000 shall be for grants to states for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors''.

DORGAN AMENDMENT NO. 1003

Mr. HOLLINGS (for Mr. DORGAN) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 86, line 3 after ''Secretary of Commerce.'' insert the following:

''SEC. 211. In addition to funds provided elsewhere in this Act for the National Telecommunications and Information Administration Information Infrastruction Grants program, $10,490,000 is available until expended: Provided, That this amount shall be offset proportionately by reductions in appropriations provided for the Department of Commerce in Title II of this Act, provided amounts provided: *Provided further,* That no reductions shall be made from any appropriations made available in this Act for the National Oceanic and Atmospheric Administration, National Institute of Standards and Technology and National Telecommunications and Information Administration public broadcasting facilities, planning and construction.''

DASCHLE AMENDMENT NO. 1004

Mr. HOLLINGS (for Mr. DASCHLE) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 29 of the bill, line 2, after ''Center'' insert the following: '', of which $100,000 shall be available for a grant to Roberts County, South Dakota; and of which $900,000 shall be available for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the state forensic laboratory''.

INOUYE AMENDMENT NO. 1005

Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 93, strike the matter between lines 14 and 15 and insert the following:

''Ninth	California, Nevada.'';

On page 93, strike the matter between lines 17 and 18 and insert the following:

''Twelfth	Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.''.

On page 94, strike lines 14 through 19 and insert the following:

''(1) is in California or Nevada is assigned as a circuit judge on the new ninth circuit;

(2) is in Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon or Washington is assigned as a circuit judge on the twelfth circuit; and''.

HARKIN (AND WARNER) AMENDMENT NO. 1006

Mr. HOLLINGS (for Mr. HARKIN, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE EXEMPLARY SERVICE OF JOHN H. R. BERG TO THE UNITED STATES

Whereas, John H. R. Berg began his service to the United States Government working for the United States Army at the age of fifteen after fleeing Nazi persecution in Germany where his father died in the Auschwitz concentration camp; and,

Whereas, John H. R. Berg's dedication to the United States Government was further exhibited by his desire to become a United States citizen, a goal that was achieved in 1981, 35 years after he began his commendable service to the United States; and,

Whereas, since 1949, John H. R. Berg has been employed by the United States Embassy in Paris where he is currently the Chief of the Visitor's and Travel Unit. And, this year has supported over 10,700 official visitors, 500 conferences, and over 15,000 official and unofficial reservations; and,

Whereas, John H. R. Berg's reputation for ''accomplishing the impossible'' through his dedication, efficiency and knowledge has become legend in the Foreign Service; and,

Whereas, John H. R. Berg has just completed 50 years of outstanding service to the United States Government with the United States Department of State,

Therefore Be It Resolved, it is the Sense of the Senate that John H. R. Berg deserves the highest praise from the Congress for his steadfast devotion, caring leadership, and lifetime of service to the United States Government.

LEAHY (AND KENNEDY) AMENDMENT NO. 1007

Mr. HOLLINGS (for Mr. LEAHY, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1022, supra; as follows:

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

''The Administrative Office of the United States Courts, in consultation with the Judicial Conference, shall conduct a study of the average costs incurred in defending and presiding over federal capital cases from the initial appearance of the defendant through the final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, with constitutional requirements.

'': *Provided Further,* That the Attorney General, shall review the practices of U.S. Attorneys' Offices and relevant investigating agencies in investigating and prosecuting federal capital cases, including before the initial appearance of the defendant through final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on the Appropriations and Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, consistent with constitutional requirements, and outlining a protocol for the effective, fiscally responsible prosecution of federal capital cases''.

REED (AND OTHERS) AMENDMENT NO. 1008

Mr. HOLLINGS (for Mr. REED, for himself, Mr. HOLLINGS, Mr. MCCAIN, Mr. BURNS, and Mr. DURBIN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE WITH RESPECT TO SLAMMING.

(a) STATEMENT OF PURPOSE.—The purposes of this statement of the sense of the Senate are to—

(1) protect consumers from the fraudulent transfer of their phone service provider;

(2) allow the efficient prosecution of phone service providers who defraud consumers; and

(3) encourage an environment in which consumers can readily select the telephone service provider which best serves them.

(b) FINDINGS.—The Congress finds the following:

(1) As the telecommunications industry has moved toward competition in the long distance market, consumers have increasingly elected to change the company which provides their long-distance phone service. As many as fifty million consumers now change their long distance provider annually.

(2) The fluid nature of the long distance market has also allowed an increasing number of fraudulent transfers to occur. Such transfers have been termed ''slamming'', which constitutes any practice that changes a consumer's long distance carrier without the consumer's knowledge or consent.

(3) Slamming is now the largest single consumer complaint received by the Common Carrier Bureau of the Federal Communications Commission. As many as one million consumers are fraudulently transferred annually to a telephone consumer which they have not chosen.

(4) The increased costs which consumers face as a result of these fraudulent switches threaten to rob consumers of the financial benefits created by a competitive marketplace.

(5) The Telecommunications Act of 1996 sought to combat this problem by directing that any revenues generated by a fraudulent transfer by payable to the company which the consumer has expressly chosen, not the fraudulent transferor.

(6) While the Federal Communications Commission has proposed and promulgated regulations on this subject, the Commission has not been able to effectively deter the practice of slamming due to a lack of prosecutorial resources as well as the difficulty of proving that a provider failed to obtain the consent of a consumer prior to acquiring that consumer as a new customer. Commission action to date has not adequately protected consumers.

(7) The majority of consumers who have been fraudulently denied the services of their chosen phone service vendor do not turn to the Federal Communications Commission for assistance. Indeed, section 258 of the Communications Act of 1934 directs that State commissions shall be able to enforce regulations mandating that the consent of a consumer be obtained prior to a switch of service.

(8) It is essential that Congress provide the consumer, local carriers, law enforcement, and consumer agencies with the ability to efficiently and effectively persecute those companies which slam consumers, thus providing a deterrent to all other firms which provide phone services.

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

(1) the Federal Communications Commission should, within 12 months of the date of enactment of this Act, promulgate regulations, consistent with the Communications Act of 1934 which provide law enforcement officials dispositive evidence for use in the prosecution of fraudulent transfers of presubscribed customers of long distance and local service; and

(2) the Senate should examine the issue of slamming and take appropriate legislative action in the 105th Congress to better protect consumers from unscrupulous practices including, but not limited to, mandating the recording and maintenance of evidence concerning the consent of the consumer to switch phone vendors, establishing higher civil fines for violations, and establishing a civil right of action against fraudulent providers, as well as criminal sanctions for repeated and willful instances of slamming.

ROBB AMENDMENT NO. 1009

Mr. HOLLINGS (for Mr. ROBB) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 65, line 10, insert the following:

''SEC. 120. There shall be no restriction on the use of Public Safety and Community Policing Grants, authorized under title I of the 1994 Act, to support innovative programs to improve the safety of elementary and secondary school children and reduce crime on or near elementary or secondary school grounds.''

LAUTENBERG (AND HATCH) AMENDMENT NO. 1010

Mr. HOLLINGS (for Mr. LAUTENBERG, for himself and Mr. HATCH) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 75, line 3, strike all beginning with ''$20,000,000,'' through line 8 and insert the following: ''such funds as are necessary, not to exceed 2 percent of projected annual revenues of the Patent and Trademark Office, shall be made available from the sum appropriated in this paragraph for the staffing, operation, and support of said office once a plan for this office has been submitted to the House and Senate Committees on Appropriations pursuant to section 605 of this Act.''.

BIDEN AMENDMENT NO. 1011

Mr. HOLLINGS (for Mr. BIDEN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, add the following:

''Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows:

''(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.''.

ABRAHAM (AND KENNEDY) AMENDMENT NO. 1012

Mr. GREGG (for Mr. ABRAHAM, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert: ''*Provided further,* That none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD–258 fingerprint card, or any other means used to transmit fingerprints, for the purpose of conducting a criminal background check on any applicant for any benefit under the Immigration and Nationality Act unless the applicant's fingerprints have been taken by an office of the Immigration and Naturalization Service or by a law enforcement agency, which may collect a fee for the service of taking and forwarding the fingerprints.''

HATCH AMENDMENT NO. 1013

Mr. GREGG (for Mr. HATCH) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 2, lines 17 through 22, strike the colon on line 17 and all that follows through ''basis'' on line 22.

BURNS AMENDMENT NO. 1014

Mr. GREGG (for Mr. BURNS) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 125, strike lines 3–9.

MCCAIN (AND KYL) AMENDMENT NO. 1015

Mr. GREGG (for Mr. MCCAIN, for himself and Mr. KYL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

WAIVER OF CERTAIN VACCINATION REQUIREMENTS

SEC. (a) IN GENERAL.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) The Attorney General should exercise the waiver authority provided for in subsection (g)(2)(B) for any alien orphan applying for an IR3 or IR4 category visa.''.

STEVENS AMENDMENT NO. 1016

Mr. GREGG (for Mr. STEVENS) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert:

SEC. . The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

DEWINE AMENDMENT NO. 1017

Mr. GREGG (for Mr. DEWINE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) GROUNDS FOR EXCLUSION.—None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to

have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(6) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

HELMS (AND BIDEN) AMENDMENT NO. 1018

Mr. GREGG (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 114, strike lines 14–23.

WARNER (AND OTHERS) AMENDMENT NO. 1019

Mr. GREGG (for Mr. WARNER, for himself, Mr. LEAHY, and Mr. ROBB) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1 . Section 233(d) of the Anti terrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

COATS AMENDMENT NO. 1020

Mr. GREGG (for Mr. COATS) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 139, after line 13 insert the following:

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended: Provided, That funds made available for this purpose shall be taken from funds made available on page 23, line 21.

STEVENS (AND OTHERS) AMENDMENT NO. 1021

Mr. GREGG (for Mr. STEVENS, Mr. KERRY, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in the bill, insert the following: ''*Provided further*, That not to exceed $2,000,000 may be made available for the 1999 Women's World Cup Organizing Committee cultural exchange and exchange related activities associated with the 1999 Women's World Cup.''

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, July 30, 1997, at 9:30 a.m. to mark-up S. 569, a bill to amend the Indian Child Welfare Act of 1978; to be followed immediately by an Oversight Hearing on the Special Trustee's ''Strategic Plan'' to reform the management of Indian Trust Funds. The hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, July 31, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony from the Forest Service on their organizational structure, staffing, and budget for the Alaska region.

Those who wish to submit written statements should write to the Committee on energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 24, 1997, at 9:30 a.m. in open session, to consider the nomination of John J. Hamre, to be Deputy Secretary of Defense.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 24, 1997, at 9:30 a.m. on management and program weaknesses at NASA and National Science Foundation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, July 24, 1997, at 10 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Thursday, July 24, 1997, at 9:30 a.m. hearing room (SD–406)

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 24, 1997, at 9:30 a.m. and 11:30 a.m. to hold hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, July 24, 1997, at 9 a.m. in room 226 of the Senate Dirksen Office Building..

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Higher Education Act Reauthorization during the session of the Senate on Thursday, July 24, 1997, at 10 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources

Subcommittee on Public Health and Safety to authorized to meet for a hearing on National Institutes of Health Reauthorization during the session of the Senate on Thursday, July 24, 1997, at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 24, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 24, 1997, at 1:30 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''Defense Consolidation: Antitrust and Competition Issues.''

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Thursday, July 24, at 9:45 a.m., hearing room (SD–406).

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 10 a.m. The purpose of this hearing is to receive testimony on H.R. 858 and S. 1028, to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lasse, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Qunicy Library Group and to amend current land and resource management.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.

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

SUBCOMMITTEE ON SECURITIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban affairs be authorized to meet during the session of the Senate on Thursday, July 24, 1997, to conduct an oversight hearing on securities litigation abuses.

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

VETERANS' BENEFITS

Mr. GRAMS. Mr. President, I rise to commend the members of the Subcommittee on VA/HUD Appropriations for their work to provide adequate benefits to veterans. In a letter to the Chairman, I urged the subcommittee to support a level of spending that adequately funded veterans' benefits in rightful recognition of their efforts to defend our country in war. I am pleased to learn that the VA will get a full appropriation which shows a total budget increase of $222.6 million above last year and $92.9 million above the President's request.

I also applaud their foresight in voting $68 million additional funding over the President's request for the medical care account. The high priority which the subcommittee placed on this area reflects the heightened concern the country feels for providing appropriate health care to those who have served us so well.

The mandatory spending has also been increased by $1.26 billion over last year for pensions and compensation.

Mr. President, I am pleased that the subcommittee has included a provision which will allow the VA to retain third-party collections, which I have long supported, in addition to the regular appropriation. This additional estimated $604 million will be retained by the VA medical centers giving the care. This will provide much needed additional revenue which should allow the centers to treat more veterans. It will also provide an incentive to improve health care for more veterans at each of the 171 facilities throughout the country.

The committee report supports the restructuring efforts of the Veterans Health Administration; I will be interested to see the results of this effort over the next 5 years as this, too, will improve health care for our veterans. I also share the subcommittee's concerns that the VA has yet to develop a nationwide plan for community-based outpatient clinics to ensure equitable access to medical care nationwide. We will be seeing great changes at the VA in the next few years that will make it a more streamlined and improved provider of services to veterans.

Again, I thank my colleagues on the Appropriations Committee for their efforts to help America's veterans.

PROGRESS FOR WOMEN'S ATHLETICS IN WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, I want to reflect on the positive results of our country's growing commitment to equal opportunities for women in college sports and to the elimination of discrimination in our Nation's educational programs. During this time of commemorating the 25th anniversary of title IX, Americans recognize the success of our Nation's athletes as they continue to grow both on the field and in the classroom.

I take this opportunity to commend the achievement of women in college and university sports and to support their advancement in the athletic world. Expanded opportunities for women as a result of title IX have enabled more young women from all arenas to challenge themselves and each other, develop the competitive spirit, and truly enrich their academic lives.

In West Virginia, title IX's impact on college and university sports is made clear by the success of their women's athletic programs. It pleases me to see the competitive spirit grow within West Virginia and to include the aspirations of our daughters as well as our sons. I am proud to commend our individual athletes who deserve praise for their constant and persistent efforts.

Over the past years, West Virginia's fine institutions that include, to cite just one example, Bluefield State College, in Bluefield, WV, have given scholarship money that significantly increased participation in women's athletics. Alderson-Broaddus College in Phillipi, WV, in this past year alone has had an award-winning WVIAC women's softball team, with players like Laura Granger, who balances a competitive sports schedule, her honors GPA, and her enrollment in a difficult sports medicine program.

At the University of Charleston [UC], the Golden Eagles Volleyball Team complied an impressive 29–4 record in 1996 and continues to strive toward success. UC's basketball team is also on the high rise with athletes like Jodie Prenger, who plays Division II basketball and spends the rest of her time devoted to academics.

With a devotion to the team and to their own growth as individuals, these women athletes will provide role models for our future daughters. I can see how perseverence learned in athletics contributes to the academic lives of these high-achieving students.

I am pleased to hear of the progress we as a State have made by supporting greater opportunities for women in sports, and I want to continue to honor

such dedication on the parts of our athletes and school administrators who prize and promote such equality. As the struggle to root out discrimination from all realms of life continues, I am very proud to say West Virginia is a strong part of the extraordinary progress that America is celebrating during title IX's anniversary year.●

EMERITUS LAW PROFESSOR J. WILLARD HURST

● Mr. FEINGOLD. Mr. President, last month, this Nation lost one of its most distinguished scholars when J. Willard Hurst, Emeritus Professor of Law at the University of Wisconsin, died at his home. He was 86.

Professor Hurst was that wonderful and rare combination of truly gifted scholar and great teacher. Indeed, his scholarship was so profound, it was responsible for the creation of a new field of study, and today Willard Hurst is widely recognized as the Founding Father of American legal history.

Hurst was born in Rockford, IL in 1910. He graduated Phi Beta Kappa from Williams College in 1932 and went on to Harvard Law School, where he graduated at the top of his class in 1935.

Hurst worked as a research fellow for Prof. Felix Frankfurter, who was later named to the U.S. Supreme Court, and clerked for Supreme Court Justice Louis D. Brandeis before heading to Wisconsin, at Brandeis's suggestion, where he joined the University of Wisconsin law school faculty.

When Hurst first joined the law school faculty, Dean Lloyd Garrison encouraged him to design a program in law and society that investigated how the State's legal system and economy related to each other. Hurst began that project by studying the law's impact on the State's lumber industry, research that would result in his seminal work, ''Law and Economic Growth: The Legal History of the Wisconsin Lumber Industry.'' That landmark study chronicled the social and economic forces that shaped and used the laws of property, contracts, accident compensation, and other legal areas to destroy the greatest natural stand of timber in the world between 1830 and 1900.

That work was a classic application of the new scholarly discipline of American legal history, a discipline Hurst himself had created—his great legacy and a field he dominated directly or indirectly even in retirement. As Lawrence M. Friedman of Stanford Law School was quoted as saying of legal historians, ''You're either a Hurstian or a revisor of Hurst.''

In a 1990 article in the New York Times about Professor Hurst, David Margolick wrote of the state of the study of law when Hurst attended law school. ''The law was a self-contained science and the law library its laboratory,'' Margolick reported. ''One need not study how law actually affected people or how legal institutions evolved; all wisdom could be gleaned from appellate decisions. This approach not only gave law professors a shot at omniscience but also spared them from having to learn other disciplines, set foot in a courtroom or state legislature, or even step outside.'' As Margolick added, from the moment he arrived at the University of Wisconsin Law School, Professor Hurst changed all that.

University of Wisconsin Emeritus Law Professor Bill Foster said Hurst forced people to think of problems separate from the law in an historic sense and think about the economic, social and political consequences. ''He trained us to see around corners.'' As Stanford Professor Hendrik Hartog noted, Hurst's interest in the relationship between the law and social sciences, especially economics, was really a study of how law was experienced by people.

That approach to studying law found a nurturing home at the University of Wisconsin, which was heavily influenced by the so-called Wisconsin Idea, the Progressive Era philosophy which encouraged scholars to view the entire State as their campus, and which envisioned academics as a vital resource for reform-minded government.

Willard Hurst and Wisconsin were a perfect match. Hurst loved Wisconsin. On three occasions he turned down offers to be Dean of the Yale Law School. He also turned down the offer of a chair at Harvard. Hurst said, ''I guess I was just too pleasure-loving. I was having too good a time in Wisconsin.''

At Wisconsin, Hurst was a prolific writer, contributing to law reviews, writing articles, and authoring over a dozen books, including ''The Law Makers'' (1950), ''Law and Conditions of Freedom'' (1956), ''Law and Social Process in U.S. History'' (1960), ''Justice Holmes on Legal History'' (1964), and ''A Legal History of Money in the United States'' (1973).

Hurst was more than a great original thinker. He was an enormously talented and caring teacher. Robben Fleming, former president of the University of Michigan and former Chancellor of the University of Wisconsin, said that Hurst was the finest teacher he ever had. University of Wisconsin Law Professor Stewart Macaulay said Hurst was wonderfully generous. ''What Willard would do is go out to lunch with someone who was an absolute beginner. He would give you time, make incredible suggestions, make contacts for you.''

Willard Hurst continued to be an academic force in retirement with a steady flow of research and writing. As Margolick reported in the Times, even in retirement Hurst remained one of the few legal scholars whose work could be ''measured in shelf feet—and shelf feet of bona fide research rather than cut-and-paste cases and comments.''

A number of his books became standard texts for law students. In fact, I still remember of the five books I was asked to read before I entered Harvard Law School, two were written by Willard Hurst.

As the acknowledged grandfather of American legal history, Hurst's legacy is not only a new field of study, but generations of law students, and dozens of distinguished scholars. Willard Hurst was a giant intellect, but a gentle giant who cared about his students and who loved his adopted State. I was privileged to have known him.●

CHANGE OF CLOTURE MOTION SIGNATORIES

Mr. GREGG. Mr. President, I ask unanimous consent that Senator FAIRCLOTH's name be removed from the cloture motion filed on July 23 and replaced by Senator SESSIONS.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 186 through 199; the nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; and the nomination of John Hamre, to be Deputy Secretary of Defense, which was reported from the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, and any statements related to the nominations appear at this point in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confired, en bloc, as follows:

IN THE AIR FORCE

The following Air Force National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated, under title 10, United States Code, section 12203:

To be brigadier general

Col. Tommy L. Daniels, 0000

The following-named officers for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William J. Begert, 0000
Maj. Gen. Lance W. Lord, 0000

IN THE ARMY

The following-named officers for appointments in the Regular Army to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Edwin J. Arnold, Jr., 0000
Col. John R. Batiste, 0000

Col. Buford C. Blount III, 0000
Col. Steven W. Boutelle, 0000
Col. John S. Brown, 0000
Col. Edward T. Buckley, Jr., 0000
Col. Eddie Cain, 0000
Col. Kevin T. Campbell, 0000
Col. Jonathan H. Cofer, 0000
Col. Bantz J. Craddock, 0000
Col. Keith W. Dayton, 0000
Col. Barbara Doornink, 0000
Col. Paul D. Eaton, 0000
Col. Jeanette K. Edmunds, 0000
Col. Karl W. Eikenberry, 0000
Col. Dean R. Ertwine, 0000
Col. Steven W. Flohr, 0000
Col. Nicholas P. Grant, 0000
Col. Stanley E. Green, 0000
Col. Craig D. Hackett, 0000
Col. Franklin L. Hagenbeck, 0000
Col. Hubert L. Hartsell, 0000
Col. George A. Higgins, 0000
Col. James C. Hylton, 0000
Col. Gene M. LaCoste, 0000
Col. Michael D. Maples, 0000
Col. Philip M. Mattox, 0000
Col. Dee A. McWilliams, 0000
Col. Thomas F. Metz, 0000
Col. Daniel G. Mongeon, 0000
Col. William E. Mortensen, 0000
Col. Raymond T. Odierno, 0000
Col. Eric T. Olson, 0000
Col. James W. Parker, 0000
Col. Ricardo S. Sanchez, 0000
Col. John R. Schmader, 0000
Col. Gary D. Speer, 0000
Col. Mitchell H. Stevenson, 0000
Col. Carl A. Strock, 0000
Col. Charles H. Swannack, Jr., 0000
Col. Hugh B. Tant III, 0000
Col. Terry L. Tucker, 0000
Col. William G. Webster, Jr., 0000
Col. John R. Wood, 0000

The following-named officers for appointment as the Judge Advocate General* and the Assistant Judge Advocate General**, U.S. Army and for appointment to the grade indicated under title 10, United States Code, section 3037:

To be major general

Brig. Gen. Walter B. Huffman, 0000*
Brig. Gen. John D. Altenburg, Jr., 0000**

The following-named officers for appointments in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Montgomery C. Meigs, 0000
Lt. Gen. John N. Abrams, 0000
Maj. Gen. William H. Campbell, 0000
Maj. Gen. Roger G. Thompson, Jr., 0000
Maj. Gen. Michael S. Davison, Jr., 0000

To be general

Gen. William W. Crouch, 0000

The following-named officer for appointment in the Regular Army of the United States to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Warren C. Edwards, 0000

IN THE NAVY

The following-named officers for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral

Rear Adm. (lh) Thomas J. Hill, 0000
Rear Adm. (lh) Douglas L. Johnson, 0000
Rear Adm. (lh) Jan H. Nyboer, 0000
Rear Adm. (lh) Paul V. Quinn, 0000

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (lh) John A. Gauss, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY

Air Force nominations beginning James W. Adams, and ending Michael B. Wood, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 1997.

Air Force nominations beginning James M. Abatti, and ending Scott A. Zuerlein, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 1997.

Army nomination of Juliet T. Tanada, which was received by the Senate and appeared in the Congressional Record of June 17, 1997.

Army nominations beginning Cornelius S. McCarthy, and ending *Todd A. Mercer, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 1997.

Army nominations beginning Terry L. Belvin, and ending James A. Zernicke, which nominations were received by the Senate and appeared in the Congressional Record of June 27, 1997.

Army nominations beginning Daniel J. Adelstein, and ending *Alan S. McCoy, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 1997.

Army nomination of Maureen K. Leboeuf, which was received by the Senate and appeared in the Congressional Record of July 8, 1997.

Army nominations beginning James A. Barrineau, Jr., and ending Deborah C. Wheeling, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 1997.

Foreign Service nomination of Marilyn E. Hulbert, which was received by the Senate and appeared in the Congressional Record of February 13, 1997.

Foreign Service nominations beginning John R. Swallow, and ending George S. Dragnich, which nominations were received by the Senate and appeared in the Congressional Record of April 25, 1997.

Marine Corps nomination of Thomas W. Spencer, which was received by the Senate and appeared in the Congressional Record of June 23, 1997.

Marine Corps nomination of Dennis M. Arinello, which was received by the Senate and appeared in the Congressional Record of June 23, 1997.

Marine Corps nomination of Carlo A. Montemayor, which was received by the Senate and appeared in the Congressional Record of June 23, 1997.

Marine Corps nominations beginning Demetrice M. Babb, and ending John E. Zeger, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 27, 1997.

Marine Corps nomination of Anthony J. Zell, which was received by the Senate and appeared in the Congressional Record of July 8, 1997.

Marine Corps nomination of Mark G. Garcia, which was received by the Senate and appeared in the Congressional Record of July 8, 1997.

Navy nominations beginning John A. Achenbach, and ending Sreten Zivovic, which nominations were received by the Senate and appeared in the Congressional Record of June 12, 1997.

Navy nominations beginning Layne M. K. Araki, and ending Charles F. Wrightson, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 1997.

DEPARTMENT OF DEFENSE

John J. Hamre, of South Dakota, to be Deputy Secretary of Defense.

STATEMENTS ON THE NOMINATION OF JOHN J. HAMRE FOR DEPUTY SECRETARY OF DEFENSE

Mr. DASCHLE. Mr. President, it is a distinct pleasure for me to convey to the entire Senate what I communicated to the Senate Armed Services Committee earlier today—I am an enthusiastic supporter of John Hamre for Deputy Secretary of Defense. I am pleased to note that the committee reported out his nomination unanimously. Evidently they, like many of their colleagues, are already well aware of John's exceptional background and skills, and his impressive record. Therefore, I will not belabor these points—except to say that I think they make John an excellent choice for this critically important post.

Less known to some of my colleagues perhaps is the fact that John is from South Dakota, my home State. In fact, John was born in the tiny town of Willow Lake, South Dakota and grew up in Clark, SD. His rise to the No. 2 civilian position in the world's number one military force is a tribute not only to John and his family, but to the entire state of South Dakota and its people.

Like many of the families in our state, John's family's story reads like a Charles Kuralt profile of small-town America. His maternal grandfather was a Lutheran preacher who lived to be 100 years old (which should eliminate any chance of John having to take an early retirement). His paternal grandfather was a farmer and county sheriff. One of John's uncles, Julian, was killed in action as an aviator in the Pacific during World War II. John's father, Mel, was a banker and his mother, Ruth, was a teacher. They have lived in Clark all their adult lives. If you happen to visit Clark on a Sunday morning, chances are you would hear them performing with their church choir.

John graduated with a degree in political science from Augustana College in Sioux Falls, SD. After that, he did what every political scientist does: headed off to Harvard to earn a masters degree in Divinity. It was the first time he had ever really been away from South Dakota. From Harvard, John went on to earn a masters degree and doctorate degree in 1978 from the Johns Hopkins School of Advanced International Studies. I would just note parenthetically: If John is confirmed, he may be the first Deputy Secretary of Defense who can say the Lord's Prayer—in Russian.

After graduate school, John joined the staff of the Congressional Budget Office [CBO]. In 1984, he joined the staff of the Senate Armed Services Committee, where he developed a reputation for being able to work closely with both sides of the aisle.

John was appointed Undersecretary of Defense—comptroller by former Defense Secretary Les Aspin. In his new position, John will be the second highest-ranking civilian in the Pentagon's

chain of command. The Deputy Secretary of Defense is one of the most critical national security positions in the U.S. Government. He or she is given full power and authority to act for the secretary of Defense in the secretary's absence.

As a indication of the trust and confidence Secretary Cohen has in John's talents, he recently asked John to head up the Defense Management Reform Task Force—perhaps the most critical study the Pentagon will undertake in the next decade or so. If our available defense resources are to match our proclaimed defense policies for the 21st century, it is crucial that the Pentagon adopt more efficient business methods. The task force John will head is charged with the responsibility of overhauling the Defense Department's accounting methods and streamlining its business practices. Such reforms are long overdue and much needed if we are to get a dollar of defense for each dollar we provide the Pentagon. On behalf of the Congress, I wish John well in this endeavor and will be closely following his progress.

Anyone who has spent any time with John Hamre knows his passion for defense policy. From his days at CBO in the late 1970's to his present position at the Department of Defense, he has demonstrated time and again his mastery of defense policy issues. Throughout his career, Dr. Hamre has consistently demonstrated an even-handedness and objectivity. That has allowed him, in turn, to establish and maintain good relations with members of the Congress. The regard in which he is held by both parties will enable him to serve the President well. Even more importantly, it will enable him to serve his country well.

In conclusion, it is an honor and a privilege to commend a true South Dakotan, a man who has dedicated his life to integrity, love of his country and outstanding achievement, and who will serve his country well as Deputy Secretary of Defense.

Mr. GRASSLEY. Mr. President, I come to the floor today to announce my support for Mr. John J. Hamre's nomination to be the next Deputy Secretary of Defense.

Mr. President, my support in favor of the Hamre nomination may come as a surprise to some of my colleagues.

A yes vote on the Hamre nomination may appear to be totally inconsistent with all that I have said here on the floor about the nominee.

I have made a series of critical speeches about Mr. Hamre since January.

I have criticized Mr. Hamre for failing to control the money and make sure it is spent according to law.

I have attempted to hold him accountable.

In my book, accountability in government should be a top priority.

My criticism of Mr. Hamre boils down to one main problem area.

As Chief Financial Officer at the Department of Defense [DOD], Mr. Hamre pursued a policy on progress payments that the Inspector General [IG] had declared illegal.

The General Accounting Office [GAO] has just completed another review of the Department's progress payment policy.

As of July 21, 1997, the GAO report indicates that the policy declared illegal by the IG remains in operation.

It remains in operation today—at this very moment.

Mr. President, I am happy to report that Mr. Hamre has promised to change the policy.

He has made a commitment to bring the Department's progress payment policy into compliance with the law.

This happened at an important meeting on Tuesday evening, July 22d.

The meeting took place in the office of Senator STROM THURMOND, chairman of the Armed Services Committee.

This meeting was attended by Senators THURMOND, LEVIN, WARNER, and the Senator from Iowa.

The nominee, Mr. Hamre, was also present.

Mr. President, I don't quite know how this meeting came about, but I suspect that my good friend from Virginia, Senator WARNER, was the motivating force behind it.

I would like to extend a special word of thanks to my friend from Virginia for helping me out.

He helped me find a reasonable solution to a very difficult dilemma.

The Senator from Virginia was instrumental in resolving the dispute.

At this important meeting, Mr. Hamre made a commitment to bring the department's progress payment policy into compliance with the law.

To do that, the IG says DOD has taken two distinct steps.

Step One: The Director of Defense Procurement, Ms. Eleanor Spector, is issuing a new contract regulation—known as a DFAR.

The DFAR will authorize contracting officers—or ACO's—to require that each contract contains specific funding instructions.

These would be fund citations.

Step Two: The Comptroller, Mr. Hamre, has ordered the Defense Finance and Accounting Service or DFAS to shut down the current operation.

DFAS must issue payment instructions that match up with the DFAR.

This would allow DFAS to match the money with the work performed—as required by law.

This would allow the disbursing officers to post payments to the correct accounts.

Since DOD makes about $20 billion a year in progress payments, this should help to clean up the books.

It should cut down on overpayments and erroneous payments.

It should cut down on costly reconciliation work done by the big accounting firms like Coopers & Lybrand.

The new policy should save money.

But the fix won't happen overnight.

It will take time to phase down the old system and get the new policy up and running.

The IG is planning on a kick off date of October 1, 1997.

At the meeting, Senator LEVIN raised questions about the cost of the new policy.

Mr. Hamre responded by saying that he would have to add 50 people to the DFAS work force.

The extra people would be needed to manually process the payments under the new policy.

The software necessary to support automated computer processing will not be available until the year 2000 or beyond, according to Mr. Hamre.

Now, Mr. President, that sounds like more Pentagon nonsense to me.

Businesses, like NationsBank, routinely conduct 15.5 million comparable matching operations in a single day—using computers.

The software is here—now!

This is off-the-shelf stuff—not leading edge technology.

DFAS needs to get on the stick.

Senator LEVIN also insisted that the new policy should apply just to new contracts—and not be retroactive.

That makes sense to me.

Senator LEVIN raised one other very valid concern.

He said: ''Maybe we need to change the law? Maybe the law governing these payments doesn't make sense?''

These are valid questions. They need to be explored.

But I would like to offer a word of caution on this point.

If Congress should decide to change the law—as Mr. Hamre proposed late last year, Congress must then change the way the money is appropriated.

We must never allow DOD to merge the appropriations at the contract level, while Congress continues to appropriate and segregate money in special accounts.

That would subvert the whole appropriations process.

If DOD were authorized to merge the money at the contract level, then Congress would have to consolidate accounts upstream in appropriations.

We might, for example, create an acquisition account by merging R&D and procurement money in one big account.

Quite frankly, Mr. President, I don't think that idea would be a very popular around here.

Segregating the money in the R&D and procurement accounts gives Congress some broad and general control over how the money is used—as intended by the Constitution.

Mr. President, I left the meeting in Sentor THURMOND's office believing that something important had been accomplished.

First, Mr. Hamre made a commitment to bring the Department's policy into compliance with the law.

Second, it was agreed that the IG would send a letter to the committee.

This letter would serve two purposes.

The IG would certify that the Department had taken the two steps necessary to bring the policy into compliance with the law.

And the IG would agree to provide Congress with periodic follow-up reports to ensure that the new policy is, in fact, executed.

Mr. President, I have the IG's letter here in my hand.

It provides the assurances I sought.

With those assurances in hand, I can support the Hamre nomination with a clear conscience.

I ask unanimous consent that my letter requesting certification by the IG and the IG's response be printed in the RECORD.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, July 23, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for my views as to whether the Department of Defense has made a good faith effort to address previous audit findings on progress payments to contractors and whether the Department has established a reasonable schedule to implement the changes needed to bring progress payment practices into compliance with fiscal law.

On June 30, 1997, the Director, Defense Procurement, issued the requisite contracting guidance in draft form for comment. While we cannot prejudge or speculate as to the outcome of the comment period, I can tell you that at this time this office concurs with the draft guidance as written. The guidance should be issued in final form by October 1, 1997.

The first elements of the necessary guidance for paying offices, two Under Secretary of Defense (Comptroller) memoranda, were signed out today. Given current statutory requirements, we believe that the procedures and timelines outlined in those memoranda are appropriate at this time and demonstrate positive movement toward fixing this long-standing problem. Between now and the planned October 1, 1997, implementation date for the new progress payment distribution policy, we will work with the Comptroller and the Defense Finance and Accounting Service to ensure that sound desk procedures are developed for the paying offices.

This office is already auditing various aspects of DoD vendor payment operations and will ensure that coverage of the implementation of the new progress payment procedures receives high priority. We will provide periodic status reports to the Department and the Congress starting in January 1998.

Thank you for seeking our views on this important issue. If we can be of further assistance in this matter, please contact me or Mr. Robert J. Lieberman, Assistant Inspector General for Auditing, at (703) 604–8900.

Sincerely,

ELEANOR HILL,
Inspector General.

U.S. SENATE,
Washington, DC, July 21, 1997.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC

DEAR JOHN: I am writing to clarify my position on the nomination of Mr. John J. Hamre to be Deputy Secretary of Defense.

My opposition to Mr. Hamre's nomination boils down to one main problem area. As Chief Financial Officer at the Department of Defense, Mr. Hamre aggressively pursued a policy on progress payments that the Inspector General (IG) declared illegal. The General Accounting Office has just completed a review of the department's progress payment policy. This report clearly indicates that the policy declared illegal by the Inspector General remains in operation today—at this very moment.

John, that's the bad news. There is some good news, however.

I can see a solution looming up on the horizon.

The IG is telling me that Mr. Hamre is moving to bring the policy into compliance with the law. The IG says that the department must issue: 1) new contract (DFAR) regulations; and 2) The Defense Finance and Accounting Service must issue new payment instructions to match the DFAR regulations. The IG says the new policy directives are in the process of being issued. The new policy must then be put into practice.

John, I will not oppose the Hamre nomination if two conditions are met: 1) The IG certifies in writing that the department has taken the two steps necessary to bring the policy into compliance with the law; and 2) The IG provides Congress with periodic reports to ensure that the new policy is, in fact, being executed.

Your assistance in this matter is appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 24, 1997.

Senator CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC

DEAR CHUCK: Enclosed is a copy of a letter from the Department of Defense Inspector General received today by the Committee on Armed Services. The letter addresses the concerns that you expressed in the meeting in my office on July 22.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND,
Chairman.

Mr. GRASSLEY. Mr. President, I only hope Mr. Hamre understands my position on this issue.

From day one, I have merely tried to hold him accountable for the improper progress payment policy.

I do my best to watchdog the Pentagon.

And when the IG tells me something is wrong, then I'm going to speak out. I'm going to dig and bore in—until things are right.

That's what I did in this case.

I believe that together we have crafted a constructive solution to this problem.

I thank the committee for its leadership and for helping me resolve this issue.

Mr. LEVIN. Mr. President, I strongly support the nomination of Dr. John Hamre to be Deputy Secretary of Defense. The position of the Deputy Secretary of Defense is one of the most important members of the Secretary of Defense's team. The Deputy serves as the Secretary's alter ego; he traditionally exercises primary responsibility for the internal management of the Department of Defense; and he acts for the Secretary when the Secretary is absent.

Those are all very important responsibilities. The decisions that Secretary Cohen and his deputy make will have a major impact on the security of our Nation, on the protection of our national interests, and on the well-being of the men and women of our Armed Forces. I have complete confidence in John Hamre's ability to perform these important responsibilities.

John is, of course, very well known to many Members of the Senate from the 8 years he spent on the staff of the Senate Armed Services Committee. Since leaving the committee staff in 1993, John has moved on to serve as the Comptroller and Chief Financial Officer of the Department of Defense.

In this capacity, John has devoted a tremendous amount of time and energy to bringing about meaningful and much-needed reform in financial management within DOD. John would be the first to acknowledge that the job is far from finished, but the progress under his leadership has been substantial in my view. For example:

DOD is in the process of consolidating its accounting offices, moving from 333 offices to only 21 in less than 5 years. DOD had closed 230 accounting offices through fiscal year 1996 and is scheduled to close an additional 103 in fiscal year 1997 and fiscal year 1998.

As a result, DOD has been able to reduce employment at the Defense Finance and Accounting Service [DFAS] from more than 31,000 in fiscal year 1993 to 24,000 today. DFAS operating costs have dropped 25 percent in 4 years, from $1.6 billion in fiscal year 1993 to $1.2 billion in fiscal year 1997, in constant fiscal year 1993 dollars.

DOD has consolidated its civilian pay systems from 25 systems in fiscal year 1991 to 2 systems today and hopes to be down to a single system next year. The system that DOD has designated to take over all civilian pay accounts has gone from handling 15 percent of DOD accounts in fiscal year 1992 to a projected 73 percent in fiscal year 1996 and 83 percent in fiscal year 1997.

DOD has consolidated its military pay systems from 24 systems in fiscal year 1991 to 4 systems today and hopes to be down to 2 systems next year, with only the Marine Corps maintaining a separate system. The system that DOD has designated to take over all military pay accounts has gone from handling 15 percent of DOD accounts, other than Marine Corps accounts, in fiscal year 1991 to a projected 65 percent in fiscal year 1996 and 90 percent in fiscal year 1997.

DOD contract overpayments have dropped from $592 million in fiscal year 1993 to $184 million in fiscal year 1996.

The two most significant categories of problem disbursements—unmatched disbursements and negative unliquidated obligations [NULO]—have dropped from $34.3 billion in June 1993 to $7.9 billion in January 1997. Unmatched disbursements are cases in which a payment has been made, but cannot be matched to its obligation authority; NULO's are cases in which too much money is disbursed, for example, contractor overpayments, or the wrong obligation has been charged.

The third category of problem disbursements—in-transit disbursements—has increased recently, but is still down substantially over the long run, from $16.8 billion in June 1993 to $11.1 billion in January 1997. In-transit disbursements are cases in which a payment has been made, but the obligation has not yet been matched to its obligation authority, and more than 180 days have passed.

Over the last several months, a number of statements have been made about Dr. Hamre's handling of progress payments under complex contracts using money from more than one appropriation. While there is no evidence that the existing progress payment system has ever resulted in a violation of the Antideficiency Act, Dr. Hamre has acknowledged that this system is incapable of meeting all applicable requirements, and he has been working hard to address the problem.

On Wednesday afternoon, I received a letter from Eleanor Hill—the inspector general of the Department of Defense—who first identified the progress payment issue. In response to a joint request from the chairman of the Armed Services Committee and myself, Ms. Hill reviewed the steps taken by Dr. Hamre to address the progress payment issue. Her letter concludes:

Given current statutory requirements, we believe that the procedures and timelines outlined in those memoranda are appropriate at this time and demonstrate positive movement toward fixing this longstanding problem.

I am pleased that Dr. Hamre has taken the actions necessary to address the progress payment issue in compliance with existing requirements. But we also need to make sure that these changes are in the best interest of the taxpayers and the Department of Defense. I have asked Dr. Hamre to review the issue and let the Armed Services Committee know if any legislative changes may be needed in this regard.

Mr. President, I think President Clinton and Secretary Cohen have made an excellent choice with this nomination. I strongly support John Hamre's nomination to be Deputy Secretary of Defense, Mr. Chairman, and I look forward to working closely with him and Secretary Cohen in the future.

Mr. President, I ask unanimous consent that Ms. Hill's letter be printed in the RECORD.

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

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, July 23, 1997.

Hon. CARL LEVIN,
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your request for my views as to whether the Department of Defense has made a good faith effort to address previous audit findings on progress payments to contractors and whether the Department has established a reasonable schedule to implement the changes needed to bring progress payment practices into compliance with fiscal law.

On June 30, 1997, the Director, Defense Procurement, issued the requisite contracting guidance in draft form for comment. While we cannot prejudge or speculate as to the outcome of the comment period, I can tell you that at this time this office concurs with the draft guidance as written. The guidance should be issued in final form by October 1, 1997.

The first elements of the necessary guidance for paying offices, two Under Secretary of Defense (Comptroller) memoranda, were signed out today. Given current statutory requirements, we believe that the procedures and timelines outlined in those memoranda are appropriate at this time and demonstrate positive movement toward fixing this longstanding problem. Between now and the planned October 1, 1997, implementation date for the new progress payment distribution policy, we will work with the Comptroller and the Defense Finance and Accounting Service to ensure that sound desk procedures are developed for the paying offices.

This office is already auditing various aspects of DoD vendor payment operations and will ensure that coverage of the implementation of the new progress payment procedures receives high priority. We will provide periodic status reports to the Department and the Congress starting in January 1998.

Thank you for seeking our views on this important issue. If we can be of further assistance in this matter, please contact me or Mr. Robert J. Kieberman, Assistant Inspector General for Auditing, at (703) 604–8900.

Sincerely,

ELEANOR HILL,
Inspector General.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ FOR THE FIRST TIME—S. 1065

Mr. GREGG. Mr. President, I understand that S. 1065, which was introduced earlier today by Senator SPECTER, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1065) to amend the Ethics in Government Act with respect to the appointment of independent counsel.

Mr. GREGG. I now ask for its second reading, and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk and have its next reading on the next legislative day.

ORDERS FOR FRIDAY, JULY 25, 1997

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, July 25. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin consideration of Calendar No. 120, Senate Resolution 98, the global warming resolution.

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

PROGRAM

Mr. GREGG. For the information of all Members, tomorrow the Senate will begin consideration of Senate Resolution 98, the global warming resolution. By previous consent, there are two amendments in order to the resolution with a vote on the resolution occurring at 11:30 a.m. Following disposition of Senate Resolution 98, the Senate may proceed to a cloture on the tuna-dolphin legislation, if an agreement is not reached prior to the global warming resolution. Also, by consent, at 5 p.m. on Monday, the Senate will begin consideration of the transportation appropriations bill. However, as announced by the majority leader, there will be no rollcall votes during Monday's session of the Senate. As a reminder to all Members, following the votes on Friday, the next votes will be a series of votes occurring on Tuesday at 9:30 a.m. on the Commerce, Justice, State appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GREGG. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:22 p.m., adjourned until Friday, July 25, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1997:

THE JUDICIARY

CHARLES R. BREYER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE D. LOWELL JENSEN, RETIRED.

FRANK C. DAMRELL, JR., OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA VICE EDWARD J. GARCIA, RETIRED.

MARTIN J. JENKINS, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE EUGENE F. LYNCH, RETIRED.

JORGE C. RANGEL, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 24, 1997:

DEPARTMENT OF DEFENSE

JOHN J. HAMRE, OF SOUTH DAKOTA, TO BE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR FORCE NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. TOMMY L. DANIELS, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. BEGERT, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LANCE W. LORD, 0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. EDWIN J. ARNOLD, JR., 0000.
COL. JOHN R. BATISTE, 0000.
COL. BUFORD C. BLOUNT, III, 0000.
COL. STEVEN W. BOUTELLE, 0000.
COL. JOHN S. BROWN, 0000.
COL. EDWARD T. BUCKLEY, JR., 0000.
COL. EDDIE CAIN, 0000.
COL. KEVIN T. CAMPBELL, 0000.
COL. JONATHAN H. COFER, 0000.
COL. BANTZ J. CRADDOCK, 0000.
COL. KEITH W. DAYTON, 0000.
COL. BARBARA DOORNINK, 0000.
COL. PAUL D. EATON, 0000.
COL. JEANETTE K. EDMUNDS, 0000.
COL. KARL W. EIKENBERRY, 0000.
COL. DEAN R. ERTWINE, 0000.
COL. STEVEN W. FLOHR, 0000.
COL. NICHOLAS P. GRANT, 0000.
COL. STANLEY E. GREEN, 0000.
COL. CRAIG D. HACKETT, 0000.
COL. FRANKLIN L. HAGENBECK, 0000.
COL. HUBERT L. HARTSELL, 0000.
COL. GEORGE A. HIGGINS, 0000.
COL. JAMES C. HYLTON, 0000.
COL. GENE M. LACOSTE, 0000.
COL. MICHAEL D. MAPLES, 0000.
COL. PHILIP M. MATTOX, 0000.
COL. DEE A. MCWILLIAMS, 0000.
COL. THOMAS F. METZ, 0000.
COL. DANIEL G. MONGEON, 0000.
COL. WILLIAM E. MORTENSEN, 0000.
COL. RAYMOND T. ODIERNO, 0000.
COL. ERIC T. OLSON, 0000.
COL. JAMES W. PARKER, 0000.
COL. RICARDO S. SANCHEZ, 0000.
COL. JOHN R. SCHMADER, 0000.
COL. GARY D. SPEER, 0000.
COL. MITCHELL H. STEVENSON, 0000.
COL. CARL A. STROCK, 0000.
COL. CHARLES H. SWANNACK, JR., 0000.
COL. HUGH B. TANT, III, 0000.
COL. TERRY L. TUCKER, 0000.
COL. WILLIAM G. WEBSTER, JR., 0000.
COL. JOHN R. WOOD, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL* AND THE ASSISTANT JUDGE ADVOCATE GENERAL**, U.S. ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3037:

To be major general

BRIG. GEN. WALTER B. HUFFMAN, 0000*.
BRIG. GEN. JOHN D. ALTENBURG, JR., 0000**.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MONTGOMERY C. MEIGS, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN N. ABRAMS, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM H. CAMPBELL, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WILLIAM W. CROUCH, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER G. THOMPSON, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL S. DAVISON, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be major general

BRIG. GEN. WARREN C. EDWARDS, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) THOMAS J. HILL, 0000.
REAR ADM. (LH) DOUGLAS L. JOHNSON, 0000.
REAR ADM. (LH) JAN H. NYBOER, 0000.
REAR ADM. (LH) PAUL V. QUINN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral

REAR ADM. (LH) JOHN A. GAUSS, 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JAMES W ADAMS, AND ENDING MICHAEL B WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 17, 1997

AIR FORCE NOMINATIONS BEGINNING JAMES M ABATTI, AND ENDING SCOTT A ZUERLEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997

IN THE ARMY

ARMY NOMINATION OF JULIET T. TANADA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 17, 1997

ARMY NOMINATIONS BEGINNING CORNELIUS S. MCCARTHY, AND ENDING * TODD A. MERCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1997

ARMY NOMINATIONS BEGINNING TERRY L. BELVIN, AND ENDING JAMES A. ZERNICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1997

ARMY NOMINATIONS BEGINNING DANIEL J. ADELSTEIN, AND ENDING * ALAN S. MCCOY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997

ARMY NOMINATION OF MAUREEN K. LEBOEUF, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997

ARMY NOMINATIONS BEGINNING JAMES A. BARRINEAU, JR., AND ENDING DEBORAH C. WHEELING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF THOMAS W. SPENCER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1997.

MARINE CORPS NOMINATION OF DENNIS M. ARINELLO, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1997.

MARINE CORPS NOMINATION OF CARLO A. MONTEMAYOR, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1997.

MARINE CORPS NOMINATIONS BEGINNING DEMETRICE M. BABB, AND ENDING JOHN E. ZEGER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1997.

MARINE CORPS NOMINATION OF ANTHONY J. ZELL, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997.

MARINE CORPS NOMINATION OF MARK G. GARCIA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JOHN A. ACHENBACH, AND ENDING SRETEN ZIVOVIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 12, 1997.

NAVY NOMINATIONS BEGINNING LAYNE M.K. ARAKI, AND ENDING CHARLES F. WRIGHTSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1997.

EXTENSIONS OF REMARKS

THE BEST GUESS U.S. CENSUS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. GINGRICH. Mr. Speaker, today I submit to the CONGRESSIONAL RECORD an important column on the topic of the 2000 census by Matthew J. Glavin, president of Southeastern Legal Foundation in Atlanta. Published in the July 15, 1997 edition of the Washington Times, Mr. Glavin's column is entitled, ''The Best Guess U.S. Census?'' Mr. Glavin points out that while Congress has delegated to the Commerce Department the census-taking responsibility, we have not given away the constitutional mandate that the census be an actual enumeration.

In addition to being inconsistent with the Constitution, statistical sampling techniques are open to partisan political manipulation of whichever administration is in charge of the Commerce Department at the time. We must not go down that path. I strongly commend Mr. Glavin's column to all my colleagues.

[From the Washington Times, July 15, 1997]

THE BEST-GUESS U.S. CENSUS?

(By Matthew J. Glavin)

The 19th century British Prime Minister Benjamin Disraeli warned, ''There are lies, there are damn lies, and then there are statistics.'' Last month, Congress heeded the warning. One of the amendments to the Disaster Relief bill passed by Congress was a requirement that the Census Bureau suspend its plans to use statistical sampling and adjustment in the 2000 Census. It was a simple requirement, really—count actual people; don't fudge the numbers.

President Clinton, deriding the bill as a ''political wish list,'' vetoed the package. Promising instead to ''rectify'' perceived inaccuracies among minorities in past Census-taking, the president's plan to use statistical sampling in the next Census flies in the face of one of the clearest mandates in our Constitution.

Article 1, Section 2 of the U.S. Constitution calls for the ten-year national census and demands an ''actual Enumeration.'' The purpose was to ensure that all American citizens are properly represented by district in the U.S. House of Representatives. The Founders, aware of the keen competition among the states for power in the nation's Capital, required the ''actual enumeration'' of our shifting population to guarantee that no group, state or special interest could gain an undemocratic advantage. The Constitution delegated the power to conduct the Census to Congress, which has this year made clear its intent.

Now, the President and his Commerce secretary, William Daley, who supervises the Census Bureau, have proposed a so-called ''dual estimation system'' (DES) to redress perceived undercounting of certain minority groups—by some accounts as high as 4.8 percent in the black community. Under this system, the Bureau would make its ''best guess'' as to where the population count was imagined to be low, add a magical percentage to the head count for that area, and apply those statistical percentages to similar areas across the nation.

In the 1990 census, for example, the Census-takers' ''best guess'' demographic group was black women homeowners in their 20's in Chicago and Detroit. Under the Clinton/Daley DES program for the 2000 Census, this demographic group would be statistically ''puffed,'' and the estimated figures would be applied to all similar urban areas across the nation. In addition to the fact that the estimates may not reflect real population figures, statistical sampling will unfairly lump individuals into stereotypical groups.

Presto, chango, ''actual'' Census figures are gone, replaced by the best guess of a bureaucrat in the Clinton Commerce Department. Still more unsettling is the fact that a ''statistically estimated'' Census is subject to the political agenda of the executive in power. The potential impact on congressional districts, particularly in those states containing large urban centers, is staggering.

The ''no-statistics'' rule vetoed by the president should be enforced. Lawmakers on Capitol Hill recognize that the power to call for a ten-year Census comes to them directly from the Constitution. While Congress has properly delegated the Census-taking responsibility to the Commerce Department, it has not given away, and indeed could not give away, the constitutional requirement that the census be an ''actual enumeration.'' That requirement still applies no matter what administration implements the Census.

The Clinton administration's ''best guess'' plan lacks compassion, offers a poor solution to a real problem, and flies in the face of a clear constitutional mandate. Should the 2000 Census be comprehensive and accurate? Of course. Will it reflect the true population of our nation? By law, it must. ''Actual'' versus ''estimated'' enumeration is a distinction with significant legal consequences. As required by the Constitution, Congress has made clear its intent.

It may fall to the third branch of American government, our courts, to decide the fate of the Clinton ''best guess'' census plan. The politicization of the national census must be avoided. Real justice, and our Constitution, demand it.

CARL D. PERKINS VOCATIONAL TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act:

Mr. BEREUTER. Mr. Chairman, this Member would like to express his concern about the Mink amendment offered to H.R. 1853, the Carl D. Perkins Vocational—Technical Education Act amendments and to make it clear why this Member felt compelled to vote against it on principle and in order to provide the necessary flexibility to the States to better meet the diverse requirements and conditions of their populations.

This Member supports the direction incorporated in H.R. 1853, which is to move away from Federal setasides and toward giving authority to States, local school districts, and post-secondary institutions to determine their own priorities for reform and funding. In addition to allowing for greater decisionmaking at the local level, this bill includes enforcement mechanisms that are necessary to ensure that special populations are accommodated under H.R. 1853. This bill requires States to provide vocational education opportunities for special populations including, specifically, displaced homemakers, single parents, and single pregnant women. If the State application fails to show how the State will ensure that the special populations meet or exceed State benchmarks, then enforcement mechanisms in H.R. 1853 require the Secretary of Education to reject the application. Further, if a State fails to meet its own benchmark for these special populations, then the Secretary and the U.S. Department of Education has the authority to intervene to bring the State up to a minimum adequate level of performance.

Mr. Chairman, H.R. 1852 already allows States and local communities to continue to fund programs for special populations such as displaced homemakers, single parents, and single pregnant women to ensure that they have the opportunity to participate in vocational education programs. States should have the flexibility to choose and set priorities for themselves and protect their own citizens without being given a Federal mandate.

This Member strongly believes that there is no reason to suspect that a State or local official will not make the right decision. This bill ensures that special populations will continue to receive vocational and technical education.

In addition, Mr. Chairman, this Member has a record of support for assisting displaced homemakers, single parents, and single pregnant women, to ensure that they have access to educational opportunities. For example, during the previous sessions of Congress, this Member supported an amendment offered by the gentlelady from Hawaii [Mrs. MINK] to the CAREERS Act to require States to include in their work force development and literacy plans a description of how the State will maintain programs for single parents, displaced homemakers, and single pregnant women, as well as programs designed to promote the elimination of sex bias.

Mr. Chairman, in closing, this Member would like to reiterate that States must have the flexibility to set priorities for themselves and protect their own citizens. This Member will continue to monitor the progress of this important legislation to reform the Carl D. Perkins Vocational-Technical Education Act. Further, this Member pledges his commitment to an effort to have his home State of Nebraska comply with this legislation and to continue to

provide needed educational assistance to displaced homemakers, single parents, and single pregnant women.

SMALL BUSINESS MICROLOAN PROGRAM IMPROVEMENT ACT

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. BALDACCI. Mr. Speaker, in rural States such as Maine, small businesses are responsible for the large majority of economic growth and job creation. Approximately 99 percent of all businesses in Maine fall into the small business category, with a majority of those falling into the category of very small businesses, or microenterprises.

Unfortunately, it's often difficult, if not impossible, for such businesses to get financing through traditional means because it's not feasible for private lenders to make such small loans. Also, because many microborrowers are either startup or growth phase businesses, they are often unable to meet a lender's collateral or credit requirements. In response to this problem, Congress authorized the SBA, in 1992, to start a demonstration project to address the capital and technical assistance needs of microenterprises. The program targets underserved startup and existing small business owners who have the capacity to operate a successful small business, but may not be able to access credit.

While it has been a very successful and popular program, the authorization for this project ends on October 1. That is why I am introducing legislation today that will make the SBA's Microloan Demonstration Program permanent.

The microloan program is a partnership between the SBA and nonprofit intermediaries. The SBA provides funding to intermediaries, who in turn provide financing and technical assistance to very small businesses. They also furnish them with grant funding to provide microborrowers with technical assistance to ensure the business succeeds and the loans are repaid. The intermediaries provide microborrowers with small loans of up to $25,000, as well as the technical assistance.

The program is successful, and a fine example of cooperation between the government and private sector in efforts to help promising entrepreneurs. It is also low-risk for the Federal Government. According to a 1996 report from the SBA, they have made 182 loans to intermediaries totaling $68.9 million with no loss to the Federal Government.

Maine has a very strong entrepreneurial spirit. Our economy is dependent on very small businesses and microenterprises. My legislation will ensure that many of the underserved startup and existing small business owners who have the capacity to operate a successful small business will have the opportunity to do so.

THE 26TH ANNIVERSARY OF THE HARDIN COUNTY YOUTH THEATER

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to congratulate the Youth Theater of Hardin County, KY, on its 26th anniversary. The Youth Theater of Hardin County is now the oldest educating and performing community youth theater program in the Commonwealth of Kentucky. More than 1,275 students have participated in this program and over 3,000 students and adult volunteers have assisted in this endeavor. It has been an integral part in promoting and advancing theater among Kentucky's youth for over a quarter of a century. For that, it deserves special recognition.

The Youth Theater is composed of 7th through 12th grade students from Hardin County Schools, Elizabethtown's Independent Schools, and Fort Knox Community Schools. It is designed to educate students in the performing arts and to promote cultural growth and awareness with quality performances. In the process of putting together a production, students learn skills that are essential to a successful life. Skills such as team work, self-esteem, and the power of the human voice to stimulate and entertain audiences. In this regard, the Hardin County Youth Theater has been very successful.

The Youth Theater's impact on the arts community is being felt locally, nationally, and internationally. Several individuals and groups have won talent recognition at the local and State levels, as well as the Youth Talent International Competition. And the achievements don't stop after students leave.

Alumni from this distinguished Youth Theater are performing throughout the country and contributing to every aspect of the arts community. They are performing as equity and nonequity actors, singers, dancers, choreographers, technical directors, and technicians. Young, aspiring actors have left the Hardin County Youth Theater to perform on collegiate stages, regional stages, national stages, and even international stages. Several alumni have performed in off-broadway productions, and one has made an impact in Hollywood.

When students leave the Hardin County Youth Theater, they continue to give back to their communities in a variety of ways. Former students are working with regional and national entertainment parks as costume characters, live characters, singers, dancers, and technicians. One such student is now serving as an instructor to other aspiring performers with a multinational entertainment conglomerate. Another is the director of the Kentucky Governor's School for the Arts. The Youth Theater is, indeed, an integral part of our Nation's arts community.

Meanwhile, those students who do not choose to follow theatrical careers credit the Youth Theater with preparing them for the future. They credit their poise, responsibility, self-esteem, and their ability to work individually and with diverse groups directly to their participation in Youth Theater and its activities. These alumni have chosen a variety of different career fields. They are professionals, businessowners, white and blue collar workers, and even farmers. Regardless of profession, they contribute vastly to society.

The Hardin County Youth Theater has been successful in many regards. It has contributed to the arts community at all levels. It has given students the skills needed to lead a successful life. And it has encouraged its students to give back to their communities and leave them better than they found them. I congratulate the Hardin County Youth Theater on its 26th anniversary. Hardin County is better because of it, and the Commonwealth of Kentucky is proud to claim it. I look forward to its continued success, and I'm sure it will strive to reach even higher heights in the future.

SUPPORT FOR A MEANINGFUL REDUCTIONS IN CAPITOL GAINS TAX RATES

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. MORAN of Kansas. Mr. Speaker, I rise today to enter into the RECORD a letter from one of my constituents, Alan E. States of Hays, KS, which was recently published in USA Today. Mr. States lays out precisely what is wrong with a Tax Code that discourages entrepreneurship and savings. He writes,

Twenty-five years ago, I purchased 80 acres of Kansas farmland for $10,000. The money came from my savings while in Vietnam, which, along with my Chevy, constituted my entire net worth. I was just glad to be alive, home again and ready to live the American dream.

I used the 80 acres as a down payment on 400 additional acres and proceeded to build my own farm. I've been successful and now farm more than 4,000 acres. Much of it is rented.

Now I have another business opportunity. I considered selling the farmland to raise the investment money. I could sell the 80 acres for $40,000. The federal capital gains tax would come to $8,400.

The problem is that because of inflation since I purchased the land, my true basis on the land is $37,000. So my real gain on the sale is only $3,000. Therefore, the $8,400 tax represents a 280% tax on my actual gain. Is this what has become of the American dream? This is the system the President proposes we keep.

The tax code makes no sense. Income and estate taxes for too long have tried to redistribute wealth. It hasn't worked. The code should have the sole purpose of raising revenue. If we are to tax income, it should be fair.

To be fair, it must do four things: Tax all income; tax it the same without regard to source; tax it only once; and tax it only if it is real and not the result of inflation.

What will I do under the current system? I certainly won't sell the land. I will borrow against it. I can borrow the land at 8.5%. I can deduct the interest as a business expense, reducing my rate to 5.2%. From that, I adjust for 3% inflation, and my effective rate of borrowing the money is only 2.2%. the tax code discourages savings and encourages debt.

Rather than the Treasury making $1,200 on the sale of the asset, it now loses $1,300 because of my interest expense. Do some people really say we can't have tax reform because it will cost the Treasury too much?

ALAN STATES,
Hays, KS.

Mr. Speaker, the real tragedy is that stories such as this can be told by countless Americans struggling to build a better life for themselves and their children. To those who deride the Republican tax bill, I would challenge you to explain to Mr. States how a Tax Code that stifles investment, discourages savings, and destroys the American dream should not be reformed. I cannot give such an explanation. That is why I insist on meaningful reductions in capital gains tax rates.

INTRODUCTION OF THE TEACHING EXCELLENCE FOR ALL CHILDREN [TEACH] ACT OF 1997

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday July 24, 1997

Mr. MILLER of California. Mr. Speaker, I rise today to offer the Teaching Excellence for All Children [TEACH] Act of 1997.

This legislation addresses a longstanding concern that many of our Nation's school children are being taught by teachers who are not qualified to teach in their subject areas. This is a disservice to students, to parents, to the teachers themselves, and to taxpayers.

The problem, documented in several studies, will only get worse as the student population continues to rise along with the demand for ever more new teachers.

Parents have a right to know whether their children are being instructed by qualified teachers. And taxpayers have a right to expect Congress to do all it can to ensure that Federal education dollars are being spent in a responsible manner. I believe this legislation addresses both of those important demands.

Under this legislation, States receiving Federal education funds would set clear standards for teacher quality. The bill also will ensure accountability for federally supported teacher education, provide financial rewards to teachers who choose to teach in high-need schools and who pursue advanced teaching credentials, and establish local community partnerships to help to schools to recruit and retain qualified teachers.

TWO MILLION TEACHERS NEEDED OVER NEXT 9 YEARS

The number of elementary and secondary school students is expected to increase each successive year between now and the year 2006, from the current level of 51.7 million to an all time high of 54.6 million.

The need for qualified teachers will increase accordingly. Between now and 2006, enrollment and teacher retirement together will create demand for an additional 2 million teachers.

The shortage right now of qualified teachers to fill this demand is a significant barrier to students receiving an appropriate education.

TOO MANY TEACHERS ARE NOT FULLY QUALIFIED TO TEACH IN THEIR SUBJECT AREAS

Last September, the National Commission on Teaching and America's Future found that one-quarter of classroom teachers were already not fully qualified to teach their subject areas. An even newer report—forthcoming from the Department of Education—indicates that 36 percent of teachers have neither a major nor minor in their main teaching field. Both reports show that the problem is even more serious in academic subjects such as math and science and in schools with high numbers of low-income and minority children.

Research evidence suggests that teacher quality is probably the single most important factor influencing student achievement. Now is the time to redouble efforts to ensure that all teachers in our Nation's public schools are properly prepared and qualified and that they also receive the ongoing support and professional development they need to be effective educators.

A FAIR DEAL FOR TEACHERS

Teachers are among the hardest working people in our country and they certainly have one of the most important jobs in our country. The vast majority of teachers deserve our wholehearted admiration, respect, and gratitude.

Unfortunately, our public policies have not always reflected this attitude. As the Association for Supervision and Curriculum Development recently pointed out, ''teacher education, which encompasses preservice preparation as well as ongoing professional development, has suffered a chronic lack of funding, resources, and status in the United States, particularly as compared to education in other professional fields.''

In addition, the Teaching for America's Future report pointed out that: ''Not only do U.S. teachers teach more hours per day but they also take more work home to complete at night, on the weekends and holidays.'' At the same time, the report goes on to say that ''Other industrialized countries fund their schools equally and make sure there are qualified teachers for all of them by underwriting teacher preparation and salaries. However, teachers in the United States must go into substantial debt to become prepared for a field that in most States pays less than any other occupation requiring a college degree.''

I think the public is willing to address these issues. Education tops the list of concerns in most public opinion polls. But at the same time, parents and taxpayers want greater accountability to ensure that any additional resources directed at improving teacher quality have a maximal impact on student achievement.

By coupling support for teachers with enhanced accountability, this bill is a win-win for all those involved: educators, parents, taxpayers, and, above all, our Nation's schoolchildren.

LET'S WORK TOGETHER

Last week, the President announced his intent to put the issue of teacher quality at the top of his educational agenda. With the issue of teacher qualifications receiving increased attention in Washington and across the Nation, I am more optimistic than ever that we can work together to achieve the goals set out in this legislation. I look forward to working with the President and my colleagues on this important issue.

TRIBUTE TO SUE NELSON

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. RIGGS. Mr. Speaker, I rise to congratulate Sue Nelson, a resident of my hometown of Windsor, CA. She was just recently selected as the Windsor Chamber of Commerce's 1997 ''Business Person of the Year.'' The chamber made a very fitting selection.

Sue is a businesswoman of 20 years and is currently the president of the Brelje & Race, Sonoma County's largest engineering company. In that capacity she has been a dynamic force in the chamber's activities, placing her and the company's support firmly behind virtually every chamber event over the last several years.

She worked on the Windsor Map, the new town brochure put together with volunteers from the chamber. She also worked on the Windsor Festival.

Her community work has not been limited to the beneficial work of the chamber: She is a member and past president of the Windsor Rotary Club, as well as a trustee of the Boys and Girls Club.

It is the good work and dedicated community activism of individuals like Sue Nelson that builds and strengthens the communities in which our families and children live. I am particularly pleased that my hometown chamber of commerce has chosen such a deserving recipient for their annual honors. I offer my warm congratulations to Sue Nelson for a continuing job well done.

DEPENDENCY AND INDEMNITY COMPENSATION RESTORATION ACT OF 1997

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. SMITH of New Jersey. Mr. Speaker, on July 22, 1997 I introduced H.R. 2220, the Dependency and Indemnity Compensation Act of 1997, legislation that will begin to address an inherent unfairness under present law that affects the surviving widows of our Nation's veterans. As you know, many of these veterans gave their lives for our country, yet their surviving spouses are now being denied benefits that were promised to them.

In 1970, Congress enacted legislation that guaranteed widows of military veterans who died from service-connected disability that their dependency and indemnity compensation [DIC] benefits would be reinstated upon the termination of the widow's subsequent marriage(s) by death or divorce.

The apparent rationale behind this reinstatement policy was twofold: First, to encourage DIC widows to remarry, thereby removing them from the DIC rolls and saving the Federal Government money; and second, to bring Veterans' benefits statutes in line with other Federal survivor programs—e.g. Federal Civil Service employees, Social Security annuitants—which granted reinstatement rights in this instance.

However, in 1990, Congress passed the Omnibus Budget Reconciliation Act of 1990 which abruptly terminated DIC reinstatement rights for widows who lost these benefits upon remarriage. To make matters worse, the Department of Veterans Affairs never formally notified DIC widows of their loss of reinstatement rights, thereby relegating notice to be disseminated by word-of-mouth or by notices in publications of military and retiree organizations.

As you would suspect, many widows continued to apply to the VA for reinstatement of their benefits, only to learn for the first time that their benefits were being denied. Imagine the shock and surprise of these widows who were never notified of the change in the law, many making financial planning decisions under the mistaken assumption that they would be eligible for reinstatement if their subsequent marriage ended by death or divorce.

Mr. Speaker, my bill will reinstate DIC eligibility for widows who were remarried before November 1, 1990, and whose second or subsequent marriage is terminated by death or divorce. Recognizing the budget restraints under which Congress must operate, I initially have set the compensation rate at 50 percent of the current DIC rate. The bill would also require the Department of Veterans Affairs to notify all current and previously eligible DIC widows of the change.

I would also like to thank one of my constituents, Lt. Col. Raymond Russell—Ret. USAF—for his dedication to veterans' issues and his assistance with H.R. 2220. Lieutenant Colonel Russell is the legislative officer for the Joint Veterans Alliance of Burlington County; New Jersey State Council of Chapters—Retired Officers Association [ROA]; and Lakes and Pines Chapter—ROA.

I urge all of my colleagues to please consider supporting this bill.

WEIZMANN INSTITUTE FOR SCIENCE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. YATES. Mr. Speaker, I rise today to share with the Members of this House an article that appeared in the July 3, 1997 edition of the USA Today concerning the new and novel research techniques that the Weizmann Institute for Science in Rehovot, Israel, has developed to help identify tumors as benign, or malignant, without invasive surgery.

Finding cancer without subjecting the individual to a traumatic procedure promises to increase the possibility of early detection and ultimately save lives.

Mr. Speaker, I ask that the full text of the article be placed in the RECORD so that my colleagues may have an opportunity to read about this revolutionary new procedure.

FINDING CANCER WITHOUT BIOPSIES

(By Steve Sternberg)

Researchers have found a novel way to peer beneath the surface of the intact human breast and tell benign lumps from malignant ones, according to a report out today.

The technique, if proven reliable in large-scale studies, promises to spare women with breast lumps the discomfort of a biopsy, during which doctors remove a bit of suspect tissue for close examination.

Although this research focuses on breast tumors, doctors say the method also may help diagnose other tumors and monitor treatment.

Hadassa Degani, lead author of a report appearing in today's *Nature Medicine*, says the method uses a standard diagnostic tool in a new way. The tool is known as magnetic resonance imaging (MRI), which detects magnetic oscillations deep within tissues.

With the help of a computer, MRI turns this information into images—a rapid sequence of them or one at a time. By taking individual frames, the researchers can obtain detailed images of the tissues' architecture, showing whether cells are densely or loosely packed and whether blood vessels are normal or riddled with leaks.

Degani, of the Weizmann Institute for Science in Rehovot, Israel, and colleagues inject the breast with a fluid that shows up in high contrast in an MRI image. They create one image before the fluid is injected and two afterward. Using three images, rather than a rapid sequence of them, guarantees clear resolution.

By carefully timing the three exposures, doctors can also observe dynamic changes as the contrast medium penetrates the breast tissues. Cancerous tissues show up as a wildly disorganized jumble of cells, with black regions of dead cells and tangles of leaky blood vessels. Normal tissues are more orderly and less compressed, with normal blood vessels.

Degani says that potentially ''any abnormally can be diagnosed, monitored and assessed.''

Mitchell Schnall, head of MRI at the University of Pennsylvania Medical Center, Philadelphia, praises her work. ''She's done some careful studies to lay the groundwork for us to understand what we see in breast studies by MRI.''

IN REMEMBRANCE OF DR. EUGENE SHOEMAKER AND DR. JURGEN RAHE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. BROWN of California. Mr. Speaker, we have all been enthralled by the exciting images we have been receiving from the Mars Pathfinder since its successful landing on the 4th of July. I think that we all would join in congratulating the team of scientists, engineers, and managers who made this amazing mission a reality.

Yet as we celebrate another success in the ongoing exploration of space, I believe that we also need to pause to honor the memory of two individuals who are no longer with us, but who have done much to help us better understand our solar system: Dr. Eugene Shoemaker and Dr. Jurgen Rahe. We had just begun to come to terms with the tragic loss last December of Dr. Carl Sagan, the distinguished astronomer and advocate for scientific reason, and now we have lost two more gifted space scientists. We mourn their deaths, but we also celebrate their accomplishments.

Dr. Shoemaker was a distinguished geologist and discoverer or co-discoverer of some 820 asteroids and comets. Perhaps his most famous discovery was that of the Shoemaker-Levy Comet, which was discovered by him, his wife Carolyn, and Mr. David Levy. I was that comet's spectacular collision with the planet Jupiter that stirred public interest in the possibility of comets or asteroids someday impacting the Earth with disastrous consequences.

However, Dr. Shoemaker had long been concerned with the potential for such impacts from his earliest days as a scientist when he was able to demonstrate that Arizona's meteor crater was likely the result of an impact by an asteroid. Throughout his career, he did much to increase public and scientific awareness of the potential threat posed by Earth orbit-crossing asteroids and comets, and he was a tireless champion of the need to detect and catalog those objects. I had come to rely on his insights and vision as Congress has attempted to come to grips with the public policy implications of a phenomenon that has a low probability of occurrence but that carries severe consequences for life on Earth. I shall miss him.

Dr. Rahe was also a distinguished scientist and a leading figure in NASA's solar system exploration program. I think that his impact on NASA's activities was well stated by Dr. Wesley Huntress, NASA's Associate Administrator for Space Science, when he said that under Dr. Rahe's leadership, ''NASA's planetary exploration program was experiencing an almost unparalleled period of major discoveries at the same time that a number of new missions were being started and launched. His legacy to the exploration of space is large, and I like to think that Jurgen's ideas, hopes, and dreams are aboard many of the spacecraft now headed to the frontiers of our Solar System.''

Both of these men were outstanding individuals in their profession. However, each also was a man with a strong sense of integrity and a love of life and of learning. Dr. Shoemaker and Dr. Rahe made the world a better place, and I know that all Members join me in expressing our deep sympathy to their families.

I include herewith obituaries of these two great scientists.

EUGENE SHOEMAKER DIES; DISCOVERED GIANT COMET

PHOENIX.—Eugene Shoemaker, 69, the geologist-astronomer who warned about the dangers of asteroids hitting Earth and who helped discover the giant Shoemaker-Levy 9 comet that slammed into Jupiter in 1994, died July 18 of injuries suffered in a car crash in outback Australia. He lived in Flagstaff, Ariz.

His wife, fellow Lowell Observatory astronomer Carolyn Shoemaker, suffered hip and chest injuries in the crash but was in stable condition at a hospital, authorities said. The car they were riding in collided head-on with another car on a dirt road about 310 miles north of Alice Springs, authorities said.

Dr. Shoemaker and his wife had discovered about 20 comets and 800 asteroids, but they were best known for the discovery with amateur astronomer David Levy of the comet Shoemaker-Levy 9, which broke up and smashed into Jupiter's gaseous atmosphere in 1994. The team had been searching the sky for new comets.

It was Dr. Shoemaker's fascination with asteroid impacts—such as the one that caused a Meteor Crater near his home—that drove most of his work.

A geologist by training, he was a leading expert on craters and the interplanetary collisions that caused them. He first proved to the scientific community that Meteor Crater was indeed the result of an asteroid impact, said University of Arizona planetary scientist Larry Lebofsky.

He also was the author of an influential paper in the early 1960s comparing Meteor Crater with a large crater on the moon.

Dr. Shoemaker, a Los Angeles native, was a 1947 graduate of the California Institute of Technology. He received a doctorate in geology from Princeton University. He worked for the U.S. Geological Survey from 1948 until retiring in 1993.

He founded the U.S. Geological Survey's Center of Astrogeology in Flagstaff in 1961 and served as the center's chief scientist. He also was involved in several U.S. space missions, including the Apollo moon missions. He lectured the Apollo astronauts on such topics as craters.

Dr. Shoemaker, who had wanted to be an astronaut but was rejected because of a medical problem, said in a 1996 interview that he hoped for more manned space missions soon—to nearby asteroids, if not to the planet Mars.

''I don't think I will live long enough to see us get to Mars,'' Dr. Shoemaker said.

In addition to his wife, 67, Dr. Shoemaker's survivors include two daughters, Linda Salazar and Christine Woodward of Los Angeles; and a son, Patrick, of Iowa.

NASA MOURNS DR. JURGEN H. RAHE, SOLAR SYSTEM EXPLORATION SCIENCE PROGRAM DIRECTOR

Dr. Jurgen H. Rahe, 57, Science Program Director for Exploration of the Solar System at NASA Headquarters, Washington, DC, died tragically June 18 in the Washington, DC, area. Dr. Rahe was killed during a severe storm when a large tree fell on his car as he was driving near his home in Potomac, MD.

Dr. Rahe had a distinguished career in NASA and in the field of astronomy and space exploration. In his most recent position, he was responsible for overall general management, budget, and strategic planning for NASA's Solar System Exploration programs, including the Galileo mission to Jupiter and several upcoming missions to Mars, including the July 4, 1997, landing of Mars Pathfinder.

''I am shocked and deeply saddened by the loss of Jurgen Rahe. He was a good friend and an extremely dedicated scientist,'' said Dr. Wesley T. Huntress, Jr., Associate Administrator for NASA's Office of Space Science, Washington, DC. ''Under his leadership NASA's planetary exploration program was experiencing an almost unparalleled period of major discoveries at the same time that a number of new missions were being started and launched. His legacy to the exploration of space is large, and I like to think that Jurgen's ideas, hopes, and dreams are aboard many of the spacecraft now headed to the frontiers of our Solar System.''

As a member of the Office of Space Science Board of Directors, Rahe also was responsible for the upcoming Cassini/Huygens mission to Saturn. NASA's low-cost Discovery missions and several upcoming missions to Mars. Dr. Rahe also was the editor of one scientific journal (''Astrophysics and Space Science'') and a member of the editorial board of two others (''Earth, Moon, and Planets'' and ''II Nuovo Cimento'').

Dr. Rahe previously served as a Discipline Scientist, Chief Scientist for Planetary Astronomy, and Director of the Solar System Exploration Division at NASA Headquarters. Before joining Headquarters full-time in 1989, Dr. Rahe was a Staff Member at the California Institute of Technology/Jet Propulsion Laboratory in Pasadena, CA. He has also served as the Co-Leader of the International Halley Watch; Co-Investigator on the European space Agency's Giotto mission; Program Scientist for the Clementine, Rosetta, and NEAR (Near Earth Asteroid Rendezvous) missions; and as the Associate Program Scientist for the Hubble Space Telescope.

Previously, he was a Professor of Astronomy and Director at the Astronomical Institute of the University Erlangen-Nuremberg (Germany). During his tenured professorship, Dr. Rahe worked for extended periods as a Visiting Professor in several different countries. He has published many papers in scientific journals and books, edited more than a dozen books and conference proceedings, and served as President and/or member of three International Astronautical Union committees. He also served previously as the Director of the Remeis Observatory in Bamberg, Germany.

Rahe is survived by his wife and daughter, who live in Potomac, MD.

TRIBUTE TO CHARLES M. ALAFBERG

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. MCGOVERN. Mr. Speaker, I rise today to congratulate Charles M. Alafberg, AFL–CIO Community Services Liaison for the United Way of central Massachusetts, on an outstanding and distinguished 27-year career in the labor movement.

Over the course of his career, Charlie Alafberg has made a demonstrable and eminently positive impact on the central Massachusetts community. Beginning his labor career organizing at the Wyman-Gordon Co. in North Grafton, MA, Charlie showed continued success as a union organizer between 1956–69, and was elected shop steward for Local 2285 in 1970. By 1978, Charlie moved steadily up the ranks—his peers' confidence in his leadership and organizing abilities rapidly growing—ascending to the position of union trustee and grievance committeeman. In 1986, Charlie was elected to the high office of president of Local 2285, representing the largest steelworkers local in the Third Congressional District with 1,400 active members.

In addition, since 1970 Charlie has held the position of delegate to the Worcester/Framingham Central Labor Council and serves as a labor representative on the Central Massachusetts Regional Employment Board. Always active in the local community, Charlie is an avid member of the Worcester Democratic City Committee. He is married to Diane Krikorian, and together they have four wonderful children—John Alafberg, Mary Alafberg, Kraig Krikorian, and Kimberly Krikorian, and two spritely grandchildren, John and Ashley.

Charlie Alafberg, through his strong commitment to serving the hard-working men and women of central Massachusetts and his genuine concern for others in his community, is an example of unwavering public service which will sorely be missed.

INTRODUCTION OF THE KING COVE HEALTH AND SAFETY ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the King Cove Health and Safety Act of 1997. This legislation will for the first time provide residents of King Cove, AK, with a safe form of access to and from their community. Specifically, the legislation grants a right-of-way across certain Federal land in exchange for acquisition by the United States of land containing prime habitat owned by a Native corporation. Surface transportation made possible through the right-of-way will connect the city of King Cove, which has an ill-equipped airport, with Cold Bay, which has a modern, 24-hour all-weather airport and the State's third-largest runway.

King Cove, AK, is a remote community on the western end of the Alaska Peninsula, with a population of about 900. Most residents are of Aleut descent and have lived in the community long before Federal ownership of the surrounding area. Unfortunately, the only modes of transportation to and from this fishing community are by air and sea through some of the most extreme—and deadly—weather and topographic conditions in the world.

Weather conditions permitting, travel is done by small aircraft from King Cove's tiny dirt landing strip with no navigational aids to Cold Bay's modern facility, just 20 miles away. Because King Cove's landing strip is surrounded by mountains and experiences some of the harshest wind, snow, and dense fog found anywhere, residents do not have safely reliable transportation linking them with the modern airport facility in Cold Bay, from which access to the rest of the State and lower 48 States is available. People in King Cove are literally trapped in their community for days at a time during poor weather, and the risk of adverse conditions is present year round.

There have been several fatal accidents in the corridor between King Cove and Cold Bay. Even an attempted medivac during a life-and-death situation resulted in an accident, killing all aboard the aircraft. These accidents alone point to a need for a road between the cities.

In carrying out the land exchange, the bill specifically directs that the Secretary of Interior and the Aleutians East Borough, the municipal government representing King Cove and Cold Bay, to develop terms and conditions on use of the right-of-way to protect the lands and resources affected. This will assure that public and private interests in the lands surrounding the area are protected. In addition, the land acquired by the United States under the exchange is very high quality and maintains the quality of the public's resources.

In summary, this bill opens the way to safe, cost-effective access to King Cove and benefits the public, and it is my intent to move this legislation.

CONGRESSMAN KILDEE HONORS CHIEF MARLAN HILLMAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. KILDEE. Mr. Speaker, it is with great pleasure that I rise before you today to pay tribute to Chief Marlan Hillman who is retiring after 50 years of dedicated service to the Springfield Township Fire Department.

Since the establishment of the Springfield Township Fire Department in 1947, Chief Hillman has been a devoted firefighter and mentor. He has always taken the time to share his experience and wisdom with the dozens of firefighters he has worked with. Marlan Hillman is well known for his leadership, faith, and devotion to public service. At a very early age, Marlan was taught the importance of serving his community by his father, Charles, who served as Springfield's first

fire chief. Marlan succeeded his father as fire chief in 1975 and has witnessed the growth of the fire department with the addition of two new fire stations and nine new fire trucks.

In Springfield Township, the name Hillman has become synonymous with firefighting. Chief Hillman's brother Elwyn, who is assistant fire chief, and his son-in-laws Charles Oaks and Earl Colloto are all members of the fire department. Chief Hillman is a hero not only for his lengthy and diligent service as a firefighter, but for the sacrifices he has made. He has missed only a few fire department meetings in 50 years, he has been called to the scene in the middle of the night, and he has missed a number of hot meals. Chief Hillman did this with a humble disposition and sense of duty. One of the legacies he has left is the sense of camaraderie which helped mold the firefighters into the close-knit group they remain today.

We owe Chief Hillman a debt of gratitude for the protection and stability he has provided for half a century. Without a doubt, our community is a much better place in which to live because of him. The people of Springfield Township have truly been blessed to have a man of Chief Hillman's caliber working on their behalf.

Mr. Speaker, I respectfully request that my colleagues in the House of Representatives join me in wishing Chief Hillman and his lovely wife Norma much joy in their retirement

OBSERVING THE ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, on July 20, 1974, Turkish troops landed on the island of Cyprus. The ensuing 23-year occupation has been a tragedy for the people of Cyprus and an embarrassment to the NATO alliance.

The United States has a special responsibility to play a role in the resolution of the Cyprus dilemma. Twenty-three years ago, as Washington was paralyzed by the Watergate scandal, the administration turned a blind eye to the crisis that was mounting in the Eastern Mediterranean. For many years prior to 1974, Washington had ignored Turkey's overt threats against Cyprus. In 1974, we watched with cold indifference as Turkish troops invaded the island. Our failure to avert the Cyprus conflict and to achieve a diplomatic solution to the standoff helped seal the fate of the island for the next 23 years. It is for this reason that the United States has a duty to help achieve peace on Cyprus.

I commend President Clinton and my colleagues here in the House for turning the spotlight on the tragedy of Cyprus. Recent United States diplomatic initiatives and the appointment of Richard Holbrooke as Special Emissary for Cyprus give new hope that an old struggle may be resolved. The United Nations-sponsored talks between President Clerides and Mr. Denktash in New York City are another promising step. Congress must continue to support the President and the international community in this long-overdue effort.

We may not be able to bring back the Greek-Cypriots who perished and disappeared at the hands of Turkish troops. But we can take occasions such as this to remember those who have suffered, and we can continue to search for answers to the cases of missing persons. And we can honor them by working to help today's Cypriots realize their dreams of a free, unified Cyprus. In doing so, we may be able to secure lasting peace and economic security for a people who are so richly deserving of it.

TRIBUTE TO REV. CHARLES BROOKS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to share in the thanks and praise being bestowed on Rev. Charles Brooks for his invaluable service to St. Paul African Methodist Episcopal Church and the community of San Bernardino. His 8-year dedication to this congregation as pastor will be fondly remembered and greatly missed. Since 1959, Reverend Brooks has undeniably touched the lives of hundreds with his positive and effective leadership.

The many awards and honors that have been bestowed on Reverend Brooks, including Life Time Achievement Awards for his dedication to civic affairs in the black community and for his diligent commitment to community service, do not begin to capsulize the contribution he has made to San Bernardino and communities abroad. Reverend Brooks is not only recognized for his contributions to a number of congregations, but in his capacity as teacher, administrator, and civic leader. His groundbreaking career, as the first black elected as president of the San Bernardino Clergy Association and the La Jolla Ministerial Association, will continue to serve as a leading example of excellence.

It is my honor to offer my congratulations and appreciation to such an outstanding pastor and leader at the arrival of his retirement. As he has given so greatly to San Bernardino and various other communities, it is my pleasure to wish him and his family the best in the years to come.

LINLITHGO REFORMED CHURCH OF LIVINGSTON, NY, CELEBRATES ITS 275TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. SOLOMON. Mr. Speaker, when French traveler Alexis de Tocqueville visited these shores in 1830 he noted something very special about the then-young United States. He noticed the importance of religion to Americans.

And he was right, Mr. Speaker. This is a religious Nation. And from the beginning, churches were among the first structures built, and they remain the center of American community life. I'd like to speak about a very special one today.

The Linlithgo Reformed Church of Livingston, NY, is celebrating its 275th anniversary this year, making it older than the Nation itself.

Mr. Speaker, this church can trace its existence to a July 4, 1722, organizational meeting. Robert Livingston, Jacob Vosburgh, and Cornelis Martensen were appointed elders, and Tobias Ten Broeck, Robert Van Deusen, and Willem Hallenbeck were named deacons.

Records are unclear, but we think the church building was completed on or about September 22, 1722. One interesting historical fact emerges from the records. The first pastor to be paid in money instead of corn or wheat was Jeremiah Romeyn in 1788.

Three years later, members of the consistory of the church voted to make it a corporate body. Finally, in 1813, the consistory voted to plan a new church, which was dedicated in 1815. The new church, still in operation today, was completed in 1855.

A reported low state of piety resulted in a January 3, 1840, day of fasting and prayer.

The 20th century history of the church resembled that of many others during this time. By 1921, the practice of renting pews was discontinued. During the World War II, many of the men of the congregation answered the call to service, as did many of the women on the home front.

Since then, the church has continued to grow and prosper, serving the spiritual and even the social needs of its people.

Mr. Speaker, I ask you and other Members to join me in expressing our best wishes to a very special institution, the Linlithgo Reformed Church of Livingston, NY, as it celebrates its 275th year of service to the community.

HONORING THE 150TH ANNIVERSARY OF THE MORMON PIONEERS ENTERING THE SALT LAKE VALLEY

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. HANSEN. Mr. Speaker, 150 years ago today, Brigham Young and the first Mormon pioneers descended into the Salt Lake Valley. They found a desolate, hostile land, covered by sagebrush and a vast lake of water with a salinity seven times greater than the ocean. Naysayer Jim Bridger offered $1,000 for the first bushel of corn raised in the Salt Lake Valley. But these stout-hearted souls were undaunted. Making ''the desert blossom as the rose'' was certainly not the first or greatest challenge these pioneers had faced.

The Mormon pioneers were no strangers to adversity. Their trek had begun long before their handcarts and wagons were nailed together in Nebraska. From the time the Church was organized in 1830, they had faced persecution and were driven out of Kirtland, OH; they had fled Independence, MO, in the face of an exterminator order; and they had been driven by angry mobs from the fair city of Nauvoo, IL, which they had built up out of the swamps of the Mississippi River. At last, their only choice was to move west, to a land no one else wanted, where they could worship God after the manner they desired.

Along the trail, they faced numerous hardships. While over 70,000 people made the

journey to the Salt Lake Valley prior to the coming of the railroad, hundreds died on the journey west. Men, women, and children rode in covered wagons or walked pulling their scant belongings in handcarts along the thousand mile trail from Nebraska to Utah. Disease, starvation, fatigue, exposure to cold, took their toll on the lives of young and old alike. Many young children completed the journey orphaned.

It took great courage, faith, and commitment to make the trek west. These faithful pioneers have left a great legacy for our Nation. Their legacy is one of hard work; making the desert blossom as the rose. It is a legacy of commitment to religious freedom; although the U.S. Constitution did not protect them, the Mormons were willing to send a battalion to the Mexican-American War to fight for the freedoms it affords. And it is a legacy of American settlement of the West; over 500 communities were settled by early Mormons, from Canada to San Bernardino, CA, to Mexico.

I salute my own pioneer ancestors today, and honor all those who created this legacy of faith in every footstep.

THE CASE FOR MILITARY PREPAREDNESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. SKELTON. Mr. Speaker, a few years ago, I discovered a speech made in 1923 by then Army Maj. George C. Marshall, that warned against a troubling pattern of failure in American history—a pattern which I fear we may be repeating today. Marshall, of course, later became one of the most distinguished American leaders of the century, serving as Chief of Staff of the Army in World War II, Secretary of State in the early years of the cold war, and Secretary of Defense during the war in Korea. ''[F]rom the earliest days of this country,'' said Marshall in 1923, ''[the Regular Army] was materially increased in strength and drastically reduced with somewhat monotonous regularity.'' Immediately following a war, he said, ''every American's thoughts were centered on the tragedies involved in the lessons just learned,'' and the size of the standing Army was increased in an effort to prepare for future conflicts. But within a few months, Marshall lamented, ''the public mind ran away from the tragedies of the War . . . and became obsessed with the magnitude of the public debt. . . . Forgetting almost immediately the bitter lesson of unpreparedness, [the public] demanded and secured the reduction of the Army.''

The bitter lesson of unpreparedness, unfortunately, had to be relearned repeatedly through much of the rest of the 20th century. Each time the price was paid in the lives of young Americans ill-prepared for the missions thrust upon them—at Kasserine Pass in North Africa, where United States forces were decimated in their first large tank battle of World War II; at the start of the Korean war, where a poorly equipped United States holding force, called Task Force Smith, was almost destroyed; and at Desert One in Iran, where equipment failures and poor coordination doomed the hostage rescue mission.

Today, in contrast, America has built a military force that sets the standard for the rest of the world. It is equipped with modern weapons. It is well led and well trained. The military services are more able than ever to work cooperatively. It is, above all, a high quality force, made up of well-educated, carefully selected, disciplined volunteers. They have carried out an extraordinarily broad range of responsibilities in recent years in a fashion that has demonstrated their professionalism and their dedication to duty. The former Chairman of the Joint Chiefs, Colin Powell, often characterized the troops he led as an exquisite force—he was not exaggerating.

I am afraid, however, that we may once again be forgetting the costs of unpreparedness. A return to the unfortunate pattern of the past is reflected in several ways. First, now that the cold war is over, the rationale for maintaining U.S. military strength is being questioned even by many who ought to know better. Second, because of budget pressures, defense spending appears unlikely to rise in the foreseeable future, but budgets must grow modestly over time to maintain a capable force. Third, the quality of our Armed Forces depends on keeping quality people in the services, but the extraordinarily high pace of operations is putting too much pressure on military families and may lead many good people to leave. Consider each of these issues in turn.

Why we should remain strong: Today, a number of my congressional colleagues challenge me with a question that surely echoed through the halls of Congress in 1923 or in 1946—''What is the enemy?'' I am asked. And with that question, there are many others. Why continue to support more spending for defense when the cold war is over? Why continue to pursue expensive, new, advanced weapons when U.S. technology was so dominant in Operation Desert Storm, and when no other nation is spending nearly what we do on military hardware?

If we look to the past, however, we have never been able to predict what military threats would arise in the future. In 1903, no one envisioned World War I. In 1923 we did not foresee World War II. In 1946, we did not anticipate the Korean war. In 1989, we did not expect the Persian gulf war. So a major reason for maintaining military strength is to hedge against the appearance of unexpected regional or global threats in the future.

But that is not the only reason. Today, our military strength is the foundation of a relatively secure international order in which small conflicts, though endemic and inevitable, will not decisively erode global stability. And as such our military strength is also a means of discouraging the growth of a new power that could, in time, constitute a threat to peace and evolve into the enemy we do not now foresee. Because of this, the very limited investment required to maintain our military strength—though somewhat larger than we are making right now—is disproportionately small compared to the benefits we, and the rest of the world, derive from it. My fellow Missourian, Harry S. Truman, stated the issue clearly: ''We must be prepared to pay the price for peace, or assuredly we will pay the price of war.''

Defense spending: As so often in the past, the United States again appears unwilling to pay the price of peace. Since the mid-1980's, the Department of Defense budget has declined by 40 percent in real, inflation-adjusted dollars, and the size of the force has been reduced by a third. Funding for weapons procurement has fallen even further—today we are spending just one-third as much on new weapons as we did in the mid-1980's. I do not believe that these levels of spending can be tolerated without critically weakening our military capabilities. And yet, there is all too little support for restoring even modest rates of growth in military spending. On the contrary, for long-term planning purposes, the Pentagon assumes that Defense budgets will be frozen at about $250 billion per year, in constant prices, as far as the eye can see.

We cannot, however, maintain a force of a stable size without at least modest growth in spending. For one thing, in order to keep quality people in the force, the quality of life in the military has to keep pace with the quality of life in the civilian sector. So pay, housing expenditures, facility maintenance accounts, and other related activities have to increase with the overall growth of the economy. Second, modern, advanced weapons grow in cost from one generation to the next, so budgets must grow to take advantage of evolving technology. Finally, sophisticated new weapons are more expensive to maintain, and they allow a higher, more costly pace of operations. Flat defense budgets, therefore, will entail further, strategically unwarranted cuts in the size of the force, declining military readiness, and a failure to exploit the rapid evolution of military technology. This is a prescription for the slow, steady, debilitating erosion of our military capabilities.

Pressures on people: Perhaps most importantly, even as the size of the force has declined in recent years, the pace of military operations—from Somalia, to Haiti, to Bosnia, to the Persian Gulf—has accelerated dramatically. Senior officers in all of the services worry that the pace of operations will sooner or later drive good people out of the military. To operate the modern U.S. military requires professional personnel with advanced skills that take years to learn. As a result, the services have to retain quality people after their initial enlistment run out. Older, skilled service members will get married, have children, struggle to make ends meet, worry about education, just like other citizens. Military personnel managers, therefore, often say that they enlist soldiers,but they retain families.

By its very nature, military life puts pressure on families. Service members are away from home for extended periods. Moves are frequent. Jobs are often very demanding, and job pressures grow as careers advance. Military personnel, of course, understand and accept these pressures, including regular deployments abroad, as part of the job. The pressures on military families have been greatly aggravated in recent years, however, by force reductions and by unplanned, irregular, temporary assignments to support military operations. If we are to keep skilled people in the service, we cannot afford to keep asking them to do more and more with less and less.

Were he here today, Major Marshall, I am afraid, would recognize all of this—a failure to appreciate the need for military strength, reluctance to pay the price of peace, asking too much of those who serve in the military—as familiar symptoms of our Nation's traditional attitude toward national defense. If we are to

avoid the mistakes of the past, we need to reconsider sooner, rather than later, how to protect the exquisite military force that we have inherited.

BABY SAFETY SHOWER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, on July 21, 1997, I hosted an event in my district, the details of which I would like to share with you and my colleagues.

The event, a Baby Safety Shower, was developed by the Consumer Product Safety Commission to help good parents become even better parents, and good grandparents become even better grandparents. I was certainly pleased to have Ann Brown, Chair of the U.S. Consumer Product Safety Commission [CPSC], as my guest at Morristown Memorial Hospital to share some of her extensive knowledge of consumer product safety issues with new and expectant mothers, grandparents, pediatricians, and child care providers in New Jersey.

I can tell you that when I learned about the CPSC's Baby Safety Shower program, I decided immediately that it was something that I would like to share with my constituents. As I well know, as a parent myself, babies do not come with instruction manuals and even the best new parents need to learn how to take care of their babies.

We know how much new parents want this kind of information, and CPSC has already given out over a quarter million baby safety checklists, containing safety tips that can save a baby's life, to parents around the country. Most people don't know that many of the everyday items in their homes can be hazardous to a baby, nor do they realize the extent of harm that these hidden hazards can cause.

Ann Brown shared several of the most common items with us in her presentation. For example, many individuals would never think that an old crib with sentimental value could be deadly for a new baby. To the contrary, old and previously used cribs are involved in the deaths of about 50 infants each year. To prevent these unnecessary deaths, CPSC has an abundance of information that can be used to identify these hazards.

The event was cosponsored by the New Jersey Department of Health and Senior Services. Dr. Leah Ziskin, Deputy Commissioner of Child Health, served as my cohost and offered her expertise on child health issues. The Department of Health and Senior Services offered new mothers important information on lead poisoning prevention.

I chose to host the event at Morristown Memorial Hospital to add a health emphasis on the day as well. The 11th District has a wealth of talented pediatricians and Morristown Memorial Hospital has one of the finest pediatrics and maternal health programs in the area. I want to thank Morristown Memorial and their staff for all of their assistance in planning the event and making the day run smoothly, including Dick Oths, Jeanne McMahon, Carol Paul, Dr. Kathleen Baker, Dr. Abraham Risk, Alan Robinson, Marcus DePontes, and Vicki Allen.

I would like to also thank the hospital for their excellent and informative presentations on the ''TraumaRoo'' program, Sudden Infant Death Syndrome, the Women, Infants, and Children [WIC] nutrition program, and Childhood Immunizations. The new or expectant mothers that I spoke with at the event were thrilled with all of the information that was made available through these displays.

Further, the 11th District has a wealth of companies that manufacture important products to keep infants and children healthy. I would like to thank Johnson and Johnson, founding sponsor of the New Jersey State Safety Council and the New Jersey State Safe Kids Campaign, American Home Products, the Warner Lambert Co., and Discovery Toys for their generous contributions of products and information that they made available to all the attendees.

Finally, I consider myself and the 11th District privileged to work with Kathy Ross, executive director of Child and Family Resources, who was also a great help in coordinating the event, sharing information on the ''Rethinking the Brain'' campaign, and reaching out to parents and child care providers alike.

I am hopeful that the information that was made available at the Baby Safety Shower will prevent accidents and harm to infants and children in my State. I am also optimistic that the day's events will be replicated by some of the individuals in attendance so that these important points will reach even more new parents and grandparents in our area and around the country.

THE CLINICAL LABORATORY IMPROVEMENT ACT AMENDMENTS OF 1997

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. ARCHER. Mr. Speaker, I am introducing the Clinical Laboratory Improvement Act Amendments of 1997 [CLIA '97], a bill identical to H.R. 1386 which had 131 cosponsors in the 104th Congress. H.R. 1386 was included in the House passed Balanced Budget Act of 1995 but was dropped by the Senate on a budget point of order. Like its predecessor, this legislation exempts physicians' office laboratories from the Clinical Laboratory Improvements Act of 1988 [CLIA '88], reduces the burdens on physicians who perform laboratory tests in their offices and consequently improves patient care while lowering patient costs. Also like its predecessor, this legislation would continue the regulation of any laboratory that performs pap smear analysis.

CLIA '88 has created enormous barriers to quality medical services for millions of Americans. Thousands of physicians have had to discontinue all or some portion of essential office laboratory testing, including tests for pregnancy and rapid strep. This creates a barrier to patient compliance with treatment protocols and subsequently causes patient inconvenience. For example, in those offices which have discontinued testing, a patient must now be referred to an outside laboratory to have the specimen taken and tested. This poses a substantial hardship for many patients, most notably the elderly, the disabled, and families who live in underserved areas. Oftentimes these patients cannot travel to or find someone to take them to these facilities. The result is that they do not obtain the necessary test which may interfere with their treatment or they go to a hospital emergency room when they become sicker and where the costs of testing are much greater.

CLIA '97 is an essential part of the Congress' continued efforts to provide affordable and quality health care to millions of Americans. CLIA '88 has added billions of dollars to the cost of healthcare and has significantly increased the Federal Government's expenditures for laboratory services. In the first 5 years following the enactment of CLIA '88, Medicare expenditures for laboratory services increased $3.1 billion or 110 percent to $5.9 billion annually. Last year, an independent analysis conducted by the Health Care Financing Administration's [HCFA] former Chief Actuary, using HCFA's own methodology, found that the Federal Government could save $800 million to $1.4 billion over the next 7 years by exempting physician office testing from CLIA '88.

I hope that my colleagues, on both sides of the aisle, will join me in supporting this legislation which will reduce health care costs and improve the ability of patients to receive appropriate laboratory tests conveniently and in a timely fashion.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes:

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the Foley-Bachus-Miller amendment to freeze the community development financial institutions [CDFI] fund at fiscal year 1997 levels, that was considered recently in debate on VA/HUD appropriation bill and support the level reported by the committee.

The CDFI Program was established in 1994 at the request of President Clinton and received bipartisan support. Public money from the CDFI is leveraged with private capital to increase much needed investment in distressed urban and rural communities. The purpose of CDFI is to provide technical assistance, loans, and grants to institutions and programs such as micro-loan funds, venture capital funds, community development banks, and low income credit unions. These ventures are purely established for the purpose of serving underserved communities and populations and are filling the void left by traditional lenders in urban and rural communities.

The Bank Enterprise Act, [BEA] which receives one-third of the funds appropriated to

CDFI, rewards traditional financial institutions that serve the credit needs of distressed communities. The money from CDFI is used to create new jobs, promote small businesses, and build affordable housing.

Congress authorized nearly $400 million for CDFI between fiscal year 1995 and fiscal year 1998. As part of the budget agreement, the President prevailed in increasing the authorization to $125 million for fiscal year 1998.

CDFI and BEA have issued one round of awards. Out of 268 applicants requesting over $300 million last year, CDFI selected 31 community development organizations to receive $35 million. BEA awarded 38 banks and thrifts $13.1 million. The demand for increased funding is evident by the level of interest that has been displayed by the increase in applicants and it is apparent that there is a lack of capital in the communities these institutions serve.

It has been alleged that the CDFI fund has no demonstrable record of success and raises questions about its practices in selecting grantees. After reviewing these allegations, the VA-HUD Appropriations Subcommittee and the full Appropriations Committee dismissed the charges. The subcommittee said in its report ''the Committee wholeheartedly endorses the goals of the program'' and voted to appropriate the full administration budget request.

I would like to further expand on the merits of the CDFI program by citing an example from the district which I represent. The Shore Bank Corp. received $3 million from the CDFI program that were matched with $8 million of private funds. These funds will go toward a new effort for a comprehensive community development bank holding company with a strategic plan to revitalize a well defined investment area on the east side of Detroit. This presents a promising approach to achieve large-scale community revitalization in Detroit.

The Detroit holding company, which is being established in stages, is designed to have three subsidiaries. One, a full service bank in the target area, is providing small business loans and housing loans to minority entrepreneurs and can leverage its equity many times over through deposits. The second a for-profit real estate development company, will initially focus on the development of 500 affordable houses to homeownership in a 30-square block area. The third, a nonprofit enterprise development affiliate, will have three functions—small business assistance to strengthen small manufacturers in the region and businesses in the target area, creation of a labor force development strategy to link potential workers with employers' skill needs, and homebuyer training and prepurchase services for first time homebuyers. Mr. Chairman, these services are much needed in my district, and in fact I wish I could have more financial institutions in my district with the same objective and purpose.

It has also been suggested that CDFI was making awards based on connections to the Clinton administration. In a letter to Secretary of the Treasury Robert Rubin, more than 220 CDFI's around the country said that recipients of the first round awards include ''some of the strongest CDFI's in the field'' and called the funds's evaluation process ''exhaustive, competitive, and careful, assessing the management strength, systems, and business planning of each applicant.''

Shore Bank has pioneered the field of community development finance, for over 25 years. Their work has attracted bipartisan national and international support. Mr. Chairman, I strongly urge all of my colleagues on both sides of the aisle to oppose the Foley-Bachus-Miller amendment.

AMERICAN CHEMICAL INDUSTRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. GILMAN. Mr. Speaker, today, I am introducing 11 duty suspensions that should promote international commerce and improve the productivity of our American chemical industry. They include three general product categories. Four of the requests are in the category of antioxidant products which protect against heat damage during the manufacturing of finished products. Five are in the category of photoinitiators permitting the curing of varnishes and paints by ultraviolet light. And the remaining two are in the category of corrosion inhibitors.

OUTSTANDING HIGH SCHOOL SENIORS FROM THE FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. SCHIFF. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.***HD***Certificate of Merit Award Winners 1997

Albuquerque Evening High School, Jonathan Baird. Bernalillo High School, Melissa Anne Martinez. Cibola High School, Rebecca Wong. Del Notre High School, Jay M. English. Estancia High School, William D. Neish. Freedom High School, Marcio Lujan. Hope Christian School, Geoffrey Luke McKinnon. Albuquerque High School, Albert Leija. Bernalillo High School, Jennifer M. Rivera. Sandia Preparatory School, Leslie Siegal. Eldorado High School, Matt Byers. Evangel Christian Academy, Amanda Brown. Highland High School, Matthew Sullivan. La Cueva High School, John B. Wenz. Los Lunas High School, Sarah Archer. Menaul High School, Jedidiah Garcia Glazener. Mountainair High School, Jessica Dawn Barber. Rio Grande High School, Anthony Baca. Menaul High School, Anna Chrzanowski. Menaul High School, Haven Annette Scogin. New Futures High School, Angelita Garcia. St. Pius X High School, Shabbon P. Walsh.

TRIBUTE TO AN ANGEL

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to pay tribute to an angel.

As you are aware, my district in Minnesota has been devastated by blizzards and floods for several months this past spring. The worst damage has occurred in East Grand Forks, the little city in the big flood. I was there when the dikes were breaking and we have been there ever since trying to help this brave community come back from this disastrous event.

The physical damage was an awesome sight and the water refused to recede for day after endless day. Mr. Speaker, I cannot begin to tell you the sadness we felt as we watched their hearts breaking, or the pride as we watched them struggle not to fall into despair.

And when circumstances were still at their bleakest, there appeared an angel. An anonymous donor of such generosity that all of us were astounded by her actions. A gentlewoman from another state gave the citizens of Grand Forks and East Grand Forks a total of $15 million, to be given out in the sum of $2,000 to each household that was evacuated by air raid sirens and lost property to the raging Red River. No other criteria. No strings attached. No delay allowed. She asked only that there be no redtape to the process and to remain anonymous.

I will always honor her wishes. So I use this forum to tell our angel, thank you. The impact was beautiful and immediate. The families were and remain moved to tears by your selfless actions. The community itself rose to a new level of courage and strength of purpose because of you. You fed their spirits and restored their souls.

This city will rise again, recover and rebuild and become a finer, stronger community. Of this there is no doubt in my mind. But it will not be because of a new downtown, or a new housing development, rebuilt schools, or a revitalized business sector. East Grand Forks will become a stronger community because you opened your heart to them in their darkest hour. You believed them worthy of a future. They will now believe it themselves. And they have learned from you, angel, they have learned that there is no shame in receiving help, and great joy in giving it. They will remember you for all their lives. As will I.

You have made a difference in our lives, and perhaps that is the highest achievement a person can attain on this earth. So I join the citizens of East Grand Forks in heartfelt thanks to you, our angel. We will never forget you.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 307, I was unavoidably detained at the White House.

Had I been present, I would have voted ''nay.''

INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE NATIONAL EARTHQUAKE HAZARD REDUCTION ACT, H.R. 2249

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing with my colleague on the House Science Committee, Mr. BROWN, legislation to reauthorize the National Earthquake Hazards Reduction Program [NEHRP]. Since its inception in 1977, NEHRP has contributed greatly to what we know about the science of earthquakes as well as to reducing our Nation's vulnerability to earthquakes. Earth science and seismological research performed through NEHRP has produced maps and seismic data from which we can determine seismic risks in a given location. And, NEHRP helped to develop the knowledge base that enables design and construction of new structures that are less likely to collapse during an earthquake.

The bill we are introducing today enables the program to continue its good work in earthquake research and hazards mitigation. Specifically, this legislation authorizes approximately $105 million in fiscal year 1998 and $107 million in fiscal year 1999 for the four NEHRP agencies, the Federal Emergency Management Agency [FEMA], the United States Geological Survey [USGS], the National Science Foundation [NSF], and the National Institute of Standards and Technology [NIST]. In addition, the bill provides $3 million in each of fiscal years 1998 and 1999 to the USGS for operation of the Global Seismic Network [GSN].

There are several provisions of this legislation which I would like to highlight which we believe will strengthen NERHP and provide for a more robust earthquake science and engineering research infrastructure into the next century: First, the legislation authorizes $8 million specifically for the USGS's external grants programs. This action is consistent with the Science Committee's ongoing efforts to recognize and support external programs within the science agencies. Second, this bill requires the Director of USGS to develop a seismic hazard warning system which will enable our Nation's vital lifelines such as electric utilities, gas lines, and high-speed railroads, to receive warnings in advance of an earthquake. It is hoped that these warnings will be provided in time to shut down the lifelines, thereby guarding against the catastrophic effects that occur when such facilities are ruptured or damaged by earthquakes. Third, this NEHRP reauthorization requires an assessment of regional seismic monitoring networks to determine the state of facilities and equipment. Fourth, the bill authorizes the Director of NSF to use funds to develop earth science teaching materials and to make them available to local schools. Fifth, the legislation directs the Director of USGS to improve hazards assessments of seismic zones in the United States. Sixth, the bill requires the Director of FEMA to assess and report on disaster training capabilities and programs offered by the agency. Seventh, finally, the bill requires the Director of NSF to work with the other NERHP agencies to develop a plan to effectively use earthquake engineering research facilities, which includes upgrading facilities and equipment and integrating innovative testing approaches.

Mr. Speaker, the legislation Mr. BROWN and I are introducing today is reflective of the Science Committee's bipartisan efforts on behalf of Federal science and technology programs. The bill is a manifestation of a jointly shared goal to ensure that the Nation has a vital earthquake research enterprise which will continue to greatly contribute to better earthquake awareness, more widespread and effective earthquake mitigation, and ultimately, a reduction in lives and property lost from this hazard.

NATIONAL PARENTS DAY

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. KIM. Mr. Speaker, I rise today to remind my colleagues that this coming Sunday we will celebrate National Parents Day. Unfortunately, because of our busy legislative schedule, I will not be able to attend National Parents Day ceremonies in my district this weekend.

The purpose of this annual celebration is to recognize the important role that parents play in the future of our country, based on how they bring up their children. At a time when we see more families where both parents are forced to work, we need to remind ourselves that it is not the Government's role to raise our children. Nor is it a teacher's responsibility to raise our children.

Parents need to take the primary responsibility for raising their children, instilling morals and teaching those values that we want our Nation to represent in the next century. Through active participation in all facets of their children's lives, parents can mold and shape their children into the type of citizens that can lead the United States into the 21st century.

Mr. Speaker, the positive influence that parents can play in the upbringing of a child is of the utmost importance, I am pleased we take the time to celebrate this occasion, and I salute groups like the National Parents Day Coalition, for hosting events to bring this to our attention.

FAITH IN EVERY FOOTSTEP

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. ENSIGN. Mr. Speaker, ''Faith in Every Footstep'' is the motto of the Mormon pioneer sesquicentennial year, which culminates today with a celebration of the 150th anniversary of the arrival of members of the Church of Jesus Christ of Latter-Day Saints in the Salt Lake Valley on July 24, 1847. I rise to recognize this historical milestone in the settlement of the West and important date in Nevada's early history.

Like many other western States, Nevada's initial settlements were established by Mormon pioneers—Genoa in northern Nevada in 1851, and Las Vegas in southern Nevada in 1855. In fact, Nevada was part of the Utah Territory before becoming the Nevada Territory. The Mormon pioneers of northern Nevada were led by Orson Hyde, while the pioneer group called to settle Las Vegas were led by William Bringhurst. On a warm day in mid-June of 1855, these courageous pioneers began to build a diamond in the desert. The old Las Vegas Mormon Fort is the oldest standing building in the State of Nevada.

Today, amid the bustle of the fastest growing city in the Nation, beautiful chapels and a temple grace the Las Vegas Valley while serving as a place of worship for over 100,000 Latter-Day Saints. Las Vegas has become a place where Latter-Day Saints have settled to raise their families and serve their community.

On behalf of all the citizens of my congressional district and throughout Nevada, I salute those early Mormon pioneers who blazed the trails of the rugged West and built a lasting heritage for themselves and the State of Nevada.

On Pioneer Day, we should remember and honor all those brave men, women, and children who answered the call to settle new lands, and through faith, courage, and sacrifice built hundreds of settlements throughout the Western United States and made the desert bloom.

FISCAL YEAR 1998 AGRICULTURE APPROPRATIONS BILL

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Ms. FURSE. Mr. Speaker, yesterday, I was blocked from offering an amendment to the Agriculture appropriations bill by an unfair gag rule. This rule was written by the Republican leadership midway through debate on the Agriculture appropriations bill to change the rules for debate from an open amending process to a closed, undemocratic process.

Although we were told that no preprinting of amendments was required, the rule arbitrarily barred any amendments that weren't preprinted 2 days prior. This meant that by the time Members first heard of the new rule, it was already too late for them to meet its new restrictions. Unless, of course, you were one of the three chosen Republicans that were inexplicably grandfathered in as exceptions to the preprinting deadline.

The Agriculture Appropriations Subcommittee knew that I intended to offer this amendment. I had sent out four dear colleagues letters, including one bipartisan letter signed by six other Members. Nonetheless, I was unjustly muzzled; my opportunity to have a debate on an important policy issue was held hostage to a partisan power play.

The following paragraphs describe in detail the animal damage control amendment that I would have offered had I not been silenced by an unjust rule of the majority party.

The goal of my amendment is to reduce the Federal subsidy for a practice that many Americans believe is economically unfair, ineffective as a livestock protection method, unnecessary, inhumane, a waste of money, and harmful to the environment.

My amendment requires that those who benefit from the livestock protection services

of the Animal Damage Control Program in the West pay for those services. This amendment is supported by more than 80 taxpayer and conservation organizations from across the country, including Taxpayers for Common Sense, the National Wildlife Federation, Defenders of Wildlife, the Humane Society, the U.S. Public Interest Research Group and the Green Scissors budget-cutting coalition.

My amendment is designed to eliminate the excessive, systematic, taxpayer-subsidized annual killing of hundreds of thousands of coyotes and other animals in the name of western livestock protection. Specifically, my amendment limits ADC funding for livestock protection efforts in the Western United States to $1.9 million. This amount is enough to provide $100,000 to each of the 19 States in ADC's Western region, which will allow them to continue predator control programs focusing on rancher education and nonlethal control techniques like guard dogs, shepherds, and the like.

By limiting expenditures for livestock protection to $1.9 million, we provide the American taxpayers with a savings of $11.3 million. I want to stress that this still leaves a total of $16.6 million in the ADC budget. I repeat, this amendment will not eliminate the Animal Damage Control Program, and will not affect ADC's other activities. The only portion of the ADC budget my amendment would touch is moneys for livestock protection in the Western United States. And I take a moderate approach. I do not cut the entire subsidy for these activities as many have advocated. My amendment would still provide Federal funding for each State to have a predator control program.

Let me take a moment to mention what this amendment would not do. This amendment would not take any of ADC's money away from measures to protect public health or safety. This includes ADC activities to prevent birds from causing problems at our Nation's airports or to prevent the spread of rabies. Nor would this amendment touch any ADC activities in the Eastern United States.

The ADC has seven categories of resources they protect: aquaculture, livestock, forest and range, crops, human health and safety, property and natural resources—which includes endangered species. Let me stress again that this amendment deals only with the livestock protection category, and only in the West.

Two ADC programs that protect endangered species warrant specific mention, if only to note that they will not be cut by this amendment. First, ADC plays an important role in wolf recovery by ensuring that problem wolves that prey upon livestock are immediately controlled. Almost all of ADC's wolf control activity takes place in Minnesota, which is in their Eastern region and therefore not affected by our amendment. What little wolf control activity that occurs in the Western region can easily be funded out of ADC's budget for threatened and endangered species, which is also untouched by my amendment. Second, ADC also plays an important role in preventing the brown tree snake from being introduced into Hawaii. I support the work ADC is doing on this issue and, again, would like to stress that my amendment does not reduce funds for this purpose.

This amendment focuses on the West for several reasons. First, 97 percent of ADC's livestock protection budget is spent in the West. Second, the objectionable and excessive mass-killing of coyotes and other predators takes place mostly in the Western States. Third, that region serves a livestock industry that is over-subsidized to the detriment of wildlife and other public land uses, such as outdoor recreation, including hunting and fishing. Fishing is harmed because the run-off from intense livestock grazing near streams reduces fish populations available for commercial and sport fishing. And, of course, subsidized coyote control may induce ranchers to increase their herds beyond environmentally sustainable levels. Fourth and finally, this ADC subsidy is unfair to the majority of livestock producers around the country, who do not benefit from this subsidy, even though their tax dollars help pay for it. This represents an unfair competitive disadvantage.

Let me take a moment to talk about the ADC program and what it does. Each year, ADC kills more than a hundred thousand coyotes, mountain lions, bears, and other predators. Thousands more are accidentally killed. In fact, between 1990 and 1994, ADC killed 7.8 million critters. A number of techniques are used, including leghold steel jaw traps—the method chosen for this ill-fated bobcat in the photo next to me, who died a slow painful death, aerial gunning, field hunting with dogs, snares, denning—which means gassing the mother and pups in their dens, and M–44s—a baited device that ejects cyanide poison into the animal's mouth. One frequent ADC technique is the preventative shooting of coyotes from aircraft to kill as many coyotes as possible before livestock is moved to a new range area, even though they haven't actually harmed any livestock. This practice is comparable to a dentist pulling out all of a patient's teeth as a way to prevent cavities.

In fact, we often see that the amount of wildlife killed by ADC bears little relation to the actual damage inflicted. In 1990, for example, ADC personnel in New Mexico spent more than 80 staff days killing 55 animals—including 22 non-target animals such as kit fox, deer, porcupines and badgers—in response to a single lamb killed by a coyote—a loss of only $83. This is not a wise use of taxdollars.

I would also point out that the ADC's predator control program is of very questionable effectiveness. Between 1983 and 1993, Federal appropriations to ADC increased 71 percent and the number of coyotes killed increased 30 percent—but the number of livestock losses to predators did not decline.

In addition, other factors such as weather, medical problems, poisoning and theft account for the majority of losses of both sheep, 60 percent, and cattle, 97 percent—not predators. Less than 3 percent of all cattle losses nationwide are the result of predation. Our money would be better spent on animal research on how to reduce these losses than on killing coyotes.

The finances of the program are equally questionable. The private ranching interests that benefit from this program contribute only 14 percent of the costs of the program, despite the fact that the Department of Agriculture is authorized to collect fees for ADC services. In every Western State in fiscal year 1995, ADC spent more money controlling predators than the value of the livestock allegedly lost to predators by ADC beneficiaries.

To add insult to injury, this program uses tax dollars to benefit some very wealthy ranchers who can more easily afford ADC's predator control services than the American taxpayers. I bring to your attention the front page story of the New York Post from March which highlights how ABC News correspondent Sam Donaldson, who makes $3 million annually, benefits from ADC. Sam's sheep ranch received 412 visits from ADC officers between 1991–1996, during which time they killed 74 coyotes and 3 bobcats. This is not an appropriate use of your constituents' tax dollars.

For years, official ADC policy has required ADC employees to try nonlethal methods of predator control before resorting to killing animals. Congress in fiscal year 1994 and fiscal year 1995 also directed that ''non-lethal methods of control should be the practice of choice'' for ADC personnel. Nonetheless, a 1995 GAO report found that ADC personnel still ''used lethal methods in essentially all instances to control livestock predators.'' In essence, ADC is completely ignoring established congressional guidance, as well as their own internal directives.

Many cost effective, nonlethal control methods exist, such as the use of guard dogs and shepherds, confinement of sheep during the vulnerable lambing period, pasture rotation, removal of carcasses that attract predators, fencing and electronic guards, to name a few. The State of Kansas, which has spent less than $75,000 a year on its predator control program for the past 27 years, relies heavily on nonlethal techniques. In fact, Kansas has 20 times fewer reported predator problems than the State of Oklahoma, a State of comparable size and agriculture production which spends $1.3 million on predator control. We could learn a lesson or two from Kansas on this issue.

So, let me reiterate. My amendment would save American taxpayers $11.3 million. It does this by reducing funds for the killing of predators to protect private livestock operators in the Western United States. My amendment still leaves more than $16 million for other ADC activities and does not touch funding for the protection of human health and safety or endangered species. It does not impact moneys to clear birds from airport runways, to remove beavers or groundhogs that cause flooding, to control mountain lions that attack joggers or to prevent the spread of rabies by raccoons. My amendment does not impact any ADC activities in the Eastern United States at all.

While we struggle to scrape together moneys to continue the many important programs critical to the American people, the subcommittee has chosen to increase the fiscal year 1998 funding for the ADC subsidy by $1 million over the fiscal year 1997 appropriation and $4.25 million more than the President's budget. In fact, this program is consistently funded at an average of almost $3 million per year more than the administration requests for it. I would argue that our constituents wouldn't view this program as a priority use of their tax dollars.

Let me close by saying that I am a Westerner. I hail from a district that includes rural areas and livestock ranches. Not everyone in my district would be happy to lose their ADC subsidy. But if we're going to be serious about balancing the budget and cutting the fat out of Government spending, then we're going to have to be critical of the subsidies in our own backyards. We can't just cut the pork in our neighbor's district.

I'd like to end my statement by quoting from a letter written to the Governor of New Mexico from a Ph.D. rangeland scientist who just happens to be a senior fellow at the Cato Institute. The Cato Institute, as you know, is a well-respected, fiscally conservative, free market think tank. Karl Hess from Cato writes:

ADC subsidies effectively shoulder what should be part of the costs of operating a business . . . ADC is a gross intervention in the market place. The wonderful feature of America is the freedom of opportunity each of us has to make it on our own merits and to do so in the arena of the free market. I am, as you might surmise, a fan of the free markets, just as I am a great believer in individual freedom. I am certain you are too. Let's make sure that ranchers can defend themselves against predators, but let's not ask taxpayers to pay the bill. It's only fair.

I couldn't have said it better myself. Please join me in reducing the animal damage control subsidy for private livestock owners in the West. Send the signal to ADC that they need to clean up their act. And give the American taxpayers a break.

Vote ''yes'' on the Furse amendment.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 307. If present, I would have voted ''aye'' on rollcall No. 307.

INTRODUCING A HOUSE RESOLUTION CONCERNING THE CRISIS IN CAMBODIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. GILMAN. Mr. Speaker, I am introducing today House Resolution 185 which addresses the current crisis in Cambodia and calls for definitive action to put that country back on the road to peace, democracy, and stability.

As you know, the Cambodian people suffered terribly through two decades of political conflicts, civil war, foreign invasion, protracted violence, and the horrific genocide perpetrated by the Khmer Rouge. The nightmare finally ended with the 1991 Paris peace accords which, through a massive and historic international effort, brought peace to Cambodia. The peace accords set the stage for a process of political accommodation, national reconciliation, and the founding of a nation based on democratic principles.

The successful national elections held in Cambodia in 1993 under U.N. supervision—in which over 90 percent of the eligible voters participated—demonstrated the firm commitment of the Cambodian people to democracy. Regrettably, earlier this month, a military coup by Second Prime Minister Hun Sen forcefully wrested democracy from the Cambodian people. This must not stand.

Since the signing of the peace accords and the completion of the 1993 elections, Cambodia has made considerable progress toward establishing a bright future based on economic freedom and democratic principles. This included the creation of a national constitution that guarantees fundamental human rights and liberties. With significant investment from the international donor community, including many millions of dollars in assistance from the United States, Cambodia appeared to be heading in the right direction toward democracy, peace, and freedom. The Association of Southeast Asian Nations [ASEAN] recognized this progress and recently extended membership privileges to Cambodia.

On July 5, 1997, Cambodia's bright future was shattered when Second Prime Minister Hun Sen deposed First Prime Minister Ranariddh in a violent military coup. Reportedly, over 40 opposition politicians have died or have been executed in the custody of Hun Sen's forces, some after having been tortured. Hundreds of others have been detained without cause due to their political affiliations and thousands have fled the country.

It is regrettable that we find ourselves on familiar ground once again—trying to restore peace and stability in Cambodia. The military coup d'etat orchestrated by Hun Sen marks an unfortunate return to the past—a past of fear and violence. The reports of executions, arrests, and other human rights abuses are cause for tremendous concern. Cambodia's once bright future is now clouded by the shadow of tyranny that darkens the countryside.

This forcible change to the duly-elected Government in Cambodia is illegal and unacceptable. This brutality violates not only Cambodia's own constitution but also all internationally respected norms of behavior. More tragically, Hun Sen's actions violate the mandate of the Cambodian people, as expressed in the 1993 elections.

We must not look the other way while violence and tyranny rule in Cambodia. The United States Government and the international community have made a significant investment in bringing peace to Cambodia and providing the Cambodian people with the opportunity to determine their own future through free and fair elections. We must remain committed to this ideal.

The United States must condemn—in the strongest terms possible—the undemocratic and forcible change in government and the use of violence to resolve political matters by all sides in Cambodia. So far, the administration has taken a cautious approach in addressing this crisis, failing to acknowledge that Hun Sen's actions constitute a military coup.

We must not renege on our role as a guarantor of the Paris peace accords and wait on the sidelines while the situation in Cambodia sorts itself out. The United States Government should demonstrate leadership to reverse the coup and restore democracy in Cambodia. We should work with the U.N. Security Council and the ASEAN member states to consider all options to return democracy, stability, and the rule of law to Cambodia.

The administration's decision to suspend assistance for 1 month is only a first step. This resolution calls for a continued suspension of direct assistance to the Cambodian regime until the violence ends and a democratically elected government is reconstituted. The legislation also encourages the international donor community to suspend aid as part of a multilateral effort to encourage respect for democratic processes and principles.

The United States Government should use its influence to ensure that Cambodian authorities hold free and fair national elections as scheduled in 1998. We also must assist Cambodia in depoliticizing its military and making the judicial system independent.

In addition, this resolution calls upon the Cambodian authorities to stop all political violence; restore all civil and political freedoms to the Cambodian people; investigate all extralegal actions that have taken place since fighting was renewed in July 1997; and, bring to justice those who are responsible for the human rights abuses that have occurred.

The Cambodian people have suffered enough. Let's work to get Cambodia back on the road to democracy. Accordingly, I urge my colleagues to support this resolution (H.R. 185).

H. RES. 185

Whereas during the 1970s and 1980s Cambodia was wracked by political conflict, civil war, foreign invasion, protracted violence, and a genocide perpetrated by the Khmer Rouge from 1975 to 1979;

Whereas the Paris Agreement on a Comprehensive Political Settlement of the Cambodia Conflict led to the end of 2 decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas the 1991 Paris Peace Accords set the stage for a process of political accommodation, national reconciliation, and the founding of a state based on democratic principles;

Whereas the international donor community contributed more than $3,000,000,000 in an effort to secure peace, democracy, and stability in Cambodia following the Paris Peace Accords and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas the Cambodian people clearly demonstrated their support for democracy when over 93 percent of eligible Cambodian voters participated in United Nations sponsored elections in 1993;

Whereas since the 1993 elections, Cambodia has made significant progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

Whereas notwithstanding the notable societal and economic progress since the elections of 1993, concern has increasingly been raised regarding the fragile state of democracy in Cambodia, in particular the quality of the judicial system, which has been described in a United Nations report as thoroughly corrupt; unsolved attacks in 1995 on officials of the Buddhist Liberal Democratic Party; and the unsolved murders of journalists and political activists;

Whereas tensions within the Cambodian Government has erupted into violence in recent months;

Whereas on March 30, 1997, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on a peaceful political demonstration in Phnom Penh;

Whereas in June 1997 fighting erupted in Phnom Penh between military and paramilitary forces loyal to First Prime Minister Prince Norodom Ranariddh and Second Prime Minister Hun Sen;

Whereas on July 5, 1997, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent military coup d'etat;

Whereas at least several dozen opposition politicians have died in the custody of Hun Sen's forces, some after being tortured, and hundreds of others have been detained due to their political affiliation;

Whereas democracy and stability in Cambodia are threatened by the continued use of violence to resolve political differences;

Whereas the administration has suspended assistance to Cambodia for 1 month in response to the deteriorating situation in Cambodia; and

Whereas the Association of Southeast Asian Nations (ASEAN) has decided to delay indefinitely Cambodian membership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the forcible assault upon the democratically elected Government of Cambodia is illegal and unacceptable;

(2) the recent events in Cambodia constitute a military coup against the duly elected democratic Government of Cambodia;

(3) the authorities in Cambodia should take immediate steps to halt all extralegal violence and to restore fully civil, political, and personal liberties to the Cambodian people, including freedom of the press, speech, and assembly, as well as the right to a democratically elected government;

(4) the United States should release the report by the Federal Bureau of Investigation concerning the March 30, 1997, grenade attack in Phnom Penh;

(5) the United States should press the authorities in Cambodia to investigate fully and impartially all abuses and extralegal actions that have occurred in Cambodia since July 4, 1997, and to bring to justice all those responsible for such abuses and extra-legal actions;

(6) the administration should immediately invoke section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), as it is required to do;

(7) the United States should urgently request an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(8) the United States should encourage the Secretary General of the United Nations to expand the monitoring operations of the United Nations Special Representative on Human Rights in Cambodia;

(9) the United States and the Association of Southeast Asian Nations (ASEAN) should coordinate efforts to restore democracy, stability, and the rule of law in Cambodia;

(10) direct United States assistance to the Government of Cambodia should continue to be suspended until violence ends, a democratically elected government is reconstituted, necessary steps have been taken to ensure that the election scheduled for 1998 takes place in a free and fair manner, the military is depoliticized, and the judiciary is made independent; and

(11) the United States should call for an emergency meeting of the Donors' Consultative Group for Cambodia to encourage the suspension of assistance as part of a multilateral effort to encourage respect for democratic processes, constitutionalism, and the rule of law.

EQUAL PARENTS WEEK

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. KIM. Mr. Speaker, I rise today to remind my colleagues that this coming Sunday signals the beginning of Equal Parents Week. Unfortunately, because of our busy legislative schedule, I will not be able to attend Equal Parents Week ceremonies in my district this weekend.

Equal Parents Week brings to the attention of our Nation the importance of both parents in the raising of a child, especially in cases of a divorce. Unfortunately, in many cases a divorce results in a custody battle that, in addition to severely hurting the child, renders one parent with fewer parental rights than the other.

As a result, the noncustodial parent loses a great deal of his or her parental rights, and is thus relegated to a position as a ''second class'' parent. I believe that, as long as it is in the best interest and safety of the child, parents should work together to make certain that both parents have an equal opportunity to play an active role in that child's upbringing.

Mr. Speaker, the positive influence that both parents can play in the upbringing of a child is of the utmost importance. I am pleased we take the time to celebrate this occasion each year, and I salute groups like the Coalition of Parent Support, for hosting events to bring this important issue to our attention.

LAW ENFORCEMENT OFFICIALS AND THE DOMESTIC VIOLENCE GUN BAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. KLECZKA. Mr. Speaker, the domestic violence gun ban amendment, included in last year's omnibus appropriations bill, was intended to protect victims of domestic abuse by prohibiting anyone convicted of a domestic violence misdemeanor from purchasing or possessing a handgun. Supporters of this provision wanted to ensure that if one spouse was convicted of this kind of offense, he or she could not then have access to a gun, which could increase the likelihood of deadly violence against the abused spouse in the future. However, I do not believe that this amendment also intended another consequence: taking away the livelihood of some Americans.

The domestic violence gun ban amendment would make it illegal for law enforcement officials to do their job, because it would prohibit them from carrying a gun during normal work hours.

There is a simple answer to this problem. My legislation would allow law enforcement officials with past domestic violence misdemeanor convictions to carry a handgun on duty while engaged in official police business. A police officer with a prior domestic violence conviction would pick up his or her gun when beginning a shift at work, and then turn in the weapon when they leave to go home. I believe that my legislation is a practical solution to allow law enforcement officers to continue to do their jobs, while also protecting victims of spousal abuse. I encourage my colleagues to support this legislation.

THE VETERANS SEXUAL TRAUMA TREATMENT ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mr. GUTIERREZ. Mr. Speaker, I am pleased to rise in support of the Veterans Sexual Trauma Treatment Act, which I have introduced today with the support of 33 of my colleagues.

I want to begin by thanking four outstanding Veterans Service Organizations; the American Legion, Amvets, the Veterans of Foreign Wars and the Vietnam Veterans of America for their leadership on this issue. Their input on this legislation has been invaluable. I am very proud that they all strongly support this legislation and thank them for their work.

The Veterans Sexual Trauma Treatment Act provides very real help to veterans who experience the very real problem of sexual abuse or harassment while serving in our nation's military. The numbers are alarming. In 1996, approximately 190,000 women served in our armed services.

A Department of Defense survey of active duty women found that 5 percent of women had been the victim of a sexual assault. That is almost 10,000 women. These statistics—and news reports of incidents like those at Aberdeen—have made clear the existence of very serious problem in our Armed Forces and the need to move aggressively to end the tragedy of sexual abuse.

However, we must also take aggressive steps to help our veterans after this abuse or harassment has occurred. The pain and suffering that sexual abuse causes does not end when a person leaves the military. The physical, psychological and emotional effects are often just beginning.

That is why I believe the Veterans' Sexual Trauma Treatment Act is so important. This legislation strengthens existing Veterans Administration programs for aiding victims of sexual assault. Sadly, the current law is inadequate. It states that the VA may provide counseling and care to victims of sexual assault, and that the program must be reauthorized each and every year.

It excludes members of the reserves and National Guard—thereby denying care to some soldiers called to duty during the Gulf War. It also excludes any military personnel who separate before 2 years of duty with our armed forces. Finally, the VA has done a woeful job of notifying veterans of what services are available to them and how to access these services.

I don't believe these half-hearted provisions are acceptable for veterans who have made whole-hearted commitments to serving our Nation.

We know that problems exist. We should pass legislation that guarantees care.

Our bill assures a national commitment to our veterans. Our bill makes the provision of care to victims of sexual assault or harassment mandatory—and permanently authorize this care. It allows veterans who separate before they have completed 2 years of service to be eligible for care and counseling. This is vital, because often sexual assault is the very reason these people leave the military. It is illogical and unfair to deny them care.

The Veterans Sexual Trauma Act also makes reservists and National Guard members eligible for care.

It also ensures that health professionals—not VA administrators—make determinations about eligibility for care and guarantees that all appropriate medical care is made available to any eligible veteran.

Finally, it mandates that the VA aggressively promote the availability of this vital service and assure that veterans are aware of these counseling and care programs.

This is not a complicated bill, nor is it an expensive bill.

It is however, a vital bill.

Each year, more and more women make the decision to dedicate a portion of their lives to serving our Nation.

The increasing enlistment of females is a trend that should make our Nation proud—but we should be ashamed when any soldier faces sexual assault or harassment.

When Americans enlist in the military they make a promise to dedicate their lives to serving our Nation.

This legislation helps America keep its promise to our veterans—its promise to provide all necessary health care.

Care and counseling for victims of sexual abuse and trauma should be a basic and fundamental part of the health care services the VA makes available to our veterans. Today, it is not.

This legislation accomplishes this important goal. I urge all of my colleagues to support it and push for its quick passage.

SMALL BUSINESS JOB OPPORTUNITY ACT

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Ms. FURSE. Mr. Speaker, I rise today to introduce legislation that will promote investment in small business by cutting the tax on capital gains that are reinvested in American small businesses. By doing so, this bill will create jobs. I repeat—the only capital gains relief is for small business—where their profit is invested in companies doing business in America. That means jobs for Americans in America. Increasing the amount of capital available to American businesses will be extremely beneficial to our long-term economy.

Small businesses are the backbone of our economy and need extra capital to expand and compete in the increasingly international marketplace. In Oregon, over 95 percent of businesses earn less than five million dollars per year in gross receipts. These small businesses are the core to Oregon's success in trade in the Pacific Rim. In fact, many of my colleagues are surprised to learn that Japan is Oregon's largest trading partner. Most importantly, Oregon small businesses provide job opportunities for Oregon's working families.

During the debate over the capital gains tax cuts, Congress should embrace this bill as an opportunity to provide support to the small business community and benefit America's working families. Traditionally, capital gains tax cuts have been viewed as a tool for the wealthy, but by targeting investments in small business we are providing job opportunities for working families. Many middle-income Americans realize some type of capital gain and this is an opportunity for them to reinvest that gain in their community and help provide jobs for their neighbors.

The Pacific Northwest International Trade Association and Oregon Bankers Association have joined me in supporting this bill. Following are their letters of endorsement. I urge all my colleagues to support this important legislation.

OREGON BANKERS ASSOCIATION,
INDEPENDENT COMMUNITY BANKS OF OREGON,
Salem, OR, July 21, 1997.

Hon. ELIZABETH FURSE,
U.S. House of Representatives, Washington DC.

DEAR CONGRESSWOMAN FURSE: The Oregon Bankers Association wholeheartedly endorses your proposed ''Capital gains small business reinvestment exemption''. We shall support its passage in every way possible.

As we have previously discussed, Oregon has a large number of small businesses. As a matter-of-fact, most of our new job potential is in the small business sector.

We must create incentives and remove roadblocks to insure growth in this very key area of our economy.

Your proposal could be extremely valuable to the emerging Oregon small businesses and small businesses nationwide.

Sincerely,

FRANK E. BRAWNER,
President.

PACIFIC NORTHWEST INTERNATIONAL TRADE ASSOCIATION, ONE WORLD TRADE CENTER,
Portland, OR, July 21, 1997.

Hon. ELIZABETH FURSE,
U.S. House of Representatives, Washington, DC.

Re: Capital Gains Exemption for Small Business Reinvestment Act

DEAR CONGRESSWOMAN FURSE: PNITA commends you for introducing this bill which has our enthusiastic support. As a small business state we believe this legislation will help to encourage small businesses in general and specifically provide a greater opportunity for investment by people who own and operate small businesses.

We ask that your staff keep us informed as this bill is assigned to committee so that PNITA members may do whatever is necessary to insure its timely passage.

Again, we appreciate your continued support of the small business community. We know that your bill will help small businesses nationwide as the similar Oregon law has helped Oregon companies.

Sincerely,

STEVEN W. NEWMAN,
Executive Director.

INTRODUCTION OF THE SMALL BUSINESS JOB OPPORTUNITY ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Ms. HOOLEY. Mr. Speaker, I am pleased to join my colleague, Representative ELIZABETH FURSE, in introducing legislation that will provide targeted capital gains tax relief to small business owners. Our bill would reward small business owners who reinvest their profits in American small businesses, and would demonstrate our national commitment to the health and welfare of our nation's entrepreneurs.

In the state of Oregon, small businesses are a crucial part of the growing economy. In fact, more than 95 percent of businesses in the state earn less than $5 million a year. These growing businesses are providing quality jobs and economic opportunity for working families across our state. But this experience is not unique to Oregon. Small businesses across this country are providing the new jobs and economic growth that are driving our strong economy.

As Congress continues to work toward balancing the budget and providing tax relief, it is essential that we maximize the benefit of tax reductions by targeting them to the people who need them most. This bill does just that by encouraging reinvestment in small business and creating a climate for continued growth and job creation.

I am also pleased that the Oregon Bankers Association and the Pacific Northwest International Trade Association have joined us in support of the legislation. I urge my colleagues to join us in support of this important small business legislation.

IN HONOR OF QUEENS SURFACE CORPORATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Queens Surface Corporation, a company with an outstanding reputation of service in Queens, on the 60th anniversary of its founding. Now the largest privately owned transit company in New York City, Queens Surface plays an important role in the community of its headquarters in College Point, Queens.

Queens Surface Corporation has given significant amounts of financial support to the College Point community by helping such organizations as the College Point Ambulance Corp., the College Point Sports Association, the College Point Security Patrol, the College Point Little League and the College Point Athletic Club. The company has also given donations to the Poppenhusen Institute, Saint Mary's Foundation for Children, the American Diabetes Association, the American Lung Association, the American Cancer Society and Memorial Sloan Kettering.

For its service to and support for the community, Queens Surface Corporation has been awarded hundreds of awards and citations from cultural, religious and educational institutions. Since 1988, when the current owners, Robert and Myra Burke, bought the company, Queens Surface Corporation has continued to drive at community service, garnering 14 awards from a wide array of organizations.

Mr. Burke also gives his personal time to the community, serving on the board for Saint Patrick's Home for the Aged and Infirm, and holding positions as President of the Bus Association of New York State and Secretary/Treasurer of the Mass Transit Operations of New York. Most recently, Mr. Burke was the Grand Marshal of the 1997 College Point Memorial Day Parade.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Robert and Myra Burke's company, Queens Surface Corporation, as it celebrates its 60th anniversary. I am honored to have in my district, a company which services over 80,000 riders daily while continuously contributing to its Queens community. Thank you

Daily Digest

HIGHLIGHTS

Senate passed Agriculture Appropriations.

The House passed H.R. 2160, Agriculture Appropriations Act for FY 1998.

Senate

Chamber Action

Routine Proceedings, pages S7987–S8112

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 1061–1067, and S. Con. Res. 42. **Page S8091**

Measures Reported: Reports were made as follows:

Special Report on Further Revised Allocation to Subcommittees of Budget Totals. (S. Rept. No. 105–57)

S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. (S. Rept. No. 105–58)

S. 1000, to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse.''

S. 1043, to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse.''

Page S8090

Measures Passed:

Agriculture Appropriations, 1998: By a unanimous vote of 99 yeas (Vote No. 201), Senate passed S. 1033, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, after taking action on further amendments proposed thereto, as follows:

Pages S7987–S8004

Adopted:

Robb amendment No. 977, to provide additional funding for the Outreach Program for Socially Disadvantaged Farmers and earmark funds for the civil rights investigative unit. **Pages S7990–91**

Bumpers (for Bingaman/Campbell) amendment No. 978, to provide additional funds for the Geographic Information System to include New Mexico and Colorado in the program. **Page S7994**

Rejected:

Wellstone modified amendment No. 972, to provide funds for outreach and startup of the school breakfast program. (By 54 yeas to 45 nays (Vote No. 200), Senate tabled the amendment.) **Pages S7987–90**

Stamp Out Breast Cancer Act: Senate passed H.R. 1585, to allow postal patrons to contribute to funding to breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, clearing the measure for the President. **Pages S8040–41**

Commerce, Justice, State, the Judiciary Appropriations, 1998: Senate began consideration of S. 1022, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows: **Pages S8007–87**

Adopted:

Lugar amendment No. 984, to make funds available for grants through the National Endowment for Democracy. (By 27 yeas to 72 nays (Vote No. 203), Senate earlier failed to table the amendment.)

Pages S8037–39

McConnell amendment No. 985 (to amendment No. 984), of a perfecting nature. **Pages S8037–39**

Sarbanes amendment No. 989, to strike the provisions dealing with the withdrawal of the United States from certain international organizations.

Pages S8061–64, S8067

Graham amendment No. 993, relating to the health insurance benefits of certain public safety officers. **Pages S8067–68**

Domenici amendment No. 994, to provide for the public disclosure of court appointed attorney's fees upon approval of such fees by the court.

Pages S8068–70

Gregg amendment No. 979, to authorize the Administrator of General Services to transfer certain surplus property for use for law enforcement or fire and rescue purposes. **Pages S8010, S8082**

Hollings (for Baucus/Burns) amendment No. 999, to provide funds for the Butte Local Development Corporation Revolving Loan Fund. **Page S8082**

Hollings (for Bingaman) amendment No. 1000, to require a non-profit public affairs organization to register with the Attorney General if the organization receives contributions in excess of $10,000 from foreign governments in any 12-month period. **Page S8082**

Hollings (for Bumpers) amendment No. 1001 to establish a Jonesboro-Paragould, Arkansas Metropolitan Statistical Area in lieu of the Jonesboro, Arkansas Metropolitan Statistical Area. **Page S8082**

Hollings (for Byrd/Hatch) amendment No. 1002, to provide funds for grants to States for programs to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors. **Pages S8082–83**

Hollings (for Dorgan) amendment No. 1003, to provide for public broadcasting facilities, planning and construction. **Pages S8082–84**

Hollings (for Daschle) amendment No. 1004, to provide funds for a grant to Roberts County, South Dakota, and funds for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the state forensic laboratory. **Pages S8082, S8084**

Hollings (for Inouye) amendment No. 1005, to improve the bill by amending section 305 to realign Guam and the Northern Mariana Islands with the United States Court of Appeals for the Twelfth Circuit. **Pages S8082, S8084**

Hollings (for Harkin) amendment No. 1006, to express the sense of the Senate regarding the exemplary service of John H.R. Berg to the United States. **Pages S8082, S8084**

Hollings (for Leahy/Kennedy) amendment No. 1007, to provide that the Administrative Office of the United States Courts shall conduct a study of the average costs incurred in defending and presiding over Federal capital cases from the initial appearance of the defendant through the final appeal. **Pages S8082, S8084**

Hollings (for Reed) amendment No. 1008, to express the sense of the Senate with respect to slamming. **Pages S8082, S8084–85**

Hollings (for Robb) amendment No. 1009, to foster a safer elementary and secondary school environment for the nation's children through the support of community policing efforts. **Pages S8082, S8085**

Hollings (for Lautenberg/Hatch) amendment No. 1010, to limit the funds made available for the Office of the Under Secretary of Commerce for Intellectual Property Policy, if such office is established. **Pages S8082, S8085**

Hollings (for Biden) amendment No. 1011, to limit the amount of funds available for grants pursuant to provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968. **Pages S8082, S8085**

Gregg (for Abraham) amendment No. 1012, to revise the use of fingerprints by the Immigration and Naturalization Service. **Pages S8082, S8085**

Gregg (for Hatch) amendment No. 1013, to strike a restriction concerning the transfer of certain personnel to the Office of Legislative Affairs or the Office of Public Affairs of the Department of Justice. **Pages S8082, S8085**

Gregg (for Burns) amendment No. 1014, to strike section 409, which imposes, prospectively, a revolving door restriction on Mansfield fellows. **Pages S8082, S8085**

Gregg (for McCain) amendment No. 1015, to provide a waiver from certain immunization requirements for certain aliens entering the United States. **Pages S8082, S8085**

Gregg (for Stevens) amendment No. 1016, relating to the Office of the Chief Signal Officer. **Pages S8082, S8085**

Gregg (for DeWine) amendment No. 1017, to exclude from the United States aliens who have been involved in extrajudicial and political killings in Haiti. **Pages S8082, S8085–86**

Gregg (for Helms/Biden) amendment No. 1018, to strike section 404, which waives provisions of existing law that require authorizations to be in place for State Department, U.S. Information Agency, including international broadcasting operations, and Arms Control and Disarmament Agency activities prior to the expenditure of any appropriated funds. **Pages S8082, S8086**

Gregg (for Warner) amendment No. 1019, to delay the effective date of the amendments made by section 233 of the Antiterrorism and Effective Death Penalty Act of 1996. **Pages S8082, S8086**

Gregg (for Coats) amendment No. 1020, to provide funds for the Gambling Impact Study Commission. **Pages S8082, S8086**

Gregg (for Stevens) amendment No. 1021, to provide funds for cultural exchange and exchange related activities associated with the 1999 Women's World Cup. **Pages S8082, S8086**

Rejected:

By 42 yeas to 57 nays (Vote No. 202), Brownback Amendment No. 980, to prohibit certain corporations from participating in the Advanced Technology Program. **Pages S8010–24**

By 45 yeas to 55 nays (Vote No. 204), Feinstein Amendment No. 986, to establish a Commission on Structural Alternatives for the Federal Courts of Appeals. **Pages S8039–61**

Withdrawn:

Lugar Amendment No. 981, to provide funds for the National Endowment for Democracy. **Pages S8025–37**

McConnell Amendment No. 982 (to Amendment No. 981), of a perfecting nature. **Pages S8026–37**

Pending:

Kerry Amendment No. 992, to provide funding for the Community Policing to Combat Domestic Violence Program. **Pages S8064–66**

Gregg (for Kyl) Amendment No. 995, to provide for the payment of special masters for civil actions concerning prison conditions. **Pages S8070–71**

Gregg (for Coverdell) Amendment No. 996, to require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes. **Page S8071**

Hollings (for Dorgan) Amendment No. 997, to express the sense of the Senate that the Federal government should not withhold universals service support payments. **Page S8071**

Hollings (for Biden) Amendment No. 998, to provide additional funds for the Violent Crime Reduction Trust Fund. **Pages S8071–72**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Tuesday, July 29, 1997, with a vote on final passage to occur thereon. **Page S8066**

A further consent agreement was reached providing that if the Senate has not received the House companion measure at the time of passage of S. 1022, that the Senate-passed measure remain at the desk pending receipt of the House companion measure, that all after the enacting clause be stricken and the text of S. 1022, as passed by the Senate, be inserted in lieu thereof, that the bill be passed, the Senate insist on its amendment, request a conference with the House thereon, the Chair be authorized to appoint conferees on the part of the Senate, and that S. 1022 be indefinitely postponed. **Page S8066**

Global Warming—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change and certain amendments to be proposed thereto, on Friday, July 25, 1997. **Page S8111**

Transportation Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, on Monday, July 28, 1997. **Page S8067**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, a draft of proposed legislation entitled ''The Immigration Reform Transition Act of 1997''; to the Committee on the Judiciary. (PM–55). **Pages S8089–90**

Nominations Confirmed: Senate confirmed the following nominations: John J. Hamre, of South Dakota, to be Deputy Secretary of Defense.

3 Air Force nominations in the rank of general.

53 Army nominations in the rank of general.

5 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S8107–12**

Nominations Received: Senate received the following nominations:

Charles R. Breyer, of California, to be United States District Judge for the Northern District of California.

Frank C. Damrell, Jr., of California, to be United States District Judge for the Eastern District of California.

Martin J. Jenkins, of California, to be United States District Judge for the Northern District of California.

Jorge C. Rangel, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Page S8111**

Messages From the President: **Pages S8089–90**

Messages From the House: **Page S8090**

Measures Placed on Calendar: **Page S8090**

Communications: **Page S8090**

Executive Reports of Committees: **Pages S8090–91**

Statements on Introduced Bills: **Pages S8091–98**

Additional Cosponsors: **Pages S8098–99**

Amendments Submitted: **Pages S8099–S8105**

Notices of Hearings: **Page S8105**

Authority for Committees: **Pages S8105–06**

Additional Statements: **Pages S8106–07**

Record Votes: Five record votes were taken today. (Total–204) **Pages S7989–90, S7995, S8024, S8039, S8061**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 10:22 p.m., until 9:30 a.m., on Friday, July 25, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8111.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—LABOR/HHS/ EDUCATION

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1998.

NOMINATION

Committee on Armed Services: Committee ordered favorably reported the nomination of John J. Hamre, of South Dakota, to be Deputy Secretary of Defense.

Prior to this action, committee concluded hearings on the aforementioned nomination, after the nominee, who was introduced by Senators Daschle and McCain, testified and answered questions in his own behalf.

SECURITIES LITIGATION REFORM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities concluded oversight hearings to examine the impact of the Private Securities Litigation Reform Act of 1995 on the effectiveness of federal securities laws and on investor protection, after receiving testimony from Arthur Levitt, Chairman, Securities and Exchange Commission; Keith Paul Bishop, California Department of Corporations, Sacramento; Joseph A. Grundfest, Stanford University Law School, Stanford, California; Joseph Polizzotto, Lehman Brothers Inc., on behalf of the Securities Industry Association, and Richard I. Miller, American Institute of Certified Public Accountants, both of Washington, D.C.; Kenneth S. Janke, Sr., National Association of Investors Corporation, Madison Heights, Michigan; Leonard B. Simon, Milberg Weiss Bershad Hynes & Lerach, San Diego, California, on behalf of the National Association of Securities and Commercial Law Attorneys; Brian Dovey, Domain Associates, Princeton, New Jersey, on behalf of the National Venture Capital Association; and Robert C. Hinckley, Xilinx, Inc., San Jose, California, on behalf of the American Electronics Association.

NASA/NSF MANAGEMENT

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine management and program challenges of the National Aeronautics and Space Administration and the National Science Foundation, after receiving testimony from Daniel S. Goldin, Administrator, and Roberta L. Gross, Inspector General, both of the National Aeronautics and Space Administration; Joseph Bordogna, Acting Deputy Director, and Philip L. Sunshine, Deputy Inspector General, both of the National Science Foundation; and Susan D. Kladiva, Acting Associate Director, Energy, Resources, and Science Issues, Resources, Community and Economic Development Division, and Thomas J. Schultz, Associate Director, Defense Acquisitions Issues, National Security and International Affairs Division, both of the General Accounting Office.

FOREST RESOURCE MANAGEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 1028 and H.R. 858, bills to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests, after receiving testimony from Senator Feinstein; Representative Herger; Ronald E. Stewart, Acting Associate Chief, Forest Service, Department of Agriculture; Debbie Sease, Sierra Club, Washington, D.C.; Felice Pace, California Ancient Forest Alliance, Etna, California; and Plumas County Supervisor Bill Coates, Michael B. Jackson, Quincy Library Group, both of Quincy, California, Thomas C. Nelson, Sierra Pacific Industries, Redding, California, and Frank T. Stewart, Collins Pine Company, Chester, California, all on behalf of the Quincy Library Group.

NATIONAL PARK SYSTEM

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings to examine the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System and the criteria used to determine national significance, after receiving testimony from Denis P. Galvin, Acting Deputy Director, National Park Service, Department of the Interior; Roger Kennedy, Alexandria, Virginia, former Director, National Park Service; James M. Ridenour, Eppley Institute for Parks and Public

Lands/Indiana University, Bloomington, former Director, National Park Service; Deanne Adams, Association of National Park Rangers, Seattle, Washington; and William J. Chandler, National Parks and Conservation Association, Washington, D.C.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

The nomination of Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service;

S. 399, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution training, with an amendment in the nature of a substitute;

S. 1000, to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the "Robert J. Dole United States Courthouse"; and

S. 1043, to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse".

AIR QUALITY STANDARDS

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety resumed oversight hearings to examine the Environmental Protection Agency implementation of proposed revisions to the national ambient air quality standards for ozone and particulate matters, receiving testimony from Mary D. Nichols, Assistant Administrator for Air and Radiation, Environmental Protection Agency.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of David R. Andrews, of California, to be Legal Adviser, Bonnie R. Cohen, of the District of Columbia, to be Under Secretary for Management, Edward William Gnehm, Jr., of Georgia, to be Director General of the Foreign Service, James P. Rubin, of New York, to be Assistant Secretary for Public Affairs, and Wendy Ruth Sherman, of Maryland, to be Counselor, with the rank of Ambassador during her tenure of service, all of the Department of State, and George R. Munoz, of Illinois, to be President of the Overseas Private Investment Corporation, United States International Development Cooperation Agency, after the nominees testified and answered questions in their own behalf. Mr. Andrews was introduced by Senator Feinstein, Mr. Gnehm was introduced by Senator Enzi, and Representative Chambliss, Mr. Rubin was introduced by Senator Biden, Ms. Sherman was introduced by Senators Sarbanes and Mikulski, and Mr. Munoz was introduced by Senators Durbin and Moseley-Braun.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee continued hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Haley R. Barbour, Washington, D.C., former Chairman, Republican National Committee; and Fred Volcansek, The Woodlands, Texas.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 10, to reduce violent crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, with an amendment in the nature of a substitute; and

The nominations of Calvin D. Buchanan, to be United States Attorney for the Northern District of Mississippi, Thomas E. Scott, to be United States Attorney for the Southern District of Florida, and Richard Thomas White, of Michigan, to be a Member of the Foreign Claims Settlement Commission of the United States.

DEFENSE CONSOLIDATION: ANTITRUST AND COMPETITION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine the state of competition in the defense industry, the Administration's policy on defense mergers, and the antitrust implications of defense industry consolidation, after receiving testimony from Joel I. Klein, Assistant Attorney General, Antitrust Division, Department of Justice; John B. Goodman, Deputy Under Secretary of Defense for Industrial Affairs and Installations; and Robert Pitofsky, Chairman, Federal Trade Commission.

HIGHER EDUCATION REFORM

Committee on Labor and Human Resources: Committee concluded hearings on proposals authorizing funds for Title IV student aid programs and access to postsecondary education of the Higher Education Act, including S. 1036, to revise section 435 of the Higher Education Act to allow for the Young Americans Bank and similar small, non-profit organizations to provide additional funds for educational programming, after receiving testimony from Senator Allard; Donald M. Stewart, College Board, New

York, New York; Joel V. Harrell, University of Tennessee, Chattanooga; Bryan J. Hannegan, National Association of Graduate-Professional Students, Wilmette, Illinois; Stanley O. Ikenberry, American Council on Education, and Omer E. Waddles, Career College Association, both of Washington, D.C.; and Philip R. Day, Jr., Daytona Beach Community College, Daytona Beach, Florida.

AUTHORIZATION—NIH

Committee on Labor and Human Resources: Subcommittee on Public Health and Safety resumed hearings on proposed legislation authorizing funds for the National Institutes of Health, focusing on the coordination of research conducted in multiple NIH institutes, receiving testimony from Senators McCain and Wellstone; Wendy Baldwin, Deputy Director for Extramural Research, Duane F. Alexander, Director, National Institute of Child Health and Human Development, Steven E. Hyman, Director, National Institute of Mental Health, and Zack W. Hall, Director, National Institute of Neurological Disorders and Stroke, all of the National Institutes of Health, Department of Health and Human Services; Winfred M. Phillips, University of Florida, Gainesville, on behalf of the American Institute for Medical and Biological Engineering; B. Leonard Holman, Brigham and Women's Hospital, on behalf of the Academy of Radiology Research, and Philip A. Pizzo, Children's Hospital, both of Boston, Massachusetts; Russell W. Chesney, University of Tennessee College of Medicine, Memphis; and C. Warren Olanow, Mount Sinai School of Medicine, New York, New York.

Hearings were recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Tuesday, July 29.

House of Representatives

Chamber Action

Bills Introduced: 25 public bills, H.R. 2235–2259; 1 private bill, H.R. 2260; and 4 resolutions, H.J. Res. 88, and H. Con. Res. 120–122, were introduced. **Pages H5777–78**

Reports Filed: One report was filed today as follows:

H.R. 567, to amend the Trademark Act of 1946 to provide for the caregistration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions (H. Rept. 105–199);

H. Con. Res. 98, authorizing the use of the Capitol grounds for the SAFE KIDS Buckle Up Car Seat Safety Check (H. Rept. 105–200);

H.R. 2005, to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents (H. Rept. 105–201); and

H. Res. 197, providing for consideration of H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998 (H. Rept. 105–202). **Page H5777**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend David F. Dzermejko of Charleroi, Pennsylvania. **Page H5667**

Motion to Adjourn: Rejected the Obey motion to adjourn by a yea and nay vote of 64 yeas to 322 nays, Roll No. 307. **Pages H5671–72**

Agriculture Appropriations: By a yea and nay vote of 392 yeas to 32 nays, Roll No. 321, the House passed H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998. Agreed to table the motion to reconsider the vote by a recorded vote of 284 ayes to 132 noes, Roll No. 322. The House debated and considered amendments to the bill on July 16, July 17, July 22, and July 23.

Pages H5672–H5732

Rejected the motion to recommit the bill to the Committee on Appropriations by a recorded vote of 56 ayes to 363 noes with 2 voting ''present'', Roll No. 319; and agreed to table the motion to reconsider the vote by a recorded vote of 285 ayes to 139 noes, Roll No. 320. **Pages H5729–30**

Earlier, agreed to order the previous question on the motion to recommit by a recorded vote of 423 ayes to 4 noes, Roll No. 317; and agreed to table the motion to reconsider the vote by a recorded vote of 258 ayes to 165 noes, Roll No. 318.

Pages H5728–29

Agreed To:

The Sanders amendment that increases food donations programs for the elderly by $5 million and reduces FDA salaries and expenses funding by $5.5 million; **Pages H5683–85**

The Nethercutt amendment that strikes section 726 regarding the limit on funding for the office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency; **Pages H5688–89**

The Wynn amendment that increases USDA Civil Rights Division funding by $1.5 million and reduces National Agricultural Statistics Service funding accordingly; **Page H5689**

The Cox amendment that prohibits any funding for assistance to the Democratic People's Republic of Korea except for assistance that is provided by the United Nations World Food Program or private voluntary organization registered with the U.S. Agency for International Development and not by the Democratic People's Republic of Korea (agreed to by a recorded vote of 418 ayes with none voting ''no'', Roll No. 311); and **Pages H5689–91, H5699**

The Pombo amendment that prohibits any funding for assistance (other than the servicing of loans made before September 30, 1997) under title V of the Housing Act of 1949 relating to housing projects in the City of Galt, California. **Pages H5723–25**

Rejected:

The Obey amendment offered on July 22 that sought to increase Women, Infants, and Children (WIC) funding by $23.7 million and reduce the crop insurance program funding by $36 million (rejected by a recorded vote of 195 ayes to 230 noes, Roll No. 308); **Pages H5672–77**

The Meehan amendment that sought to increase FDA tobacco initiative funding by $10 million and reduce the crop insurance program funding by $14 million (rejected by a recorded vote of 177 ayes to 248 noes, Roll No. 309); **Pages H5677–80, H5685–86**

The Lowey amendment that sought to prohibit crop insurance or noninsured crop disaster assistance funding for tobacco for the 1998 or later crop years (rejected by a recorded vote of 209 ayes to 216 noes, Roll No. 310); **Pages H5691–99**

The Miller of Florida amendment that sought to prohibit funding for any nonrecourse loans to sugar beet or sugar cane processors (rejected by a recorded vote of 175 ayes to 253 noes with 1 voting ''present'', Roll No. 311); **Pages H5699–H5707**

The Neumann amendment that sought to prohibit funding for any nonrecourse loan program for the 1998 crop of quota peanuts with a national average loan rate in excess of $550 per ton (rejected by a recorded vote of 185 ayes to 242 noes, Roll No. 314; and **Pages H5708–14**

The Chabot amendment that sought to prohibit funding for the market access program (rejected by a recorded vote of 150 ayes to 277 noes, Roll No. 316). **Pages H5717–22, H5725**

Points of Order Sustained:

A point of order was sustained against language extending the FDA user fee authority for fiscal year 1998; and **Pages H5686–87**

A point of order was sustained against section 727 that specified that Galt, California shall not be considered rural or a rural area. **Page H5688**

Withdrawn:

The Clayton amendment was offered, but subsequently withdrawn, that sought to increase food stamp funding by $2.5 billion and reduce all other amounts appropriated by 5 percent; and **Page H5683**

The Smith of Michigan amendment was offered, but subsequently withdrawn, that sought to prohibit funding for personnel who work at, or provide a support service function for, a regional office of the Natural Resources Conservation Service. **Pages H5722–23**

Rejected the motion that the Committee rise by a recorded vote of 158 ayes to 265 noes, Roll No. 313. **Pages H5707–08**

Rejected the motion to strike the enacting clause by a recorded vote of 125 ayes to 300 noes, Roll No. 315. **Pages H5714–17**

The House agreed to H. Res. 193, the rule that provided for consideration of the bill on July 23. **Pages H5650–62**

Motion to Adjourn: Rejected the Bonior motion to adjourn by a recorded vote of 96 ayes to 315 noes, Roll No. 323. **Page H5732**

Energy and Water Appropriations: The House completed debate and began consideration of amendments to H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998. Consideration of amendments will resume on Friday, July, 25. **Pages H5745–75**

Agreed To:

The Solomon en bloc amendment that prohibits any contracts or grants to institutions of higher learning that bar ROTC and military recruiters access to the general student population; and prohibits funding to any contractor that does comply with reporting requirements regarding the hiring of veterans. **Page H5770**

Point of Order Sustained:

A point of order was sustained against the Bereuter amendment that sought to prohibit funding to revise the Missouri River Master Water Control

Manual if such a revision provides for an increase in the springtime water release program. **Pages H5770–71**

Withdrawn:

The Skaggs amendment was offered, but subsequently withdrawn, that sought to include $62 million of the funding for other defense activities at the Department of Energy for the worker and community transition program. **Page H5762**

Pending:

The Klug amendment was offered that seeks to reduce funding for the Appalachian Regional Commission by $90 million; **Pages H5762–65**

The Markey amendment was offered that seeks to prohibit funding for nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology or demonstration of this technology at the Fuel Conditioning Facility; and reduces by $45 million the funding for this program; **Pages H5765–70**

The Petri amendment was offered that seeks to prohibit any funding for the salaries of Department of the Interior employees who implement the acquisition of land for, or construction of, the Animas-LaPlata Project in Colorado and New Mexico; and **Pages H5771–75**

The Fazio substitute amendment to the Petri amendment that seeks to prohibit any funding for the salaries of Department of the Interior employees for the Animas-LaPlata Project in Colorado and New Mexico except for activities required to comply with the applicable provisions of current law; and continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988. **Pages H5771–75**

Earlier, agreed to H. Res. 194, the rule that is providing for consideration of the bill by a voice vote. **Pages H5732–44**

Order of Business—Foreign Operations Appropriations: Agreed by unanimous consent that consideration of H.R. 2159 may proceed according to the following order; (1) The Speaker may at any time, as though pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998. (2) The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. (3) Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with ": Provided" on page 24, line 8, through "justice" on line 16. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. (4) The amendments printed in House Report 105–184 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. No other amendment shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. (5) The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. (6) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. (7) Notwithstanding any other provision of this order, the amendment numbered 1 in House Report 105–184 shall be debatable for 40 minutes. (8) Notwithstanding any other provision of this order, it shall be in order in lieu of the amendment numbered 2 in House Report 105–184 to consider the amendment placed at the desk, read by the Clerk, and authored by Representatives Gilman, Pelosi, Campbell, Lowey, Greenwood, DeLauro, and Slaughter, which may be offered by any of the named authors, shall be debatable for 40 minutes, and shall otherwise be considered as though printed as the amendment numbered 2 in House Report 105–184. And, (9) H. Res. 185 was laid on the table. **Page H5751**

Presidential Message—Immigration Transition: Read a message from the President wherein he submitted his legislative proposal entitled the ''Immigration Reform Transition Act of 1997''—referred to the Committee on the Judiciary and ordered printed (H. Doc. 105–111). Page H5775

Senate Messages: Messages received from the Senate today appear on page H5667.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5778–79.

Quorum Calls—Votes: Two yea-and-nay votes and fifteen recorded votes developed during the proceedings of the House today and appear on pages H5671–72, H5676–77, H5685–86, H5698–99, H5699, H5706–07, H5707–08, H5713–14, H5717, H5725, H5728, H5728–29, H5729–30, H5730, H5730–31, H5731–32, and H5732. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 12:23 a.m. on July 25.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on D.C. Public Safety. Testimony was heard from the following officials of the District of Columbia: Jack Evans, Chairman, Committee on the Judiciary, City Council; Larry D. Soulsby, Chief of Police, Metropolitan Police Department; Michael C. Rogers, City Administrator; Margaret Moore, Director, Department of Corrections; and Otis J. Latin, Chief, Fire and Emergency Medical Services Department; Robert E. Langston, Chief, National Park Service Police, Department of the Interior; and Stephan D. Harlan, Vice-Chairman, Financial Responsibility Authority.

GAO REPORT

Committee on Banking and Financial Services: Subcommittee on Capital Markets, hearing on the GAO Report on the Merger of Office of Federal Housing Enterprise Oversight (OFHEO) and the Federal Housing Finance Board. Testimony was heard from Jean Gleason Stromberg, Director, Financial Institutions and Market Issues, GAO; and the following officials of the Department of Housing and Urban Development: Nicholas P. Retsinas, Assistant Secretary, Housing and Federal Housing Commission; Bruce A. Morrison, Chairman, Federal Housing Finance Board; and Mark A. Kinsey, Acting Director, OFHEO.

FATHERHOOD

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth and Families held a hearing on Focus on Fatherhood. Testimony was heard from Representative Pitts and Turner; and public witnesses.

CORPORATION FOR NATIONAL SERVICE—ACCOUNTING AND MANAGEMENT PRACTICES

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on the Accounting and Management Practices of the Corporation for National Service. Testimony was heard from the following officials of the Corporation for National Service: Harris Wofford, CEO; and Luise Jordan, Inspector General; and public witnesses.

OVERSIGHT—NLRB

Committee on Government Reform and Oversight: Subcommittee on Human Resources held an oversight hearing on the National Labor Relations Board (NLRB). Testimony was heard from the following officials of the NLRB: William B. Gould IV, Chairman; Fred L. Feinstein, General Counsel; and Robert E. Allen, Inspector General; Carlotta Joyner, Director, Education and Employment Issues, GAO; and public witnesses.

REFORMING INVENTORY MANAGEMENT

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs, and Criminal Justice held a hearing on Reforming Inventory Management Through Innovative Business Practices. Testimony was heard from the following officials of the GAO: David Warren, Director, Defense Management Issues; Kenneth R. Knouse, Jr., Assistant Director; Robert L. Repasky and Matthew B. Lea, both Senior Evaluators; and the following officials of the Department of Defense: Edward Martin, Acting Assistant Secretary, Health Affairs; James B. Emahiser, Assistant Deputy Under Secretary, Materiel and Distribution; and Jeffrey A. Jones, Executive Director, Logistics Management, Defense Logistics Agency.

GLOBAL CLIMATE NEGOTIATIONS

Committee on International Relations: Held a hearing on Global Climate Negotiations: Obligations of Developed and Developing Countries. Testimony was heard from Tim Wirth, Under Secretary, Global Affairs, Department of State; David Hales, Deputy Assistant Administrator, Global Center for Environment, AID, U.S. International Development Cooperation Agency; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action the following resolutions: H. Res. 195, amended, concerning the crisis in Cambodia; H. Con. Res. 74, amended, concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea; and H. Res. 157, congratulating the people of India and Pakistan on the occasion of the 50th anniversary of their nations' independence.

FEDERAL AGENCY COMPLIANCE ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 1544, Federal Agency Compliance Act.

INTERNATIONAL DRUG TRADE—ROLE OF MONEY LAUNDERING

Committee on the Judiciary: Subcommittee on Crime held a hearing on the nature and extent of domestic and international money laundering, its role in the international drug trade, and methods of combating the problem. Testimony was heard from Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Raymond Kelly, Under Secretary, Enforcement, Department of the Treasury; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action amended H.R. 1493, to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States.

The Subcommittee also held a hearing on the following bills: H.R. 967, to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and be excluded from admission to the United States; H.R. 1543, to amend the Immigration and Nationality Act to permit certain nonimmigrant aliens to study in publicly funded adult education programs if the alien provides reimbursement for such study; and H.R. 2172, to amend the Immigration and Nationality Act to make the restrictions on foreign student study at a public elementary or secondary school inapplicable in cases where the school evidences a desire for such result, and to prohibit the use of Federal funds to pay the cost of such study. Testimony was heard from Representatives Frank of Massachusetts, Gilman and Dellums; Jacquelyn A. Bednarz, Special Assistant to the Associate Commissioner for Examinations, Immigration and Naturalization Service, Department of Justice; and public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on review of the authority and decision making processes of the National Marine Fisheries Service Northwest Region. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Rules: Granted, by a vote of 7 to 4, a modified closed rule providing 1 hour of debate on H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, l998. The rule waives section 302 (prohibiting consideration of legislation which exceeds a committee's allocation of new entitlement authority) and section 308 (requiring a cost estimate in committee report on new entitlement authority) of the Budget Act against consideration of the bill. The rule waives clause 2 (unauthorized appropriations and legislation on general appropriations bills) and clause 6 (prohibits reappropriations on general appropriations bills) of rule XXI against the bill.

The rule makes in order only those amendments printed in the report of the Committee on Rules. The rule provides that each amendment will be debatable for the time specified in the report equally divided between the proponent and an opponent, will not be subject to amendment except as specified in the report, and will be protected from all points of order. The rule allows the Chair to postpone recorded votes and reduce to five minutes the minimum time for voting on any postponed question, provided that the voting time on the first in any series of votes is not less than 15 minutes. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Walsh, Camp, Klug, Castle, Davis of Virginia, Linda Smith of Washington, Serrano, Obey, Hoyer, Gejdenson and Roemer.

MINORITY OWNED BUSINESSES—IMPACT OF PROPOSED TAX CHANGES

Committee on Small Business: Subcommittee on Empowerment held a hearing on the impact proposed tax changes will have on minority owned businesses. Testimony was heard from public witnesses.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT

Committee on Veterans' Affairs: Subcommittee on Health approved for full Committee action H.R.

2206, Veterans Health Programs Improvement Act of 1997.

VA MEDICAL FACILITY MANAGEMENTS—REVIEW CONSOLIDATION

Committee on Veterans' Affairs: Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing to review the process by which VA is consolidating VA medical facility managements and their clinical and support services, and the results of such initiatives. Testimony was heard from Stephen Backhus, Director, Veterans' Affairs and Military Health Care Issues, Health, Education, and Human Services Division, GAO; the following officials of the Department of Veterans Affairs: Kenneth Kizer, M.D., Under Secretary, Health; Joan Cummings, M.D., Director, Veterans Integrated Service Network (VISN) 12; and Christopher Terrence, M.D., Chief of Staff, New Jersey Health Care System; and a public witness.

REPORT—NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Report of the National Commission on Restructuring the Internal Revenue Service. Testimony was heard from Senators Grassley and Kerry; Lawrence H. Summers, Deputy Secretary, Department of the Treasury; and the following Commissioners of the National Commission on Restructuring the Internal Revenue Service: Fred T. Goldberg Jr., Robert Tobias, Larry Irving, Jr., Assistant Secretary, Communications and Information, Department of Commerce; George Newstrom; Josh S. Weston and David Keating.

SOCIAL SECURITY DISABILITY RECIPIENTS—BARRIERS PREVENTING RETURNING TO WORK

Committee on Ways and Means: Subcommittee on Social Security concluded hearings on Barriers Preventing Social Security Disability Recipients from Returning to Work. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 25, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations, to hold hearings on the nominations of Maura Harty, of Florida, to be Ambassador to the Republic of Paraguay, and James F. Mack, of Virginia, to be Ambassador to the Co-operative Republic of Guyana, 9:30 a.m., SD–419.

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on Veterans Affairs, to hold hearings on pending legislation, 10 a.m., SR–418.

House

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, to continue hearings on H.R. 10, Financial Services Competitiveness Act of 1997, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, hearing on Federal Measures of Race and Ethnicity and the Implications for the 2000 Census, 9:30 a.m., 2154 Rayburn.

Committee on Rules, to consider a measure making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, 11 a.m., H–313 Capitol.

Next Meeting of the SENATE

9:30 a.m., Friday, July 25

Senate Chamber

Program for Friday: Senate will consider S. Res. 98, regarding global warming, with a vote to occur thereon, and consider a motion to proceed to consideration of S. 39, International Dolphin Conservation Program Act, with a possible cloture vote on the motion to proceed to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 25

House Chamber

Program for Friday: Motion to go to conference on H.R. 1119, Defense Authorization Act for FY 1998;

Complete consideration of H.R. 2203, Energy and Water Appropriations Act for FY 1998 (open rule, 1 hour of debate); and

Consideration of H.R. 2209, Legislative Branch Appropriations Act for FY 1998 (modified closed rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Archer, Bill, Tex., –E1512
Baldacci, John Elias, Me., –E1506
Bereuter, Doug, Neb., –E1505
Brown, George E., Jr., Calif., –E1508, E1510
Engel, Eliot L., N.Y., –E1516
Ensign, John E., Nev., –E1514
Frelinghuysen, Rodney P., N.J., –E1512
Furse, Elizabeth, Ore., –E1514, E1518
Gilman, Benjamin A., N.Y., –E1513, E1516
Gingrich, Newt, Ga., –E1505
Gutierrez, Luis V., Ill., –E1517
Hansen, James V., Utah, –E1510
Hooley, Darlene, Ore., –E1518
Kennedy, Joseph P., II, Mass., –E1510
Kildee, Dale E., Mich., –E1509
Kilpatrick, Carolyn C., Mich., –E1512
Kim, Jay, Calif., –E1514, E1517
Kleczka, Gerald D., Wisc., –E1517
Lewis, Ron, Ky., –E1506
McCarthy, Karen, Mo., –E1513
McGovern, James P., Mass., –E1509
Maloney, Carolyn B., N.Y., –E1518
Miller, George, Calif., –E1507
Moran, Jerry, Kan., –E1506
Peterson, Collin C., Minn., –E1513
Riggs, Frank, Calif., –E1507
Schiff, Steven, N.M., –E1513
Sensenbrenner, F. James, Jr., Wisc., –E1514
Skelton, Ike, Mo., –E1511
Smith, Christopher H., N.J., –E1507
Solomon, Gerald B.H., N.Y., –E1510
Yates, Sidney R., Ill., –E1508
Young, Don, Alaska, –E1509

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.