The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. GUTKNECHT].

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC,
April 9, 1997.
I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.
NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER
The Reverend Dr. JERRY L. SPENCER, Ridgecrest Baptist Church, Dothan, AL, offered the following prayer:

Our kind and all powerful God, Thou Who are art sovereign over Thine own created universe, we thank You for being available to us and to every person in the vast human family.

We greet You this morning with great anticipation for Thy brilliant presence. In humility and awe we come before You with confidence in Your love for us and Your never-ending desire to meet us at the point of our daily needs. We pray specifically for each Representative, their family, and their staff.

Great God, because we are always learning and becoming, would You please convict us when we fail ethically or morally or spiritually. Grant us repentance, and give us wisdom and discernment and courage.

We thank You for the challenges and the opportunities of this new day. We receive this day as a personal gift from You. You not only made this day for us but You made us for this day. This is the first day of the rest of our life. It could be the last day of our life. So, God, make it the best day of our life.

Hallelujah, the Lord God omnipotent reigneth. Let us rejoice and be glad as we assume our responsibilities and diligently discharge our duties.

Praise the Messiah, Thy beloved Son, the Lord Jesus Christ. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the JOURNAL of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule 1, the JOURNAL stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. JONES] come forward and lead the House in the Pledge of Allegiance.

Mr. JONES led the Pledge of Allegiance.

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.

MESSAGE FROM THE SENATE
A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:
H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

THE REVEREND DR. JERRY L. SPENCER
[Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I rise this morning to welcome to this body a good friend and distinguished clergyman from my congressional district. Dr. JERRY SPENCER, pastor of Ridgecrest Baptist Church of Dothan, AL, is well known throughout the South for his dedication to God and for his active evangelism, which has taken him to such farflung places as Russia and India.

A native of Tennessee, a graduate of the University of Tennessee and the world's largest seminary, the Southwestern Baptist Theological Seminary in Fort Worth, TX, Dr. Spencer has pastored for the past 40 years while ministering in over 30 countries.

Dr. Spencer has recorded four albums, authored numerous books, and has penned articles appearing in many popular Christian periodicals. Furthermore, he is the past president of the National Conference of Southern Baptists and a current member of the executive board of the Southern Baptist Convention.

Since 1988, he has made Dothan, AL, his home, where he is a senior pastor of the nearly 3,000-member Ridgecrest Baptist Church, one of the South's fastest growing churches.

Mr. Speaker, it is my great honor to welcome my friend, Jerry Spencer, to the U.S. House of Representatives, and I join the entire House in thanking him for offering this morning's prayer for this esteemed body.

DO SOMETHING, CONGRESS
[Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, at the beginning of this Congress we pledged to work together on issues that matter most to the American people. The Republican majority promised to work in
a bipartisan way to improve the quality of life for working families everywhere.

Well, it is nearly 100 days later and what have the Republicans put forward? Have they tried to make college education more affordable? No, they have done nothing. Have they offered a plan for real campaign finance reform? No, Mr. Speaker, they have done nothing.

Democrats have a real agenda, and we have a message for the Republican leadership: Either lead, follow, or get out of the way.

Mr. Speaker, the 105th Congress does not have to be a do nothing Congress. Let us move forward on education and health care and pension security and real campaign finance reform. We can be the do something Congress, but we have got to start doing something, and we have got to start doing something today.

WE NEED A TAX SYSTEM WHICH IS FAIR AND SIMPLE

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

Mr. HEFLEY. Mr. Speaker, I have a problem, and my problem is I cannot decide which foolish, counterproductive, unfair tax I hate the most. I do not like the capital gains tax because it hurts economic growth and it kills job creation. I do not like the death tax because it takes one's life work, the fruit of a lifetime of labor and tells the grieving, “Pay up now, and if you can’t afford to, I’m closing up the family business.” I do not like business taxes because it takes the taxes twice, and like the capital gains tax, it hurts small businesses and jobs for the people who need them most.

But perhaps the most odious, offensive and outrageously unfair part of the Tax Code is the personal income tax. The burden is too heavy, the loopholes are too pervasive, and the complexity is simply overwhelming.

When we look at the set of volumes that compromise the Federal Tax Code, 36,000 pages at last count, we cannot help but think who designed this thing? It is time to get a grip, junk the Tax Code, start all over, cut tax rates and pass a tax system which is both simple and fair.

HOW DUMB CAN WE BE?

(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, America is building a new war machine that promises to be the mother of all mayhem, an awesome air force and navy and the greatest land army ever in world history. And America is bankrolling this Goliath in China. That is right, in China, despite the fact that China is a brutal dictatorship that has already threatened to nuke their neighbors.

Now, Mr. Speaker, I say to the Congress, if the Republicans freeze dry your stir fry, check this out. While China now sells Barbie and GI Joe to our kids, General Cho is stocking our assets.

Beam me up, Mr. Speaker. Hard-earned dollars by American workers building the next national security threat to the United States of America; how dumb can we be? How dumb? The bottom line: Chinese toys today, but maybe just maybe a Chinese missile tomorrow. Think about it.

SUPPORT H.R. 15, THE MEDICARE PREVENTIVE BENEFITS IMPROVEMENT ACT

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to urge my colleagues to support H.R. 15, the Medicare Preventive Benefits Improvement Act. This legislation would ensure that men and women, sometimes even lifesaving, preventive benefits will be covered by the Medicare program.

The debate over the future of health care is one of the most critical issues we face as we approach the next century. H.R. 15 helps to address this important matter by providing preventive health benefits to seniors. It guarantees Medicare coverage for some of the most critical preventive screening tests available. These tests include mammographies for women 50 and over, pap smears, colon cancer screening, prostate screening and diabetes self-management supplies.

As we move forward with budget negotiations, we need to realize that there are issues that have bipartisan support. Many are included in H.R. 15, which currently has 79 cosponsors both Democratic and Republican.

Mr. Speaker, we must act now and pass this preventive health bill. It is good legislative policy and, most importantly, it will save lives.

CONGRESS IN PERMANENT STALL

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, we are very frustrated by the slow start of this Congress. Even though we are about to pass the 100-day marker, this Congress is still stuck at the starting gate. To date we have only taken 60 votes compared to 2 years ago when we took 302 votes.

I would like to think that this Congress is going to be the one that is just taking a little while to get warmed up, but the troubling thing about this session is we seem to be in a permanent stall. We are not working on issues that matter to American families now, and there is no plan to work on them in the future.

The real tragedy is that these are issues both Democrats, Republicans and the Americans would like to work on, issues like reforming campaign finance, balancing our budget and improving our schools. We are not just working on them now, but they are not scheduled for the future.

Mr. Speaker, it is time for this Congress to abandon the “who cares” legislation that has dominated the first 100 days of this Congress and get to work on the issues that really matter to the American people.

JUDGES ABUSING THEIR POWER

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, there has been a lot of talk lately about Federal judges abusing their power. Federal judges have been ignoring the will of the people by overturning elections and legislating from the bench.

Judge Thelton Henderson did just that last year when he disregarded the will of 5 million California voters. He issued an injunction prohibiting the enactment of California’s Proposition 209, which passed with 54 percent of the vote in November of 1994. Yesterday a 3-judge appeals panel voted 3-0 to overturn Henderson’s ruling and allow the enactment of Proposition 209.

The panel said, and I quote, “A system which permits one judge to block with the stroke of a pen what four million State residents voted to enact as law tests the integrity of our constitutional democracy.”

I agree and applaud an all-America panel, 3-judge panel, for having the integrity to remind colleagues that they are there to interpret the law and not create it.

WHERE IS THE LEADERSHIP?

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

Mr. LEWIS of Georgia. Mr. Speaker, 4 years ago the Democrats were doing the heavy lifting to help working families. The Family and Medical Leave Act, to help working parents, was law by February. The Motor-Voter Act, to bring more Americans into the democratic process, was law by May.

But now what are we doing? Nothing. We are not meeting, we are not working, we are not voting. There is no excuse. There is work to be done. Too many of our young people cannot afford a college education. Too many of our workers are dropping out of school. Ten million kids have no health insurance. In fact, while this Congress has done nothing, more than 300,000 children lost their health insurance.
Mr. Speaker, show us a bill on education, show us a bill on children's health, show us a bill on campaign finance. Where is the leadership? Where is the action? Where is the vision? Where is the beef? It is time to act, it is time to lead.

CAMPAIGN FINANCING

(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, if my colleagues think the last campaign was too long, too costly and too negative, they ought to be mad. The AFL-CIO started negative political ads in Wichita, KS, last week. 19 months before the next election. Misleading false messages in the form of TV commercials are corrosive to our system of self government.

Here in America, the people govern. But how can they make good decisions when the information they get on television is false and misleading?

Most Americans believe that we ought to have time to govern, to represent the people, but when false campaign ads start 5 months after the last election, so does the next campaign. It is time for the AFL-CIO to be restricted to separate voluntary contributions, not the taking of dues without the consent of their Members.

PUT FACES ON DIVERSITY AND CHILDREN'S HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is important this morning to put the face on several things that have occurred in this country that I think give us both a negative image and reputation, the face on Hopwood and the overturning of the very appropriate decision by the district court to find 40 to 50 percent decline in minority students going to our institutions of higher learning across this Nation. The district court was right, the circuit court is wrong. We need opportunity and diversity in this country.

Then on the health care issue dealing with our children, let us put a face on health care for our children. Ten million children uninsured, an 11-year-old with asthma who can't get insurance, the face on Hopwood and the overturning of the very appropriate decision by the district court was to find 40 to 50 percent decline in minority students going to our institutions of higher learning across this Nation. The district court was right, the circuit court is wrong. We need opportunity and diversity in this country.

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WASHINGTON TO WORK

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

Mr. DOGGETT. Mr. Speaker, as an advocate of the Welfare To Work initiative last year, I come forward to propose a sequel this year: Washington To Work. How about it? How about this House getting to work the way they said they wanted the welfare folks to go to work last year. Mr. Speaker, the work ethic seems to be in full blown retreat here in Washington.

I spent some time preparing this comprehensive list of all of the accomplishments of this Gingrich Congress. Here they are, and there is room for a little more on this blank chart, because there are millions of children who have no health insurance; there are millions of young people who want the chance to pursue a college education.

There are those of us who want the budget balanced with true balance, who want to reform the campaign finance system, and yet in this leaderless, aimless Gingrich House, this is the comprehensive list of accomplishments. It is time to apply the same work ethic to this House that our Republican colleagues and some of us on the Democratic side sought to apply to the welfare system last year.

LET US WORK IN THE 105TH CONGRESS

(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 first 100 days are supposed to set the standard for the session ahead. I hope this is not the case with this Congress, which has been plagued with delays on everything, not the least of which is the budget.

The Republican leadership has pushed back deadlines for voting on budget proposals, and now we hear it will be the summertime before we can expect to discuss the budget. While the President submitted a budget more than 2 months ago, we still have yet to see an alternative budget from the Republicans. While we have fielded criticism on the President's budget, we cannot fight fire with fire because we have nothing to add to the numbers to compare the President's budget to what we have, which is nothing, so we have to move.

Similarly, we continue to waste time by not addressing the health care crisis that we face. At last month's hearing of the House Ways and Means Committee, a March 1997 Families USA study told us that 2 million people were uninsured for at least 1 month in 1995 and 1996; 10 million children were uninsured for the...
entire year of 1995. We need to address this issue and other issues that affect our country.

Senators KENNEDY and HATCH have worked together in a bipartisan manner on a children's health care plan. Maybe we need to follow their lead and do something for children's health care in this House. Lead, follow, or get out of the way.

WE MUST CUT TAXES
(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I speak out today to express the frustration that millions of hard-working Americans feel about a government that promises tax cuts but fails to deliver.

I remember the promises made time and time again during campaigns about tax breaks for middle-income Americans. We have promises that we must keep. Is it any wonder that so many Americans feel alienated from a government that takes almost one-third, and sometimes more, of taxes from the average family's earnings?

Mr. Speaker, who will speak for the common man? The person who does not belong to any special interest, who is not part of a PAC or a powerful lobby, who speaks for him? Mr. Speaker, who will speak for that single mother who works a second job at night to make ends meet or on weekends just to pay the taxes that are owed to Uncle Sam. Who speaks for her? We must cut taxes, Mr. Speaker. We have promises to keep. Those who feel they have no voice deserve to have their taxes cut.

CONGRESS MUST ATTEND TO PRIVACY ISSUES OF OUR CITIZENS
(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, the newspapers are replete this week with IRS browsing of confidential information of American taxpayers' earnings. Recently, we read that Social Security Administration is trying to outdo the IRS by putting on the Internet individual Americans' total lifetime earning records and making it easily accessible. Putting lifetime earning records of American citizens on the Internet is not user friendly, but abuser friendly.

Mr. Speaker, I am preparing to introduce on April 15 a piece of legislation that will inhibit the Social Security Administration from carrying on this process and establish a commission to study what confidential information should be put on the records held by the Government, so that abusers cannot invade the privacy of American citizens.

Imagine, anyone today can put a name, a Social Security number, a date of birth of that individual, the place of birth of that individual, and the mother's maiden name of that individual and get the information of lifetime earning records of that individual. That is abusive. This Congress must attend to the work of the privacy of American citizens. I urge my colleagues to join me in this legislation.

A SALUTE TO NICK ACKERMAN
(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, Nick Ackerman, of Colfax-Mingo, IA, lost to Clint Jones, of Bondurant-Farrar to place sixth during the recent Iowa State high school wrestling tournament. What is remarkable about this is that Nick's lower legs were amputated just below the knees when he was 1½ years old in order to stem an infection threatening his life.

Nick has always thought that he was normal: "I used to break the legs off my GI Joes to make them look like me." Yrs ago Nick corrected a school nurse who was explaining to his friends that Nick had a disability by telling her that he had a special ability. "I can take my legs off and nobody else in school can." Nick Lombardi said, "it is not whether you get knocked down, it is whether you get up." Nick may not have won a State championship in wrestling, but for those of us who watched him compete from his knees, he is a real winner. And I and my colleagues in the U.S. House of Representatives salute his spirit.

THE 105TH CONGRESS SHOULD MOVE FORWARD
(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I bring to my colleagues today greetings from the Republican molasses of the 105th Congress. The last 2 weeks we have been on recess, but I understand both the CBO and OMB in Washington have been working to analyze the difference between this jar of molasses and the rate by which this Congress has been working. I am here to report that even though CBO scored it a little bit more conservatively, both CBO and OMB agree: molasses beat out the 105th Congress if we are doing for American families.

It is critical for us to understand that if we are to move forward on the issues of education for our kids, health care for the low and middle income, protecting our seniors, working for jobs and reducing taxes, we have to move forward. Quite frankly, Mr. Speaker, we have not been. We are like the jar of molasses moving ever so slowly, never seeming to accomplish anything.

I urge my colleagues, particularly the Republican leadership, to let us put the agenda on the table. As Democrats recognize we do not have the majority, but at least let us vote on the issues and move forward with America's agenda.

BIG GOVERNMENT IS NOT THE ANSWER
(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am really disturbed about these Democrats. Apparently they are passing more laws, more power, more bureaucracy, more control over small businesses. I know what it is my colleagues on the other side of the aisle consider great fun, and that is growing the size of government. Mr. Speaker, the folks back home think it is a good day's work when government does not get bigger and bigger every single day, every single year.

Mr. Speaker, the IRS, just take them alone. The IRS right now is up to 111,000 employees. Americans spend over $1.8 billion man-hours a year just filling out their IRS income tax forms. Businesses spend $3.6 billion complying with their paperwork. That is too much government, too much bureaucracy.

Mr. Speaker, passing more laws and increasing the size of government is not the key to utopia, much to the disappointment of some of our colleagues on the other side of the aisle.

THE REPUBLICAN MAJORITY DOES NOT WANT THE BIG GOVERNMENT
(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, I just want to get the gentleman know that it costs the Federal Government $288,000 a week to cart Members back from their districts, across this country, to bring us here to do nothing because the Republican majority of this House has no agenda; Mr. Speaker, $288,000 a week. Think about what working middle-class families in this country would be able to reap the benefit of if they had that kind of money.

Earlier this week, the Washington Post labeled this Gingrich Congress as the do-nothing Congress. It is true. This Congress has spent the last 3 months doing a whole lot of nothing. My colleagues on the other side of the aisle
have refused to produce a budget, refused to hold hearings on campaign finance reform, refused to schedule action on kids' health care, and refused to schedule a vote on any of the Democratic education initiatives: how to get kids to school and how working families be able to afford that.

The Republican majority would like to continue to do nothing. So be it. But get out of the way so others can talk about an agenda that helps working families in this country.

The American people want lower taxes and less intrusion from Washington.

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

Mr. HERGER. Mr. Speaker, I have discovered something very upsetting in the information: upsetting, that is, to the media and the elite who want to run our lives. Mr. Speaker, it turns out that the American people do want tax relief. The latest USA Today CNN Gallup poll shows that 70 percent of Americans want a tax cut in any budget agreement this year. Seventy percent. Furthermore, a majority, 52 percent, say tax cuts and deficit reduction can be accomplished at the same time.

Maybe the White House will find a way to spin these facts to mean the opposite of what they say. Maybe they think the American people are just kidding. Maybe they think the American people did not actually mean to elect a Republican Congress that ran on a promise of tax cuts and tax reforms.

On the other hand, maybe they should just accept the truth: The American people support lower taxes, smaller government, and less intrusion from Washington.

URGING COSPONSORSHIP OF H.R. 14, THE CAPITAL GAINS TAX CUT MEASURE.

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

Mr. DREIER. Mr. Speaker, I am very happy to inform the House that we now have over 114 cosponsors on the most important tax cut measure that we could possibly consider. What is that family tax cut measure? It is the bill, H.R. 14, to take the top rate on capital gains from 28 percent to 14 percent.

I call it the most important family tax cut measure, Mr. Speaker, because this will in fact, based on two studies that have been conducted, increase the take-home wages of the average American family by $1,500.

The American people have heard in years past that a capital gains tax rate reduction is nothing but a tax cut for the rich. Nothing could be further from the truth. We need to bring this about. It not only will increase take-home wages, it will help us in our effort to decrease the deficit and deal with our national debt problem.

Mr. Speaker, I urge my colleagues if they have not already joined in the cosponsorship of my measure, which includes my gentlewoman from Missouri, KAREN MCCARTHY, the gentleman from Virginia, Mr. MORAN, the gentleman from Florida, and several other people who are involved in this in a bipartisan way, I urge Members to cosponsor it.


Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 107
Resolved, That it shall be in order at any time on Wednesday, April 9, 1997, or on Thursday, April 10, 1997, for the Speaker to entertain motions to suspend the rules. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentlewoman from Fairport, NY [Ms. SLAUGHTER] and pending that, I yield myself such time as I may consume. All time that I am yielding is for debate purposes only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order at any time on Wednesday, April 9, 1997, or on Thursday, April 10, 1997, today and tomorrow, for the Speaker to entertain motions that the House suspend the rules. The rule further requires the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to the rule.

Mr. Speaker, as my colleagues are aware, clause 1 of House rule 27 allows the Speaker to entertain motions to suspend the rules on Mondays and Tuesdays. The majority attempted to work with the minority to reach a unanimous-consent agreement to allow suspensions today and tomorrow. However, there was, unfortunately, an objection to that request. Absent a unanimous-consent agreement, a rule is necessary to allow suspensions on these days.

Mr. Speaker, this is a totally non-controversial rule. As many Members on both sides of the aisle have said over the 1-minute period this morning, they want to see us begin moving ahead with our work. We want to do that. We want to take up these measures that could be considered under suspension of the rules.

Mr. Speaker, this rule itself is non-controversial. It requires consultation with the minority, so I hope very much that we can move as expeditiously as possible to pass this.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to defeat this rule and the previous question. The rule under consideration serves no purpose, other than to allow the majority to require the Speaker of the House to return to the floor of this House day after day, all week long, to vote on measures which are noncontroversial and undeserving of an entire week's debate, particularly when so many more valuable and worthwhile bills languish unattended.

I can understand why the majority needs this rule, because it is a fig leaf. They are hoping if it passes they will have coverage they need to conceal the utter lack of any legislative agenda so they can drag out the consideration of a few minor bills and make this look like a work week. This rule is downright disrespectful, not just to the time of the honorable Members of this body, but to the voters we represent and their tax dollars.

It costs the taxpayers of this country $288,000 to bring all of us back to Washington this week, and for what? In the 105th Congress we have worked less than 4 weeks' work, that is about a week a month, we are 4 months into this session, and that, considering the work week of the average American, is pretty disrespectful to them.

I am only one Member of this body, and a member of the minority at that, but I have a better agenda myself than the leadership of the House does. For example, one of the top priorities of the American people is campaign finance reform. Where is the leadership on this issue? They do not have a bill, but I do.

Last week the Federal Communications Commission voted out a rule that would give new digital spectrum licenses available to broadcast stations. It has been widely suggested by such leaders as Senators MCCAIN and FEINGOLD, journalists like Walter Cronkite and David Broder, industry leaders like Rupert Murdoch and Barry Diller, and none other than President Clinton, that in exchange for the new spectrum rights the broadcasters should be required to provide free television time to political candidates.

Coincidentally, I have a bill, the Fairness in Political Advertising Act, that would condition station licensing on making available free broadcast time for political advertising.
My bill also includes a requirement that candidates who accept free time must use that time themselves speaking directly into the camera, and I believe it makes them directly accountable for the statements that are made in their campaigns. I hope it will cut down on the negative campaigning that has become the norm.

I challenge any of my colleagues to tell me why my bill continues to languish in the committee while we have no action here. It is a shame that we are missing this opportunity to enact worthwhile and viable reform, particularly on such an important and timely issue.

On another front, we are fast approaching the anniversary of the Oklahoma City bombing, but 2 years later domestic terrorism thrives. Criminal bombings have doubled since 1988. We have a duty in Congress to keep explosive materials out of the wrong hands. I have a bill that would do just that. It would require Federal permits for all explosive purchases, mandate a nationwide background check for these permits. It would increase penalties for those who violate the Federal explosive law. We cannot afford not to pass this legislation during this tragic anniversary, but it languishes out there somewhere while we do nothing.

Another pressing issue that Congress should be considering is making sure our laws keep pace with the astounding pace of scientific discovery in genetics. Time and again my constituents tell me they are worried about losing their health insurance. They are particularly worried that new technologies, like genetic testing, will open up new avenues for discrimination. I have sponsored legislation that would prevent that being used against the person. It simply prevents the companies from using the information to cancel, deny, refuse to renew, change the premiums, terms or conditions of any policy or to cancel, deny, refuse to renew, change the premiums, terms or conditions of any policy. It would prevent that being used against the person. It simply prevents the companies from using the information to cancel, deny, refuse to renew, change the premiums, terms or conditions of any policy. It simply prevents the companies from using the information to cancel, deny, refuse to renew, change the premiums, terms or conditions of any policy.

I have sponsored legislation that would prevent that being used against the person. It simply prevents the companies from using the information to cancel, deny, refuse to renew, change the premiums, terms or conditions of any policy.

There are other considerations as well. My constituents are worried about what has gone wrong with our judicial system that allows repeat sexual offenders to revolve in and out of prison. Sexual predators and serial rapists continue to drift through our communities, circumventing local penal codes that vary widely by State.

Congress has a responsibility to address the issue by passing a bill that would put an end to the cycle of violent sex crimes. A recent measure I wrote that would do just that. It allows for the Federal prosecution of rapes and serial sexual assaults committed by repeat offenders, requires that repeat offenders automatically be sentenced to life in prison without parole. I authored this bill to give local law enforcement the option of pursuing Federal prosecution to ensure that these predators, who often cross State lines, remain in jail, since many States have far less punishment available under their own laws. Instead of letting sexual predators out on the street to prey again, tough and certain punishment is required at the national level.

No man, woman, or child in America should have to live in fear of a serial or habitual child molester. Enacting legislation is our business here. I know one of the previous speakers this morning had said better we should all be home having town meetings. It is not too late in the 28th District of New York, expect me to be down here working for my paycheck. They are aware of the fact that it costs $288,000 to bring us back to Congress every week because I have told them that. They wonder where in the world the legislation is.

The things that are on their mind are what are we going to do, how are we going to keep our health insurance? What is happening to health care? What about my child? Is it going to have the child care it needs? What are you doing down there to make sure education stays strong?

Mr. Speaker, if the previous question is defeated today, and I hope it is, and I vote to the colleagues to vote for its defeat, if it is defeated, I will offer an amendment that would require the House to consider campaign finance reform before Memorial Day recess. May 31, so a final campaign finance reform bill can be sent to President Clinton before July 4. I think that is the least we can do.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say to my friend, the gentlewoman from New York, that I very much appreciate her enlightening the House on her legislative agenda for the year, and to say there are many very interesting proposals that she offers. Frankly, there are some solutions that I think are worthy of consideration as we move through the committee process.

Let me say, as far as where we are today, I believe we need to recognize that there are measures that we hope to bring up under suspension of the rules that deal with the veterans of this country. There is a great interest in a bipartisan way to see us move ahead with the Veterans Employment Opportunities Act of 1997, and the other suspension which we are hoping to bring up today, if we can move ahead with this rule, is the American Samoa Development Act of 1997.

I believe it makes them directly accountable for the statements that are made in their campaigns. Actually, I have not introduced it yet. I am drafting it now and will be introducing it in the not too distant future. I hope we will be able to consider it. But we should look at a wide range of areas.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me.

I do not think anyone on our side wants to denigrate the importance of the veterans bill or the American Samoa development bill. My question is, why did we not do them yesterday? We are not objecting to doing these today, but Monday and Tuesday are the regular suspension days. We hardly worked ourselves into a lather yesterday.

Our question is, given these important bills, why did we not do them on the regular suspension day rather than have to do an extraordinary procedure to take them up today?

Mr. DREIER. Mr. Speaker, as my friend knows, we have just returned from the Easter work period, and we usually have a travel day there following.

Mr. FRANK of Massachusetts. Mr. Speaker, yesterday we were voting.

Mr. DREIER. After 5, it was after 5 so the Members could travel on Tuesday. That was the reason that we proceeded with the suspensions.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, we had two debates on substantive issues. We did have one very substantive bill yesterday, but some people in this industry have complained, the private mortgage insurance bill, so that got pulled lest we object to doing these. But Monday and Tuesday are the regular suspension days. We hardly worked ourselves into a lather yesterday.

I understand we had 2 weeks off. Is there some implicit notion that we have to have a depression chamber, that after 2 weeks off the Members will get the legislative bends if they have to do anything more than four bills in 1 day?

Mr. DREIER. Mr. Speaker, I do not feel that way. Frankly, everyone cannot handle it quite as well as my friend from Massachusetts.
Mr. Speaker, I yield such time as he may consume to a gentleman from Glen Falls, NY [Mr. Solomon], chairman of the Committee on Rules.

Mr. Solomon. Well, as Ronald Reagan used to say, let me just say to my colleagues and to the American people, if one would think he is the State Department, he is being so diplomatic. Unfortunately, I do not have that kind of attribute myself, so I will be a little more blunt. I really am concerned about being held up in this last hour talking about campaign finance reform. When I go home and go to a hockey game and there are 6,000 people in the stands, not once over this winter has anybody mentioned campaign finance reform.

What they did mention is that we ought to be enforcing the laws down there and what are all these illegal contributions that are coming in from the Warner House and from other places. I hear a lot about that.

I also hear a lot about people that are concerned about their jobs, and some of them are former members of the armed services. They are veterans now. I can tell you what I am hearing about is that we have got on the calendar right here today. It happens to be a heck of a lot more important than campaign finance reform. This bill is H.R. 240. It is the Veterans Employment Opportunities Act of 2007 that we have been trying to get through this House now for a number of years.

While I am talking about that, let me also refer to an article by the gentleman from South Carolina [Mr. Floyd Spence]. It is called the National Security Report, U.S. Defense Budget, Walking the Tightrope Without a Net.

Attached to it is a story that was in the Washington Post on April 1. I do not even know what day that is. I have lost track of the time. But this one says: Military forces are near breaking point, GOP report charges.

Let me tell my colleagues I just got back from a place called Bosnia, and I can say that we have some serious problems in this country today. We have got a problem with maintaining the commissioned officers in our military today. We have a problem in maintaining the noncommissioned officers today. We have a problem in maintaining the noncommissioned officers in our military.

The FY 1998 defense budget request also represents 3.1 percent of the nation's gross domestic product, down from 5 percent from the 1985 level of FY 1988. The defense budget request, when measured in constant dollars, represents the smallest defense budget since 1950. Indeed, cuts from the defense budget have provided a substantial contribution to reductions in the federal deficit in the 1990s. In fact, defense cuts account for the vast majority of deficit reduction to date that is attributable to the discretionary budget. Based on the president's FY 1998 budget, between FY 1990-2000, entitlements and domestic discretionary outlays will increase substantially, while outlays for defense will decrease 32 percent. So the trend continues.

The Clinton administration's defense budget of $265.3 billion for Fiscal Year (FY) 1998 represents a 2 percent real decrease from current (FY 1997) spending. As such, it continues a 13-year-long trend of real defense spending decline and it marks a 38 percent real reduction in spending from defense budgets in the mid-1980s.

The FY 1998 defense budget request represents 3.1 percent of the nation's gross domestic product, down from 5 percent from the 1985 level of FY 1988. The defense budget request, when measured in constant dollars, represents the smallest defense budget since 1950. Indeed, cuts from the defense budget have provided a substantial contribution to reductions in the federal deficit in the 1990s. In fact, defense cuts account for the vast majority of deficit reduction to date that is attributable to the discretionary budget. Based on the president's budget, between FY 1990-2000, entitlements and domestic discretionary outlays will increase substantially, while outlays for defense will decrease 32 percent. So the trend continues.

From the standpoint of military capability, the administration's FY 1998 defense budget request perpetuates the mismatch between defense strategy and resources—the widening gap between the forces and budgets required by the national military strategy and the forces actually paid for by the defense budget. In January 1997, the Congressional Budget Office (CBO) estimated that the president's defense budget to be underfunded by approximately $55 billion over the course of the next five years. However, many independent analyses, including that of the General Accounting Office, assess the shortfall to be much greater.

The FY 1998 defense budget request also reflected the administration's continuing pattern of cutting long-term investment funding necessary for the modernization of aging
equipment in order to pay for near-term readiness shortfalls. The FY 1998 procurement request of $92.6 billion is actually less than current (FY 1997) procurement spending levels in dollar amounts. More than 30 percent of the procurement spending level identified by the Joint Chiefs of Staff as necessary to modernize even the smaller military of the 1990s. Since 1995, the administration has vowed to end the “procurement holiday,” but its plan to increase modernization spending is skewed heavily toward the later years of the program. The bulk of the proposed increases projected to occur beyond the end of the President’s second term.

The inability to field new systems is highlighted by the administration’s lack of funding for missile defense. Six years after the Gulf War, which demonstrated both the strategic and military importance of effective ballistic missile defenses, the administration continues to shortchange spending for such programs. By draining the national defense program to protect the American people from the threat of ballistic missile attack by over $300 million from current (FY 1997) spending levels.

One of the primary reasons modernization spending continues to be reduced and used as a “billpayer” elsewhere in the defense budget is the administration’s persistent underestimation of readiness and operational requirements. The FY 1998 defense budget includes $2.9 billion less for procurement and $5.2 billion more for operations and maintenance (O&M) spending than was projected for FY 1998 by the administration just last year. This miscalculation results from the Pentagon’s underestimation of its own infrastructure and overhead costs as well as from the continuing high and costly pace of manpower-intensive peacekeeping and humanitarian operations.

The diversion of troops, equipment, and resources from training to short-term operations in order to support these ongoing operations means that even those O&M funds being requested are not purchasing the kind of readiness central to the execution of the national military strategy.

Although the administration contends that the post-Cold War defense drawdown—a drawdown that the nation’s military by one-third since 1990—is nearly complete, the FY 1998 defense budget request reduces both the Navy and Air Force below the personnel levels mandated by law and below the levels called for by the national military strategy. While military forces are shrinking to dangerously low levels, the pace and duration of deployments has also increased. This conflicting trends are hurting military readiness, are eroding quality of life, and are certainly not conducive to maintaining a high quality, all-volunteer force in the long run.


(By Bradley Graham)

Increased demands on a reduced U.S. military to engage in peace operations and other military operations in response to a stretched unit “the breaking point,” according to a House Republican report on the condition of American forces in the post-Cold War era.

While congressional warnings about a growing military readiness problem have sounded for several years, the new study provides the most extensive anecdotal evidence so far about the toll on American forces of frequent post-Cold War deployments, long tours away from home, personnel shortages, and inadequate pay and living conditions. The report says:

“Indicators of a long-term systemic readiness problem are far more prevalent today than they were in 1994,” said the report issued by Rep. Floyd Spence (R-S.C.), chairman of the House National Security Committee, after a seven-month study by his panel into the readiness of the military forces at the breaking point.

Pentagon leaders, citing official readiness indicators, have insisted that U.S. forces remain as prepared for battle as ever. But for several years, the Clinton administration has listed readiness as its top priority in apportioning the defense budget, setting a historic emphasis on operational and maintenance spending per soldier.

Some defense experts have accused Republican legislators of fanning talk of a readiness crisis in order to justify increases in defense spending, forestall more troop reductions and embarrass the Clinton administration. They contend that any strains in the force could be relieved simply by more selective and efficient management of deployments.

But the House report, which was drafted without the aid of the chief of staff, Democrats, describes a pervasive erosion of operational conditions and combat training. It says the quality of military life is deteriorating “to the point where a growing number of talented and dedicated military personnel and their families are questioning the desirability of a life in uniform.” And it says many military equipment is needlessly destroyed due to extended use and reduced maintenance.

The report faults the Pentagon’s system for tracking readiness as flawed and incomplete.

The system, which is being revised by Defense Department officials, has focused mostly on the required resources and training for wartime missions and includes little provision for measuring such factors as morale or deployment rates. The official view of how troops are faring, the report asserts, contrasts markedly with what committee staff members found in visits to more than two dozen installations and over 50 units in the United States and Europe.

“Doing more with less may be the military’s new motto,” says the report, “but it is certainly not a strategy nor is it conducive to ensuring the long-term viability of an all-volunteer force.”

With the Pentagon in a middle of a major review of U.S. war fighting force, the report cautionsthat any attempt to shrink the force further will “surely exacerbate the readiness problems that are identified in this report.”

Since the waning days of the Cold War, American forces have dropped from 2.1 million to 1.45 million service members, while the number of deployments to such places as Bosnia, Haiti and Somalia has risen sharply. Although only a small percentage of all U.S. military forces is involved in these missions at any one time, the extended duration and frequency of the deployments have magnified their impact.

The combination of lower troop numbers and more numerous deployments has led to shortages particularly of mid-grade, non-commissioned officers, the report says. To cover gaps, service members often are assigned to jobs for which they lack the requisite training and experience, the report adds.

Moreover, deployment times too often exceed the 120-days-per-year maximum set by the services for tracking readiness as flawed and incomplete.

The report notes that units that do deploy frequently scavenge parts and people from other units, which can lead to substandard readiness in the force that are “deeper and of longer duration” than before, the report adds.

Particularly, troubling, the report says, is an evident drop in the amount and quality of training, caused by funding shortages and reduced opportunities to train because units are oftendeployment or covering for units that are.

“The widespread belief of trainers interviewed at the services’ premier high-intensity training sites—the National Training Center at Fort Irwin, the Marine Corps’ Air Ground Combat Center at Twenty-nine Palms and the Air Force’s Air Warfare Center at Nellis Air Force Base—is that units are arriving less prepared than they used to and are not as proficient when they complete their training as in the past,” the report states.

Although military retention rates remain relatively high, the report says these official statistics cloud the fact that the “best of the best” are getting out. According to an internal Army survey quoted in the report: “Job satisfaction is down and about two-thirds of leaders say organizations are working longer hours... The force is tired and concerned about the uncertainty of the future... Most of them are low at both the individual and unit level.”

Ms. Slaughter. Mr. Speaker, I yielded 3 minutes to the gentleman from Michigan [Mr. Bonior].

Mr. Bonior. Mr. Speaker, I thank my colleagues from New York for yielding me the time.

Once again today Democrats are standing up for campaign finance reform. We will vote in a short while to take one of the most important steps this year in this area by bringing in this rule in order to bring up before this body campaign finance reform so we can have it on the floor of the House by Memorial Day. This will be the third vote we are taking on campaign finance reform this year. And here was a vote on opening day of the Congress and another on March 13.

I might add that not a single Member from the other side of the aisle has voted for reform yet. But I am hopeful.”

I think the American people know it. Although some have proposed spending even more on campaigns, the American people, I think, just think the opposite. More than 9 out of 10 believe too much money is being spent on political campaigns.

So we need to fix the system and we need to limit the amount of money in these campaigns. We need to get to the negative advertising. We need to get Americans voting again and believing in the system. The vote today is not about a particular bill. There are many different vehicles out there, some of which are good and some of which are bad. It is about setting up a process to debate campaign finance reform, to make sure it moves beyond the closed room, the back rooms, the locked doors, and out into the open where the American people can understand, can learn and participate in one of the great debates that I think we are engaged in this year.
What we are really talking about is reinvigorating the political process. Right now Americans do not think their vote counts. They are sick and tired of what they see, what they see going on, and they feel a powerlessness to do anything about it.

We need to change that. We need to make democracy in this country mean something once again, and we need to give people hope that they can make a difference, that they can be a player, that they can feel that their Government is working for them. There are a lot of good ideas out there, and we are simply asking a chance to debate them.

For 4 months we have done nothing in this Congress. Oh, we have named a few buildings after people. We have commended the Nicaraguans on their election. We have expressed our respect for the Ten Commandments. But we have done nothing to improve the lives of American working families on health care, on education, on jobs. Real campaign finance reform will make a difference. It is another one of the issues that the public wants us to address.

So I urge my colleagues, Mr. Speaker, to vote no on the previous question in order to bring up campaign finance reform to the floor before the Memorial Day recess.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say that it is very interesting to listen to the hue and cry over campaign finance reform that comes from my friends on the other side of the aisle. I stated that I have a measure that I am going to be introducing in the not too distant future which would actually encourage greater voter participation, an opportunity for them to participate with campaign contributions.

The thing that troubles me, Mr. Speaker, is the fact that we are in a situation where we do not have compliance with existing law, and we as Republicans are very proud to stand up for enforcement of the laws which have been flagrantly violated based on reports that we have had in the media. That is what we as Republicans are doing from this side of the aisle. I hope very much that we will be able to get to the bottom of these tremendous abuses of present campaign finance law.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DeLauro].

Ms. DeLAURO. Mr. Speaker, let me just say that I intend to support veterans' preferences. Four hundred and thirty-five Members of this body, all of the Members who are here today, are going to vote for this bill. That is not the issue. This is a noncontroversial item. It is under a suspension calendar. We will do our best to move it. It is a bit of controversy. Suspensions are usually noncontroversial. They are considered on Mondays and Tuesdays in the House, so in fact we could have considered this vote yesterday when we adjourned at something like 10 after 5 or 5:15. We could have done this yesterday. We are going to try to defeat the previous question this morning in an effort to stop the much-needed discussion and order to talk about campaign finance reform legislation so that we can vote on what is a pressing issue before the Memorial Day district work period.

It is hard to open a paper these days without reading about the lack of accountability of this Congress, in fact the do-nothing Congress. But the worst of it is that the Congress is doing nothing when the issue of campaign finance reform cries out for action and early action at that.

Yes, let us continue on with the investigations, but what we in fact do know is that the system is broken and that it needs to be fixed. Let us have that discussion.

The 1996 elections broke all records for campaign spending: $2.7 billion. The Washington Post shows that 8 in 10 Americans agree that money has won elections. The amount of money in politics disenchant the American people and tells citizens, ordinary citizens in this country, that their votes are not as important as fundraising dollars.

The record in 1996 are a powerful argument for meaningful limits on campaign spending. We need less money in politics, not more. And if we are to achieve limits on campaign spending, we need to act immediately, because every delay takes us closer to the next election.

I doubt the American people want more money spent the way the Speaker would. Let us have the debate on campaign finance reform, and let us just stop fooling around.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. Lewis].

Mr. LEWIS of Georgia. Mr. Speaker, I rise to call upon my colleagues to defeat the previous question and to bring an amendment to this floor allowing a debate on the important issue of campaign finance reform.

Every person in America realizes the importance and necessity to address our broken system of financing the elections. On the other side, the Republican majority, are planning no hearings on this issue, no debate on this floor, and no votes to change the way elections are paid for. It is a shame, and it is a disgrace.

There is too much money in the political process. We need to recognize that there is too much money in the political process. Members of Congress are forced to spend too much time chasing campaign funds. Special interests and the wealthy interests have too much influence. There are too many problems that need to be addressed.

Mr. Speaker, there is a fundamental difference between Democrats and Republicans on campaign finance. Democrats believe there is too much money in the political process. Republicans believe there is too little. Let us have a debate on the floor of the House of Representatives.

As American people decide whether we need more or less money in politics. We should put our votes on the board, let the American people see, rather than bring us back to Washington week after week to vote on do-nothing legislation. Let us face the real problems confronting our Nation. Let us fix our broken campaign finance laws. Defeat the previous question and let the real and serious debate begin.

Maybe, just maybe, we should adjourn or recess the Congress and go home for the next few days and visit our citizens, the people that sent us here, like I did last week. Why come back here and vote on do-nothing legislation? Now is the time to act. Defeat the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Doggett].

Mr. DOGGETT. Mr. Speaker, at the outset of this Congress, we have more than 100 Members of this House to ask that action occur during the first 100 days of this Congress on the issue of campaign finance reform.

Well, that period will expire next week, and what has happened during those first 100 days on the issue of campaign finance reform? The same thing that has happened on the hopes of reform for more health insurance for children across this country, the same thing that has happened with regard to the aspirations and needs of young people across this country to get access to a college education.

What has happened on campaign finance reform during the first 100 days of this Congress is zero, zip, nada. Not one thing has occurred on that or most of the other important issues that face America today.

Now, my distinguished colleague from California [Mr. Dreier], says they have another approach. When it comes to campaign finance, they do not want to legislate right now, they want to investigate. Well, I agree that some investigations are in order. The only problem with Mr. Dreier's approach is, they want to investigate everybody except this House. They want to look at somebody else's house down the street.

They do not want to look here at the issues of the peddling of campaign finance checks that have occurred on this floor and issues that have arisen in connection with the raising of hundreds of millions of dollars in funding this Congress, of special interest money that dominates the elections in this Congress on both sides of the aisle. No; they want to investigate someone else, get indignant, get upset, make some speeches, but not do a thing about it.

This rule sets priorities, and I would say our veterans, who will have 435
voters in favor of their bill in a few minutes, have as big a stake as anybody else in seeing this system cleaned up.

It is time for this Congress to act. We waited in the last Gingrich Congress 1½ years out of that 2 years before we ever even got to the issue of campaign finance reform. That is why we are going to keep raising this issue day after day, because we cannot wait another 1½ years for action, and at that time it was somehow convoluted that even the Republicans could not support it. It is time for action and action by voting down this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that it is very interesting to listen to this debate as it proceeds on campaign finance reform. We are actually offering a rule here that would allow us to consider suspensions today and tomorrow to deal with a very important issue that I hope we can address here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY], my dear friend, to talk about legislation I mentioned during the 1-minute period that I hope we will be able to have considered here. If we get the President on board on it, it would be very helpful, and, frankly, it is much more important to the people whom I am honored to represent here and others from around the country than campaign finance reform. It happens to be the single most important family tax cut that we could offer, and that is a reduction of the top rate on capital gains from 28 percent to 14 percent. As of now, we have 118 cosponsors. Democrats and Republicans on the House and the Senate, especially the Democratic National Committee have recognized that this is a very important issue that I hope we can address here.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time. And he is so right about the real important things that we intend to do in this 106th Congress, rather than play these games that are being played around here.

It is amazing to me, the lack of shame that is expressed on this floor, that the minority party, that used to be the grand majority party for so many years, particularly since the last major campaign finance reform was passed back in the late 1970's, I think 1976 or so, had the majority of this House and the Senate, vetoed by a Republican President, the major campaign finance reform and lack of action on the Democratic party's part when we were in charge, and remind him that he is so right about the real important things that we intend to do in this 106th Congress, rather than play these games that are being played around here.

It is amazing to me, the lack of shame that is expressed on this floor, that the minority party, that used to be the grand majority party for so many years, particularly since the last major campaign finance reform was passed back in the late 1970's, I think 1976 or so, had the majority of this House and the majority of the Senate and yet did not bring any bills down. In fact, if they just passed this bill, they could probably bring their campaign finance reform to the floor under suspension.

Oh, I forgot; they do not have a campaign finance reform bill. They are crying for campaign finance reform, and yet did not bring any bills down. In fact, if they just passed this bill, they could probably bring their campaign finance reform to the floor under suspension.

What is happening here is something that is really serious, because we want to hold hearings to look into what is really happening here; to hold hearings to look into what is really happening in the campaign finance reform. We have the potential of having a bill that the American people want us to pass here on the floor of this House, trying to pass a law that exists. And those on the other side of the aisle are saying, well, let us not do it before we look at that; we want us to do it before we look at this hue and cry that we are hearing out there from the American people; all they want us to do is, the American people want us to comply with the laws that exist today.

Mr. DELAY. Mr. Speaker, reclaiming my time, I would also say that they are ashamed as to what is going on today, what is going on on this floor, and yet did not bring campaign finance reform to the floor. It is time for this Congress to act; we are simply calling for compliance with the present law that exists. And those on the other side of the aisle are saying, well, let us look at the present law, let us see whether laws have actually been broken. And we all know the reason for that; it is strictly politics, to cover up this fact that the national security of this country may have been compromised.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GUTKNECHT). The Chair would remind all Members the matter before the House is House Resolution Number 107.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to just comment on the majority whip's remarks about campaign finance reform. The American people want us to do it before we look at these games that are being played here. And I yield back to the gentleman from California.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, not only will the Republicans not bring campaign finance reform to the floor, but their rhetoric today tells us how far away they are from what is happening in America.

They want to suggest that the existing system is just fine. It is a transgression simply of the White House that we should only be concerned about. And we should be very concerned about those.
They would suggest that it is fine that a committee Chair, Republican committee Chair, get $200,000 from the very people he meets with about matters before his committee and the money comes right after the meetings. That is all apparently allowed under the existing system, and they do not think it should be investigated. They do not think it should be investigated; that there is nothing wrong with the system. We have watched as top lobbyists sat in the majority whip's office and drafted legislation to the Clean Water Act. We have watched as top lobbyists sat in the majority whip's office and drafted legislation to the Clean Water Act.

The Clerk read as follows:

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California. Mr. Speaker, the point is this. The point is that the American public is treated on a daily basis to account after account after account after account where money buys you privilege in the House of Representatives among leaders and it buys you access. That has got to stop because it simply is not fair to the American people. Money is distorting how decisions are being made in this House, the people's House. Money is distorting outcomes in the people's House. Money is distorting the schedule in the people's House. That has got to stop.

And that is what is happening under the existing system. That is happening under the existing system, and that is why we objected yesterday so we could get time today to speak out against the status quo. The status quo is corroding this institution, it is corroding the decisionmaking process, it is corroding the outcome. The people of this country deserve better. That is why we need campaign finance reform. We need it for this institution. We need it for the integrity of the Democratic institution, the House of Representatives, the U.S. Senate. We need it to bring back the faith of the people we represent.

This is not about our campaigns. This is not about whether we get elected or not elected. This is about whether or not it is on the level in this place, whether or not every person has the right to the same access, not access based upon merit, not on the size of your wallet, not on the size of your contribution. That is what this argument is over.

But they will not let us have this debate on the floor of the House of Representatives. We have to go through parliamentary maneuver after parliamentary maneuver to have this said. Why? Because it is very embarrassing. It is very embarrassing on the bipartisan basis. But we have got to clear the air. We owe it to the American public. We have got to clear the air at that end of Pennsylvania Avenue and we have got to clear the air at this end of Pennsylvania Avenue. We owe the public no less.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Sugarland, TX [Mr. DELAY].

Mr. DELAY. I appreciate the gentleman yielding me this time.

Mr. Speaker, the gentleman from California has repeatedly brought up this incident, including in the media, and has been quoted in the media about an incident where there were lobbyists in the majority whip's office writing legislation.

I will be glad to yield to the gentleman to give me the names in my office writing legislation, and the incident and the time and the date. The least he could do when he makes a statement that is totally incorrect, that he could provide that information to this House, or at least if the case and it violates the rules of the House or violates a law, would bring charges against this Member.

Mr. Speaker, I am glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, as the gentleman knows, unfortunately I can either make the contribution or I am a lobbyist. I was not privy to the meeting, but the meeting was widely reported, and I am not seeing the denial of the meeting taking place.

Mr. DELAY. Mr. Speaker, reclaiming my time, obviously the gentleman cannot substantiate his charges, obviously he cannot name names.

Mr. MILLER of California. Does the gentleman deny that these meetings took place?

Mr. DELAY. This gentleman, Mr. Speaker, denies categorically that it ever happened, that there are lobbyists in the majority whip's office writing legislation, unlike in the gentleman's office where environmental groups write legislation.

Mr. MILLER of California. Mr. Speaker, the gentleman wanted to take down words for inaccurate statements. I guess we can understand why the ruling does not exist right now.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN asked and was given permission to revise and extend his remarks.

Mr. ALLEN. Mr. Speaker, bring this down to a different level.

I have to urge Members of this body to vote in opposition to the motion for the previous question and I do so because I want to raise the issue of campaign finance reform. I think it is time
for us to deal with it, and I want to mention a couple of points. First, according to a recent poll, 85 percent of Americans think that there is a crisis or a problem with the way candidates raise and spend campaign funds. And do you know what polling shows? 85 percent of the people that special interest groups have more influence than voters.

Now, when I was in my district over the last 2 weeks, people did raise the issue of campaign finance reform, and do my colleagues know what a couple of them said? They said, "Why are you spending millions of dollars on investigations and doing nothing to help us? Why are you spending millions of dollars on investigations and doing nothing to help us?"

I believe that from my experience if we cannot find people who care about campaign finance reform we are not looking very hard. It may not deal with their jobs, it may not deal with their health, but they care about our democracy and they care about this system of campaign funding. It is important because the Republican leadership refuses to bring its up, and do not tell me that the Democrats were in the majority that we did not bring it up. In fact we did. It passed. I remember. I voted for it on the House floor. But it went over to the other body, and the Senate, the Republican Senators on the other side, they sided against them and killed it.

So there is no question the Democrats are in favor of campaign finance reform, Democrats are in favor of debate. Democrats want a bill to pass. We have said that we would like to have it happen by Memorial Day. I think the President mentioned July 4. Certainly the sooner the better, but so far no hearings on the other side, the Republicans. The Republicans have not had a hearing, they do not bring it up, they have no plan. They do not want to talk about it, which is why they get mad when we do. But I am telling my colleagues right now that the public will not stand for it. They want action.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I think it is fascinating to watch the hue and cry for campaign reform from the Democrats when they controlled the House, the Senate, and the White House 4 years ago and chose not to bring it up.

The fact of the matter is we have two kinds of campaign financing systems in America; one is congressional. We could only take $1,000 from an individual or $5,000 from a PAC, we must report everything we receive and everything we spend, and that system did not break down, and no one is accusing it of having broken down.

There is another system for Presidential campaigns. If they accept $75 million of taxpayer money, they may spend $40 million more. That is precisely what Bob Dole did; that is not what President Clinton did. He accepted the $75 million, and he spent $40 million more than that. He admitted to doing that, but he said it was necessary to break the law because "we would have lost."

Now, I do not want to see America pay the congressional races, with ceilings on them like they did for the White House, and have that system so easily abused as it was by President Clinton. Let us move on with this bill which allows bringing up the bill for veterans' benefits, let us pass this rule and get on with the business of the House.

Mr. Slaughter. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California asked and was given permission to revise and extend his remarks.

Mr. Slaughter. Mr. Speaker, I yield 20 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate the objection. The point is on March 12, 1995, the Washington Post sets forth the series of meetings taking place wherein lobbyists and campaign contributors are provided a full partnership, are provided a full partnership, and I will yield in 1 second, in the drafting of legislation that was dealing at that time with deregulation.

Mr. DELAY. Mr. Speaker, will the gentleman yield? The SPEAKER pro tempore. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. DELAY. As usual, the gentleman's time is always expiring while he is trying to accuse another Member of the House.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I just got to say, Mr. Speaker, in that article there is no—there are no names, there are no time periods that this meeting happened, there is absolutely no—regular order, Mr. Speaker. I know the gentleman doesn't like the rules.

The SPEAKER pro tempore. The gentleman from Wisconsin is out of order.

Mr. DELAY. I know the gentleman does not like to follow the rules, Mr. Speaker, but I am asking for regular order.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] controls the time.

Mr. DELAY. Mr. Speaker, I appreciate the courtesy from the gentleman. OBEY. Mr. Speaker, I prefer truth over courtesy any time.

Mr. DELAY. Regular order, Mr. Speaker, or have the gentlemen removed from the floor.
The SPEAKER pro tempore. We will have regular order.

The gentleman from Texas is recognized.

Mr. DELAY. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 45 seconds remaining.

Mr. DELAY. Mr. Speaker, it seems that it is OK to take something out of the newspaper that is not true and bring it down to the floor of the House and attack other Members of this House with something that is not true, written by a reporter in the Washington Post, and using it as if it were true, and I think it is really, Mr. Speaker—

Mr. OBEY. I yielded to the gentleman from Wisconsin.

Mr. DELAY. Mr. Speaker, would the gentleman yield and read those names? Mr. OBEY. I would be happy to allow the gentleman to read the names, but I am not going to mention the name of any person on the floor who is not here to defend himself.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, I will not yield further, not at this time. The gentleman can come here and read the names.

I would ask unanimous consent again to be allowed to place this in the RECORD so that the names can be in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? Mr. OBEY. Object.

Mr. OBEY. I thought the gentleman would.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. I thought the gentleman would.

I find it interesting that the truth is being suppressed on the floor of the House in the name of the rules of the House.

Mr. DREIER. Mr. Speaker, once again I yield 1 minute to my friend, the gentleman from Sugarland, TX [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding this time to me, and since the gentleman from Wisconsin would not yield to me, especially when I asked him to read the names, he does not want to read the names because he will not enter into a dialogue with me about the fact that one newspaper article misrepresented what happens in my office and that the fact that there has never been lobbyists sitting in my office or any office of the leadership sitting down writing bills.

We all know that the legislative counsel does that, and we all know that we talk to people about the bills, and he will not read the names. Read the names so that I may respond to the incident. But they do not want to read the names because once again they are trying to smear another Member of this House.

Mr. Speaker, I think we just consider the source of the issue, and if the gentleman does not yield to me, I am not going to yield to him.

Mr. OBEY. I yielded to the gentleman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members the matter before the House is House Resolution No. 1345.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the chair. Mr. Speaker, I thank the gentleman from California which he indicated had taken place in the majority whip's office. The majority whip has said that the newspaper article to which the gentleman from California referred contained no names of lobbyists. I have in my hand, as the Senator from my own State used to say, a copy of the article in question, and if my colleagues examine the text, there are the names of seven lobbyists listed.

Mr. DELAY. Mr. Speaker, would the gentleman yield and read those names? Mr. OBEY. I would be happy to allow the gentleman to read the names.

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Mr. OBEY. Mr. Speaker, I will not yield further, not at this time. The gentleman can come here and read the names.

I would ask unanimous consent again to be allowed to place this in the RECORD so that the names can be in the RECORD.
THERE ARE GOOD PEOPLE HERE, AND EVEN THEY ARE TURNED IN A BAD DIRECTION BY THE WAY WE FINANCE CAMPAIGNS, AND THE SOONER THE GENTLEMAN FROM COLORADO AND EVERY MEMBER OF THIS BODY, DEMOCRAT AND REPUBLICAN, FACE THAT, THE SOONER WE WILL BEABLE TO CLEAN IT UP AND RESTORE PEOPLE'S FAITH.

MR. SPEAKER, I LOVE THIS COUNTRY AS MUCH AS THE GENTLEMAN FROM COLORADO [MR. McCLINNIS] DOES, I ASK MY COLLEAGUES TO GO AND ASK THE AMERICAN PEOPLE.

THE WAY WE FINANCE CAMPAIGNS IS ROTten TO THE CORE.

MR. DREIER. MR. SPEAKER, I YIELD 15 SECONDS TO MY FRIEND FROM COLORADO [MR. McCLINNIS].

MR. McCLINNIS. MR. SPEAKER, A VERY SIMPLE QUESTION TO THE GENTLEMAN: HOW MUCH MONEY DO YOU HAVE IN YOUR BANK ACCOUNT?

MS. SLAUGHTER. MR. SPEAKER, I YIELD 15 SECONDS TO THE GENTLEMAN FROM WISCONSIN [MR. OBEY].


WILL YOU CONSIDER, IF YOU WANT TO DISCUSS THESE NAMES, I AM HAPPY TO DISCUSS THEM WITH HIM PUBLICLY OR PRIVATELY AT SOME POINT IN THE FUTURE.

MR. DREIER. MR. SPEAKER, I RESERVE THE BALANCE OF MY TIME.

MS. SLAUGHTER. MR. SPEAKER, I YIELD 1 MINUTE TO THE GENTLEMAN FROM TEXAS [MR. DREIER].

MR. DOGGETT. MR. SPEAKER, THIS HAS BEEN PERHAPS THE MOST REVEALING DEBATE OF THIS ENTIRE SESSION OF CONGRESS. I MIGHT SAY, TO USE AN OLD PHRASE, WHEN PUSH COMES TO SHOVE, WE GET DOWN TO THE HEART OF A CRITICAL ISSUE TO THE AMERICAN PEOPLE AND WE SEE WHY IT IS THAT OUR REPUBLICAN COLLEAGUES ARE SO FEARFUL OF GIVING US 10 MINUTES TO DEBATE THIS ISSUE ON THE FLOOR OF THE U.S. CONGRESS; WHY THEY ARE SO HYPERSENSITIVE TO THE ISSUE OF FINANCING THE GOVERNMENT, BENEFICIAL BUT NOT INFLUENCE PEDDLING DOWN THE STREET, BUT INFLUENCE PEDDLING RIGHT HERE IN THIS BUILDING: PEDDLING OUT CHECKS FROM TO-TO-TO-TODAY'S SUPPLEMENTS.

MS. SLAUGHTER. MR. SPEAKER, I YIELD MYSELF THE BALANCE OF MY TIME.

MR. SPEAKER, I URGE A "NO" VOTE ON THE PREVIOUS QUESTION. IF THE PREVIOUS QUESTION IS DEFeated, I SHALL OFFER AN AMENDMENT WHICH WILL REQUIRE THAT COMPREHENSIVE CAMPAIGN FINANCE REFORM LEGISLATION BE CONSIDERED BY THIS HOUSE BY THE END OF THE MONTH.

MR. SPEAKER, I ASK UNANIMOUS CONSENT TO INCLUDE THE PROPOSED AMENDMENT AT THIS POINT IN THE RECORD ALONG WITH A BRIEF EXPLANATION OF WHAT THE VOTE ON THE PREVIOUS QUESTION REALLY MEANS AND TO INCLUDE EXTRANEOUS MATERIAL.

THE SPEAKER PRO TEMPORE. THERE IS NO OBJECTION TO THE REQUEST OF THE GENTLEWOMAN FROM NEW YORK.

THERE WAS NO OBJECTION.

THE MATERIAL REFERRED TO IS AS FOLLOWS:

AT THE END OF THE RESOLUTION ADDED THE FOLLOWING NEW SECTION:

SECTION 2. NO LATER THAN MAY 31, 1997, THE HOUSE SHALL CONSIDER COMPREHENSIVE CAMPAIGN FINANCE REFORM LEGISLATION UNDER AN OPEN AMENDMENT PROCESS.

MR. SPEAKER, THIS VOTE ON WHETHER OR NOT TO ORDER THE PREVIOUS QUESTION IS NOT MERELY A PROCEDURAL VOTE. IT IS A VOTE AGAINST THE MAJORITY'S FAILURE TO DEVELOP AND CARRY OUT AN AGENDA THAT IS MEANINGFUL TO THE AMERICAN PEOPLE. IT IS ONE OF THE FEW TOOLS WE HAVE AS THE MINORITY TO OFFER AN ALTERNATIVE PLAN FOR WHAT THE HOUSE SHOULD BE DOING. WE BELIEVE THAT SHOULD BE COMPREHENSIVE CAMPAIGN FINANCE REFORM. IF THE PREVIOUS QUESTION IS DEFeated, WE WILL HAVE THE OPPORTUNITY TO AMEND THE RULE TO REQUIRE CONSIDERATION OF A CAMPAIGN FINANCE BILL BY THE END OF NEXT MONTH.

THE PREVIOUS QUESTION IS THE WAY WE ARE GOING TO DO WHAT THE AMERICAN PEOPLE REALLY WANT US TO DO.

I URGE MY COLLEAGUES TO VOTE AGAINST THE PREVIOUS QUESTION. VOTE FOR COMPREHENSIVE CAMPAIGN REFORM.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

THIS VOTE, THE ONE TO ORDER THE PREVIOUS QUESTION ON A SPECIAL RULE, IS NOT MERELY A PROCEDURAL VOTE. A VOTE AGAINST OR ORDERING THE PREVIOUS QUESTION IS A VOTE AGAINST A VISION OF WHAT THE HOUSE SHOULD BE DOING.

THE PREVIOUS QUESTION IS THE WAY WE CAN, BY VOTE OF THE HOUSE, TELL THIS REPUBLICAN LEADERSHIP TO DO WHAT THE AMERICAN PEOPLE REALLY WANT US TO DO.

I URGE MY COLLEAGUES TO VOTE AGAINST THE PREVIOUS QUESTION. VOTE FOR COMPREHENSIVE CAMPAIGN REFORM.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the one to order the previous question, on a special rule, is not merely a procedural vote. A vote against it is a vote against the majority's failure to develop and carry out an agenda that is meaningful to the American people. It is one of the few tools we have as the minority to offer an alternative plan for what the House should be doing. We believe that should be comprehensive campaign finance reform. If the previous question is defeated, we will have the opportunity to amend the rule to require consideration of a campaign finance bill by the end of next month.

The previous question is the way we are going to do what the American people really want us to do.

I urge my colleagues to vote against the previous question. Vote for comprehensive campaign reform.
DeLay, because “they have the expertise.”

DeLay, the minority leader, and Speaker Newt Gingrich of Georgia.

DeLay described his partnership with Project Relief as an unusual opportunity. He turned to his network of business friends and lobbyists. “I sometimes overly prevailed on these allies, DeLay said.

In the 1994 elections, he was the second-leading fund-raiser for House Republican candidates. After listening to this pitch, what could be accomplished by a pro-business Congress, they contributed another $80,000 to Republicans and consulted DeLay, among others.

The chief lobbyist for the grocers, Bruce Gates, would be recruited later by DeLay to chair his antiregulatory Project Relief. Several other business lobbyists played crucial roles in DeLay’s 1994 fund-raising and also followed Gates’s path into the House. One such lobbyist, whose frequent strategy memos help shape the regulation-cutting Council on Competitiveness, was David Rehr of the National Beer Wholesalers Association, Dan Mattoon of BellSouth Corporation, Robert Rusbuldt of the Independent Insurance Institute, and Elaine Graham of the National Restaurant Association.

At the center of the campaign network was Mildred Webber, a political consultant who had been hired by DeLay to run his race for Whip. She stayed in regular contact with both the lobbyists and more than 80 GOP congressional challengers, drafting talking points for the neophyte candidates and calling the post-Senate lobby when they needed money. Contributions came in from various business PACs, which Webber bundled together with a good-luck note from DeLay.

“We’d rustle up checks for the guy and make sure Tom got the credit,” said Rehr, the beer lobbyist. “So when new members voted for majority whip, they’d say, ‘I wouldn’t be here if it wasn’t for Tom DeLay.’”

For his part, DeLay hosted fundraisers in the districts and brought challengers to Washington to introduce them to the PAC community. One event, he said, was David M. McIntosh, an Indiana candidate who ran the regulation-cutting Council on Competitiveness in the Bush administration under former White House strategist Karl Rove. DeLay contributed $120,000 to candidates by the time DeLay addressed the group last September. After listening to this speech, what could be accomplished by a pro-business Congress, they contributed another $80,000 to Republicans and consulted DeLay, among others.

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Mr. Speaker, at this point I ask unanimous consent to insert in the Record an explanation of the previous question issue from our House Committee on Rules.

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

There was no objection.

The material referred to is as follows:

**The Previous Question Vote: What It Means**

**House Rule XVII ("Previous Question")** provides in part that:

- **There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.**

In the case of a special rule or order of business resolution establishing a House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one previous debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to debate or rely on adoption of the resolution that sets the ground rules for debate and amendments on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, in conclusion I would say that this has been the most interesting debate that we possibly could have had over a measure that will simply allow us to consider two additional days of suspension.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 213, nays 196, not voting 23, as follows:

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<th>Yeas</th>
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**CONGRESSIONAL RECORD — HOUSE**

April 9, 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to amend title 5, United States Code, to provide that consideration may not be denied to preference eligible veterans, as amended.

The SPEAKER pro tempore (Mr. MICA) stated that he would be available to dispose of the motion to suspend the rules on a motion to reconsider if the motion to reconsider was not laid on the table.

So the previous question was ordered.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules in order to consider the two amendments which have been separated from the amendment which recorded a yeas vote on Thursday, April 9, 1997.

**VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1997**

This Act may be cited as the “Veterans Employment Opportunities Act of 1997.”

Clerk read as follows:

"(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency, by reason of a reduction in force, who satisfy the eligibility requirements for reinstatement, or employees or employees of such agency, including any position under paragraph (1), and—"

**NOT VOTING—23**

Ms. RIVERS changed her vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

The Speaker pro tempore. The question is on the resolution.

The resolution was agreed to. A quorum call was ordered to be taken on Thursday, April 9, 1997.

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**NAY—196**

Abercrombie, Charles
Ackerman, Michael B.
Allen, James E.
Baesler, Hugo W.
Baldacci, Paul
Barco, John
Barrett (WI), Jim
Benten, Jerry
Bernero, Joseph
Berry, James
Blagoyevich, Robert
Blumenauer, Earl
Bonior, Nick
Borski, Ralph
Bouwkamp, Peter
Boucher, Peter
Brown (CA), Darrell
Brown (FL), Bill
Brown (OH), Ralph
Capps, Carolyn
Carden, Jim
Clay, Emanuel
Clay, Harold
Clifford, J. E.
Condit, Thomas
Conyers, John
Costello, Michael
Coyne, James
Cramer, William
Cummings, Elijah E.
Danner, John
Davis (FL), Robert
DeFazio, Joseph
DeGette, Diana
Delahunt, Stephen
Delauro, Rosa
Del Bene, Elaine
Deutsch, Ronald
Dicks, James
Dingell, John
Dixon, Charles
Doggett, Lloyd
Dooley, John
Doyle, Mickey
Doyle, John
Engel, Eliot
Eshoo, Zoe
Etheridge, Harold
Evans, Mel
 Etheridge, Jim
Evans, Thomas
Fallone, F. J.
Fattah, Chaka
Faxio, Nick

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**SEC. 2. EQUAL ACCESS FOR VETERANS.**

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding after the end of the section the following:

"(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—"

"(A) not having acquired competitive status; or"

"(B) not being an employee of such agency."

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3237(b) of title 5, United States Code, is amended by striking "and at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (3) the following:

"(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, including any position under paragraph (1), and—"

(2) ADDITIONAL INFORMATION.—Section 3237 of title 5, United States Code, is amended by adding at the end the following:

"(c) Any notification provided under this section shall include a comprehensive list of all announcements of vacant positions in the competitive service and the excepted service, respectively, within each agency that are filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency’s work force; and—"

"(d) A comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, including any position required to be listed under paragraph (1)."

---

**SEC. 3. ACCEPTANCE OF VETERANS RESUMES; REPORT.—**

The Act may be cited as the "Veterans Employment Opportunities Act of 1997."
SEC. 3. SPECIAL PROTeCTIONS FOR PREFERENCE ELIGIBLES IN REDUcTIONS IN force.

(a) IN general. Section 3502 of title 5, Unit- ed States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 430), is amended by adding at the end the fol- lowing:

"(2) C ONFORMING AMENDMENT.ÐThe first sen- tence of section 1005(a)(2) of title 39, United States Code, is amended by striking "title," and inserting "title, subject to paragraph (3) of this subsection."

(b) SEC. 3. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN force.

(1) IN general. Section 3502 of title 5, Unit- ed States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 430), is amended by adding at the end the fol- lowing:

"(2) C ONFORMING AMENDMENT.ÐThe first sen- tence of section 1005(a)(2) of title 39, United States Code, is amended by striking "title," and inserting "title, subject to paragraph (3) of this subsection."

(2) APPLICABILITY. The amendments made by this section shall apply to any reduction in force to any of its employees within a com- munity of employment, to any individual who is a preference eligible under title 39, to any retirement system under title 5, and to any other retirement system under title 39 or title 5.

(3) EFFECTIVE DATE. The amendments made by this section shall take effect on the date of the enactment of this Act.
reduction in force, the amendments made by this section shall be treated as if they had never been enacted. Nothing in the preceding sentence shall affect any rights under a priority placement program under section 3302 of title 5, United States Code, as amended by this section.

SEC. 4. IMPROVED REMEDIES FOR VETERANS.

(a) In General. Ð Chapter 33 of title 5, United States Code, is amended by adding at the end the following:

§ 3330a. Administrative redress

"(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f)(1), may file a complaint with the Secretary.

"(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 3422 through 3436 of title 38.

(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought–

"(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

"(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 3422(e)(1) of title 38.

"(2) An appeal under this subsection may not be brought unless—

"(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

"(B) the Secretary of Labor has received a copy of the written notification referred to in subparagraph (A).

"(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

"(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

§ 3330b. Judicial redress

"(a) In lieu of the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

"(b) An election under this section may not be made–

"(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

"(2) if the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

"(c) An election under this section shall be made by filing a written notice of election with the Merit Systems Protection Board on or before the first day of the 60-day period described in subsection (a)(2).

§ 3330c. Remedy

"(a) If the Merit Systems Protection Board in a proceeding under section 3330a or a court in a proceeding under section 3330b determines that an agency has violated a right described in such section and the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by such individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as calculated damages.

"(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.

"(c) Clerical Amendment. Ð The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

"3330a. Administrative redress.

3330b. Judicial redress.

SEC. 5. EXTENSION OF VETERANS' PREFERENCES.

(a) Amendment to Title 5, United States Code. Ð Section 3330a of title 5, United States Code (as amended by title II of the Federal Law Enforcement Duty Act of 2017) is amended by adding at the end the following:

"(c) This section shall not be construed to

"(1) affect any right, benefit, or immunity established under the provisions of title 38 of the United States Code, as amended by this section;

"(2) affect any right or benefit established under section 721 of title 38 of the United States Code;

"(3) be construed to affect any right or benefit established under section 304 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c));

"(4) alter any right or benefit established under section 4005 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1533); or

"(5) alter any right or benefit established under section 803 of the Alley Act of 1980 (18 U.S.C. 603).

(b) Amendments to Title 3, United States Code. Ð Title 3, United States Code, is amended by adding at the end the following:

(1) D EFINITIONS. Ð For the purposes of this section:

"(A) subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with the following:

"(1) in the case of an appointment made by a Member of Congress, section 3309 of title 5, United States Code;

"(2) in the case of an appointment made by the President before the 61st day after the date on which the nomination is submitted to the Senate, section 3330 of title 5, United States Code;

"(3) in the case of an appointment made by the President more than 61 days after the date on which the nomination is submitted to the Senate, section 3331 of title 5, United States Code.

"(B) A MENDMENTS TO TITLE 3, U NITED S TATES C ODE . Ð Sections 3302(a)(2) of title 5, United States Code (as amended by title II of the Federal Law Enforcement Duty Act of 2017) shall be effective as of the effective date of the regulations under paragraph (2).

"(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (as defined in section 3330c of title 5, United States Code), shall be deemed to be the equivalent of a Senior Executive Service position (as so defined) for any purpose of law referred to therein.

(2) EFFECTIVE DATE. Ð Paragraphs (2) and (3) of this subsection shall be effective as of the effective date of the regulations under paragraph (2).

(d) JUDICIAL BRANCH APPOINTMENTS. Ð Subject to paragraph (2) through (4), the Judicial Conference of the United States shall prescribe regulations for the following:

(1) Veterans' preference. Ð The Judicial Conference of the United States shall prescribe regulations for the following:

"(A) in the case of an appointment made by the President with the advice and consent of the Senate;

"(B) in the case of an appointment made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

"(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (as defined in section 3330c of title 5, United States Code), shall be the equivalent of a Senior Executive Service position (as so defined) for any purpose of law referred to therein.

(2) REGULATIONS TO BE BASED ON EXISTING PROVISIONS. Ð Under the regulations:

"(1) a preference eligible (as defined by section 2108(b) of title 5, United States Code) shall be afforded preferences similar to those under paragraphs (2) and (3) of section 3302(a) of title 5, United States Code;

"(2) that any regulation established hereunder shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(3) EXCLUSIONS. Ð Nothing in the regulations shall apply with respect to—

"(A) an appointment made by the President, with the advice and consent of the Senate;

"(B) an appointment by a judicial officer;

"(C) an appointment by a judge or a court to a justice or judge of the United States; or

"(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (as defined in section 3330c of title 5, United States Code).

(4) CONSULTATION. Ð The regulations under this section shall be prescribed by the Judicial Conference of the United States in consultation with—

"(A) the Senate Committee on the Judiciary;

"(B) the House Committee on the Judiciary;

"(C) the Senate Committee on Governmental Affairs; and

"(D) the House Committee on Governmental Affairs.

(5) APPLICABILITY. Ð Nothing in this subsection shall be construed to create any additional personnel rights or benefits for individuals selected for such positions, or for any other purpose of this subsection, other than as provided in this subsection.

(6) RULES OF CONSTRUCTION. Ð Any rules of construction included in any laws repealed or amended by this subsection shall be effective as of the effective date of such laws.
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(A) the largest congressionally chartered veterans’ service organization;
(B) 2 congressionally chartered veterans’ service organizations that represent former noncommissioned officers;
(C) a congressionally chartered veterans’ service organization that represents veterans who have served in World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War.

DEFINITIONS.—For purposes of this subsection—
(A) the term ‘‘judicial officer’’ means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376a(1) of title 28, United States Code; and
(B) the term ‘‘justice or judge of the United States’’ has the meaning given such term by section 451 of such title 28.

SUBMISSION TO CONGRESS; EFFECTIVE DATE.—
(A) SUBMISSION TO CONGRESS.—Within 5 months after the date of the enactment of this Act, the Judicial Conference of the United States shall submit a copy of the regulations prescribed in this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs of the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The regulations prescribed under this subsection shall take effect 6 months after the date of the enactment of this Act.

SEC. 6. VETERANS’ PREFERENCE REQUIRED FOR REDICTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by inserting ‘‘during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–113, as added in accordance with requirements that may be prescribed in regulations of the Secretary of Defense),’’ after ‘‘for which a campaign badge has been authorized,’’.

DEFINITIONS.—Section 2302 of title 5, United States Code, is amended by inserting after sub-paragraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting ‘‘veterans’ preference requirement’’ for the purposes of this subsection.

REPEALS.—
(1) PROVISIONS OF TITLE 10, UNITED STATES CODE.—Section 1599c of title 10, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 81 of such title are repealed.

(2) SECTION 2302(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

(a)(1) For the purpose of this section, ‘‘prohibited personnel practice’’ means any action described in subsection (b)(11).

SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of the enactment of this Act.

THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Pennsylvania [Mr. HOLDEN] each will control 20 minutes.
The Chair recognizes the gentleman from Florida [Mr. MICA].
Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.
Mr. Speaker, I am pleased to come to the floor this afternoon to present H.R. 240, the Veterans’ Employment Opportunity Act of 1997, as reported.
This legislation contains many vital features of importance to our Nation’s veterans. This bill is the product of hard work by a number of Members on both sides of the aisle, Mr. Speaker.
I want to take just a moment to pay particular thanks to several individuals who have helped make this historic legislation possible. First, the gentleman from Arizona [Mr. STUMPF], who chairs the Committee on Veterans’ Affairs, the gentleman from Indiana [Mr. BUYER], who is chair of one of the subcommittees and last year worked with us on this legislation. Both of those gentlemen deserve great credit.
In addition, of course, the chairman of the Committee on Rules, who has been an untiring advocate on behalf of our veterans interests, the gentleman from New York [Mr. SOLOMON], also the gentleman from Indiana [Mr. BURTON], chair of our committee, and the gentleman from New Jersey [Mr. FRELINGHUYSEN].
I also want to pay a particular debt of gratitude to the ranking member of our subcommittee, the Civil Service Subcommittee, which I chair and which produced this legislation, to the gentleman from Pennsylvania [Mr. HOLDEN], again, the current ranking member of our subcommittee, and also to the gentleman for Virginia [Mr. MORAN], who was the ranking member of the subcommittee last year, and his untiring efforts helped make this legislation possible, and also to the many Members who served and acted as co-sponsors of this legislation.
Mr. Speaker, last year the House passed a very similar bill, H.R. 3596, with overwhelming support. However, the other body failed to act on this legislation before we adjourned. In order to protect the rights of our veterans, this year we have worked hard to ensure that we had last year’s bill, and in order to facilitate its consideration as it moves through the Congress, we have consulted with the major veterans service organizations, Federal employee organizations, and other interested parties.
Mr. Speaker, there are two important differences that I would like to explain between the bill before the House today and the bill we passed last year. First, H.R. 240 makes the knowing violation of veterans preference a prohibited personnel practice.
Second, as a result of our consultations, we made it clear that the bill would not interfere with job bidding and assignment under selective bargaining agreements in the Postal Service.
Mr. Speaker, I will not attempt to detail here all of the benefits in this bill for our veterans, but I would like to emphasize what I believe are the three most important provisions of this legislation:
First, H.R. 240 establishes for the first time an effective user-friendly redress mechanism for our veterans whose rights have been violated. The second major provisions of H.R. 240 protects veterans against reductions in force using techniques that we have seen such as single person competition that in fact undermine veterans preference.
Third, the third major provisions in the equal access section of the bill. Mr. Speaker, this provision has been included to ensure fair treatment for the men and women we employ in the Armed Forces. Just because these Federal employees choose to wear the uniform should not bar them from competing for Federal jobs. Yet that is the practice in the Federal civilian work force that we see today.
This bill tears down those artificial barriers for those who have served honorably in the Armed Forces for 3 years. We have made clear, however, that the equal access provisions do not interfere with certain transfers, promotions and assignments of federal employees, and it does not diminish the rights of injured postal employees to what is called limited or light duty positions.

Finally, the bill has also been revised to permit the Judicial Committee to develop its own program for implementing veterans preference in our judicial branch. We recognize that personnel practices in the judicial branch may differ and do differ markedly in many instances from civil service processes in other branches. Finally, Mr. Speaker, we have honored the request of the Office of Personnel Management that in fact when there are changes in reduction in force procedures, that we do not disrupt ongoing procedures and that at least 90 days will be allowed in which to implement those changes.

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

Mr. HOLDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN], who was the subcommittee ranking member in the last Congress and worked very hard on this legislation.

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from Pennsylvania for yielding me the time.

Let me just congratulate the gentleman from Florida [Mr. MICA], the chairman, and staff director, Mr. Nesterczuk, for bringing this bill forward. It reflects the work and commitment of the gentleman from Pennsylvania [Mr. HOLDEN], the ranking Democrat on the subcommittee, and his aide staff Cedric did such a great job last year. I know what a great job he did this year as well. I know it is a good bill and will be overwhelmingly approved. They did a good job.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 240, the Veterans’ Employment Opportunity Act. I would first like to congratulate the Civil Service Subcommittee chairman, the gentleman from Florida [Mr. MICA], for his leadership and bipartisan efforts on behalf of America’s veterans to strengthen the veterans preference policies and programs.

The work of implementation on both sides of the aisle has been critical in bringing forward this important legislation. Last year Chairman MICA and the gentleman from Virginia [Mr. MORAN], the ranking member, did a great job working on this issue, a great deal of work on this issue. H.R. 240 continues our efforts to strengthen veterans preference. It builds on the progress made by last year’s bill by improving the opportunity to compete with veterans preference in all branches of the Federal Government, and providing veteran preference for service in Bosnia, Croatia, and the former Yugoslav Republic of Macedonia.

The bill also makes knowing violations of veterans preference laws a prohibited personnel practice. Finally, it makes improvements in the system for investigating and redressing violations whenever they occur.

Testimony in previous Civil Service Subcommittee hearings has revealed that veterans preference in the Federal workforce is often ignored or circumvented and that its continued viability in the workplace is threatened on several fronts.

This legislation addresses these problems by making it more difficult for agencies to place preference eligibles in single-position competitive levels. Under this bill, preference eligibles cannot be placed in such a competitive level in any position in which the selection, training or experience, a reasonable person could conclude that they would be able to successfully perform another job at the same grade and in the same competitive level within 35 days. In such cases, the preference eligible shall be placed in another competitive level for which he or she qualifies.

We have always agreed that our veterans deserve special consideration in employment decisions because of their special contributions to our country, and this bill continues that tradition.

Our veterans answered their call to duty and were always there for our country in times of need. This legislation honors our obligation to our veterans, who make up 29 percent of the Federal Government employees, and protects their rights in the Federal workforce.

H.R. 240 is a good bipartisan framework for strengthening veterans preference. I know that some concerns remain about specific provisions of the bill, and I look forward to working with the chairman and all interested parties to address these concerns.

With the leadership of the Civil Service Subcommittee in the House and the cooperation of the Senate, we have an opportunity with H.R. 240 to pass an effective bill which will give our veterans help in obtaining and retaining civilian employment within the Federal Government based upon their military service.

I urge all my colleagues to support this important legislation.

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

For too long many of our Nation’s veterans have been neglected by our own Government when it comes to obtaining Federal employment. Our Nation’s veterans, who served so selflessly and risked their lives, face unnecessary restrictions that preclude them from employment. All they simply desire is the opportunity to continue serving their Nation.

As a result of this legislation, veterans can apply for Federal jobs on a more competitive basis at a time when their employment within the Federal workforce is declining and approaching a historically low level.

This is a bipartisan bill that reflects the interests of the people who served our country so courageously. I commend Mr. MICA for his work and urge my colleagues to support it.

Mr. HOLDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS] who is the ranking member of the Committee on Veterans’ Affairs.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in strong support of the Veterans Employment Opportunities Act. For the first time, wartime veterans and service-connected-disabled veterans will have access to an effective appeal process if they believe their rights under veterans’ preference laws have been violated. Additionally, the bill will provide meaningful protection during a reduction in force for all preference eligibles.

I want to thank the gentleman from Florida [Mr. MICA], the gentleman from Virginia, [Mr. MORAN], and the gentleman from New York [Mr. HOUGHTON] for their bipartisan efforts on behalf of our Nation’s veterans.

I also want to mention the good advice and hard work the representatives of the veterans’ service organizations have contributed to the development of this legislation. Their assistance and cooperation was invaluable.

H.R. 240 is an excellent bill, and I urge my colleagues to support this measure.

Mr. MICA. Mr. Speaker, I yield ½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN] who is the very distinguished Member who has been a very strong advocate on behalf of our veterans.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I thank the gentleman from Florida, Chairman MICA, and the ranking member for their hard work and effort on this piece of legislation.
Mr. MICA. Mr. Speaker, I yield myself such time as I may consume for the purpose of entering into a colloquy with the subcommittee chairman, Mr. Mica.

Mr. Speaker, as I indicated during my earlier statement, I am aware there are still some groups with concerns about certain provisions of this bill. Though we expect to pass this bill in the House today, I would like the gentleman from Florida to continue working with me, our colleagues in the Senate, and all interested parties to address these concerns and further improve the bill.

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

Mr. MICA. Mr. Speaker, might I inquire as to how much time we have left on each side?

The SPEAKER pro tempore (Mr. GUTENBECHT). The gentleman from Florida (Mr. HOLDEN) has 15 minutes remaining; the gentleman from Pennsylvania (Mr. HOLDEN) has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SESSIONS] another distinguished member of our subcommittee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a privilege to come before the American people in support of this bill, and it is never inappropriate, I believe, to stand up for the rights of veterans, men and women of this country who have fought for us not only in peacetime but also in war. It is easy to take for granted the freedom that we experience every day, but we must not and cannot ever forget the contributions that the men and women of this country of our Armed Forces have made for America.

The Veterans Employment Opportunities Act of 1997 gives to those who have served our country needed appeals and avenues in cases where they may have been denied the opportunity to work in a position for which they were qualified. When veterans are not given the chance to prove their ability, I believe justice must prevail.

H.R. 240 strengthens the veterans' preference in place today and increases the opportunity and eligibility for veterans. This bill would create for the first time an effective, user-friendly redress system for veterans who believe that their rights may have been violated. It would make any violation of veterans' preferences a prohibited personnel practice and provide severe disciplinary actions for those who violate those preferences.

Perhaps the most important element of this legislation is the fact that it will remove artificial barriers that often bar service men and women from competing for Federal jobs. These individuals should be able to compete for jobs for which they are qualified just like other Federal employees.

Government downsizing has not been good for veterans of this country. In 1994, veterans accounted for 38 percent of the Federal work force. Today, sadly, that number hovers at just 28 percent.

Mr. Speaker, I urge enactment of this bill and, thus, I stand for the good people, men and women, who have represented America in peacetime and in war.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

In following up to my prior inquiry, Mr. Speaker, I want to have a commitment from the gentleman from Florida [Mr. MICA] that I received privately, off the record, that we would continue to work with interested parties who have some concerns about the bill and do our best to address those concerns as we move forward with the process.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.
provisions of the original veterans’ preference laws have been eroded. Agencies often ignore or find ways to circumvent veterans’ preference directives. One way that agencies do this is to conduct special RIFs that are narrowly targeted to specific individuals, leaving those individuals with no opportunity to benefit from the veterans’ preference or other rules that would enable them to compete to keep their jobs. This is not right.

I served on the Veterans’ Affairs Committee before joining the Committee on Government Reform and Oversight. Many of our Nation’s veterans have made sacrifices for the peace and freedom that all Americans enjoy today. I think it is only fair that Congress take steps to help them compete for Federal jobs for which they are qualified and to protect their rights during RIFs. All veterans have earned those rights.

Clearly, veterans’ preference laws need to be strengthened in order for them to remain effective. H.R. 240 would do this by establishing an effective, straightforward redress system for veterans. Federal officials who knowingly violate veterans’ rights could be brought before the Merit Systems Protection Board and fined $1,000, suspended, or fired. Federal agencies would be prevented from conducting RIFs that unfairly remove veterans’ rights. Agencies would be required to set aside priority placement programs for veterans who are affected by RIFs, and agencies must give veterans a preference when they rehire employees.

Anyone who is eligible for veterans’ preference or has served in the Armed Forces honorably for 3 years would be eligible to compete for Federal jobs which agencies currently restrict to their own work forces or to current Federal employees. The bill specifies that members of our Armed Forces who are honorably discharged would also qualify for veterans’ preference.

The honorable treatment of our veterans through such legislation is the least we can do to show our appreciation for the tremendous sacrifices that many veterans have made to protect the liberty and this great democracy for all American citizens.

I urge my colleagues to support H.R. 240. The Veterans Employment Opportunities Act of 1997 provides much-needed protection to our veterans. It provides an effective redress system, and it expands job opportunities for those who in fact have served our Nation honorably in its armed forces.

Mr. Speaker, this bill is strongly supported by 19 major veterans service organizations representing 12 million veterans. I urge my colleagues to support and pass this bill.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H.R. 240, the Veterans Employment Opportunities Act of 1997. As chairman of the Government Reform and Oversight Committee, I am pleased that one of the committee’s first bills on the floor in the 105th Congress is one which will help our Nation’s veterans. Chairman John Mica is to be commended for his hard work on this issue and for introducing this bipartisan measure and bringing it to the floor. Last year the House passed similar legislation not once, but twice. Unfortunately, the other body failed to act on this legislation. I was an original co-sponsor of H.R. 3586, which allowed Mica introduced last year, and as chairman of the full committee I have worked very hard for passage of H.R. 240 this year.

Mr. Speaker, Congress intended for veterans’ preference rules to help veterans compete for jobs in the Federal Government and to provide security for our veterans during reductions-in-force, or RIFs. Unfortunately, the Civil Service Subcommittee has found that the benefits of the original veterans’ preference laws have...
RIF’s to circumvent veterans’ preference. Section two of the bill will make it more difficult to design RIF’s in this way and will improve a veteran’s right to transfer to another position through priority placement within the downsizing agency or at another Federal organization.

The most important provision, in my opinion, is the creation of a redress mechanism for those who feel their rights under veterans’ preference have been violated. The bill provides that a veteran may file a complaint with the Secretary of Labor within 60 days of the alleged violation. The Department of Labor’s Veterans Employment and Training Service [VETS] will have the responsibility to investigate the complaint within 60 days. If VETS is unable to resolve the complaint or has not completed action within 60 days, the veteran may file a complaint with the Merit Systems Protection Board [MSPB]. The Board has 120 days to complete its work. At any time after that, the veteran may file a complaint in Federal district court.

Equally important, the veteran may seek “make-whole” relief for back pay and liquidated damages equal to back pay if the violation is found to be willful. The bill also makes violation of veterans’ preference a “prohibited personnel practice” and makes any individual guilty of such violations subject to disciplinary action.

For many years, large parts of the Federal Government have been exempt from veterans’ preference. The bill will extend this preference to nonpolitical and non-senior executive service jobs at the White House, Congress, and much of the judicial branch. It is long past the time when the White House, the Congress, the White House, and the judiciary do their part in hiring veterans.

Next, the bill will require the Federal Aviation Administration [FAA] to implement veterans’ preference in any RIF. Currently, the FAA is only required to follow veterans’ preference in hiring.

Finally, the bill extends veterans’ preference to the troops serving in Bosnia, Croatia, and Macedonia. These fine young American men and women are on the front line in a very dangerous area and they deserve the advantages of veterans’ preference.

Mr. Speaker, this bill is the most significant improvement in veterans’ preference in my memory and it deserves the strong support of this House. I urge my colleagues to support H.R. 240.

Mr. BUYER. Mr. Speaker, I want to thank my colleague from Florida for working as hard as he has on this legislation. I also appreciate the cooperation we’ve had from our colleagues on the other side of the aisle on H.R. 240.

Veterans’ preference and its implementation in the Federal work force are issues that cause me great concern. We need effective and comprehensive enforcement of preference laws and regulations.

Federal agencies have long abused veterans’ preference in hiring, promotion, and retention. I view the entrenched bureaucracy as the main source of the problem. There are many hiring managers that would like to see veterans go away.

They resent a veteran’s presence in an organization for any number of reasons. Maybe it’s because these managers didn’t serve and are embarrassed by the presence of those who did. Maybe it’s because they have other diversity goals which they believe take precedence over veterans.

Our career civil servants must be made to follow the law, and their political bosses should be educated to watch closely for these unacceptable personnel practices.

The American people understand the nature of the sacrifices made for them by their veterans, and understand why veterans deserve preference—especially those disabled in the performance of their duties.

The Nation has a history of helping veterans returning to the work force and working successfully to place them in jobs. We need to at least to post-Radioactive War era when land grants were given in return for military service.

Veterans’ preference must remain the cornerstone in hiring, promotion, and retention. Veterans’ status is blind as to race, gender, age, religion, and other differences that make this Nation a melting pot. We are not arguing against diversity, but we do believe that veterans’ preference must remain first among the priorities of Federal managers.

There is no excuse for hiring managers to develop ways around the hiring or retention of veterans in their employ.

Currenty, there is no effective means by which a veteran may air a preference grievance, especially if the veteran is not hired. How then are we to hold managers accountable for the provisions of law giving preference to qualified veterans?

The redress issue is at the core of the Veterans Employment Opportunity Act of 1997 and will help our veterans without harming other Federal workers.

As long as we continue to have conscientious lawmakers willing to address veterans’ preference, we remain confident that we can take the corrective actions necessary to ensure its future health as a viable program for veterans who have faithfully served. I urge my colleagues to support the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHood). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 240.

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

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MICA. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Portman.

The resolution was agreed to. A motion to reconsider was laid on the table.

BIENNIAL REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

A passion for discovery and a sense of adventure have always driven this Nation forward. These deeply rooted American qualities spur our determination to explore new scientific frontiers and spark our can-do spirit of technological innovation. Continued American leadership depends on our enduring commitment to science, to technology, to learning, to research.

Science and technology are transforming our world, providing an age of possibility and a time of change as profound as we have seen in a century. We are well-prepared to shape this change and seize the opportunities so as to enable every American to make the most of their God-given promise. One of the most important ways to realize this vision is through thoughtful investments in science and technology. Such investments drive economic growth, generate new knowledge, create new jobs, build new industries, ensure our national security, protect the environment, and improve the health and quality of life of our people.

This biennial report to the Congress brings together numerous elements of our integrated investment agenda to promote scientific research, catalyze technological innovation, sustain a sound business environment for research and development, to strengthen national security, build global stability, and advance educational quality and equality from grade school to graduate school. Many achievements are presented in the report, together with scientific and technological opportunities deserving greater emphasis in the coming years.

Most of the Federal research and education investment portfolio enjoyed bipartisan support during my first Administration. With the start of a new Administration, I hope to extend this partnership with the Congress across the entire science and technology portfolio. Such a partnership to stimulate
scientific discovery and new technologies will take America into the new century well-equipped for the challenges and opportunities that lie ahead.

The future, it is often said, has no constituency. But the truth is, we must all be the constituency of the future. We have a duty—to ourselves, to our children, to future generations—to make these farsighted investments in science and technology to help us master this moment of change and to build a better America for the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 9, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEGISLATIVE POWERS AND THE EXECUTIVE BRANCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. Gibbons] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable.

This monster that I am discussing is the power that was once granted to Congress in Article I, Section 1 of the United States Constitution, which reads: “All legislative powers herein granted shall be vested in a Congress.”

Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

The regulatory authority now used by these Government agencies to legislate, to create rules, and to declare action after regulation, has begun to put a stranglehold on the western part of this country to the extent that they may never again breathe.

To illustrate my point, I would like to discuss the police powers Secretary of the Interior Babbitt and the Bureau of Land Management allegedly assume to possess. On November 7, 1996, the BLM posted in the Federal Register new regulations. Although the BLM claims that these regulations are merely a recodification of the current regulations and do not result in the creation of “new authority,” this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand the BLM’s law enforcement authority by increasing the number and types of actions which may result in the violation of the law enforcement regulations and subsequently increase the penalties for violation of such regulations.

The Constitution of the United States guarantees proper notice describing those actions which law enforcement agencies may subject its citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State and local rules that previously were not criminal, without any notice or indication as to which are now criminal. The proposed regulations’ vague references to “any law or ordinance” are not constitutionally sufficient, thus making the proposed regulations unconstitutional.

For example, section 96231 makes any citizen a criminal who is on Federal lands and who does not comply with all “State and local laws, regulations and ordinances relating to the use, standards, registrations, operation and inspection of motorized vehicles and trailers.” The average citizen, and probably many employees of the BLM, are not familiar with the thousands of regulations that have just been elevated to criminal status. Without a specific list of the acts of which would be criminal, the BLM’s proposed regulations are again illegal.

The egregiousness of these actions does not stop there. The United States Constitution states that a citizen may not be placed in jeopardy twice for the same offense. These proposed regulations state that an individual who is in charge or charged with a violation by the Environmental Protection Agency can also be charged by the BLM with a violation of the Federal Land Policy and Management Act. This is clearly an attempt to submit citizens to double jeopardy and thus circumvent the Constitution.

Furthermore, the eighth amendment of the Constitution states “Excessive bills shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted.” The possibility that one may be fined $100,000 for driving 1 mile an hour over a 30-mile-an-hour speed limit is certainly an excessive fine. The possibility of spending 12 months in jail for the same offense is also cruel and unusual punishment and again unconstitutional.

Yet, as we all know, Mr. Speaker, the Secretary of the Interior on March 11, 1997, released a press statement titled, “Secretary Babbitt Directs BLM to Halt Action, Go Back to the Drawing Board with Law Enforcement Regulations.” However, the press release goes on to further quote Mr. Babbitt directly and states:

This action does not diminish the legal authority of the BLM law enforcement officers on public land. But it is very clear that we have not done a good job of clarifying regulations and communicating BLM’s legal authority under existing Federal statutes to protect health, safety and environmental resources on America’s public lands.

Let me explain further, Mr. Speaker, and tell my colleagues exactly what powers the BLM does have.

On July 24, 1994, a New Mexico family was on a family outing at the Santa Cruz Lake area in the northern part of that State. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM Ranger. According to a complaint filed by the family’s attorney, the BLM Ranger approached the vehicle carrying a shotgun and ordered the family to get out of the car using threats of bodily harm faced with the prospect. The BLM Ranger fired his shotgun at the car to show that he meant business.

The complaint continues:

Three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When one man and the women and children tried to leave, the BLM Ranger then maced the driver and handcuffed him. The driver’s mother tried to help her son but was knocked to the ground by the Ranger who then stomped on her leg before handcuffing her.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship. I oppose this unusual and unlawful assumption of regulatory powers.

After handcuffing the mother the BLM Ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the Ranger yelled at them to shut up. According to the complaint the BLM Ranger said he was going to blow their–expletive deleted–heads off.

It gets worse. When one of the men picked up one of the children to comfort him, the BLM Ranger put his shotgun to the child’s head and ordered the man to put the child down. Two other BLM Rangers allegedly arrived and began waving their weapons around as well. The BLM Rangers refused to say why they had stopped the family in the first place. The adults were incarcerated and the BLM Ranger did not notify the Attorney General as they are required to do. Although records at the Santa Fe Jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM did not produce a written complaint and no formal charges were made. To this day the family still has no idea why they were arrested.

Remember these are Federal public land management employees, who are committing these atrocious acts. It is not the Federal Bureau of Investigation, nor the Bureau of Alcohol Tobacco and Firearms, or any other law enforcement agency.

It becomes very evident that these power-hungry bureaucracies have designated themselves unconstitutional police powers, without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. Christensen] is recognized for 5 minutes.
EPA OFFERS MORE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Shimkus] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, according to the Environmental Protection Agency, the air in this Nation is getting cleaner. Major metropolitan areas are experiencing fewer and fewer days of dirty air, and it is time to thank the EPA for a job well done. In fact, according to the EPA, in almost every major city in America, air pollution levels have been dropping. Nationally since the EPA was established, the combined total of all causes of dirty air have decreased by 29 percent. This reduction occurred even as the Nation's population has grown by 28 percent. By 29 percent. By 1995, people drove more than twice as many miles, and the economy doubled in size.

Our Nation is on the right track to cleaner air. But if you talk to the EPA, you would think the sky was falling. This agency has proposed tightening the standards for ozone and particulate matter even more. This new standard, which may take effect without congressional approval, will not clean the air faster. In fact, it will cost the American economy jobs, erode local tax bases and provide nominal positive health effects. Our Nation does not need new regulations which may force people to car pool to work and increase regulations on our Nation's industries and family farms.

Our Nation needs regulations that are based on sound science, not emotionally driven, feel-good politics. Indeed the scientific community is not unified in its support of these new regulations. While the EPA has a study that claims it can save thousands of lives with these new rules, the National Institute of Environment Health Sciences, another government agency, came to the conclusion that high rates of pollution do not increase rates of asthma. This information directly contradicts the fundamental basis for the new regulation.

In addition, the EPA's own scientific advisory board, which is made up of industry, academic and medical experts, told them they can save thousands of lives with these new rules, the National Institute of Environment Health Sciences, another government agency, came to the conclusion that high rates of pollution do not increase rates of asthma. This information directly contradicts the fundamental basis for the new regulation.

The SPEAKER pro tempore. Mr. LAHood. Under a previous order of the House, the gentleman from Texas [Mr. Brady] is recognized for 5 minutes.

Mr. BRADY. Mr. Speaker, working Americans often ask today, "Why can't we make ends meet like our parents did?" Why does it take a two-income family to provide even a basic quality of life for our families? President Ronald Reagan had a clear answer. Government is too big and costs too much. We should restore common sense to our Government and remove the barriers to free enterprise and job creation. We have that opportunity in this session, and we need to take advantage of it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Goss] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, as a newly elected Member of Congress, I truly am amazed and disappointed that the EPA would impose such high costs on the American people without little benefit. Our Nation's air is getting cleaner, the economy is growing, and the unemployment rates on the national level are at an all-time low. Controversy surrounds the EPA studies, and all they can do is offer more regulations.

Mr. Speaker, it seems that the EPA is more interested in political agendas and self-preservation than in creating good national policy.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Goss] is recognized for 5 minutes.
Mr. BONO. Mr. Speaker, I sometimes get upset to a point where I feel that I have to at least speak out, especially when I cannot do anything about it.

The situation with Mexico and NAFTA and California is basically a disaster for the country, and it is abusive. It is extremely abusive, and I was raised not to take abuse, and if somebody dished out abuse, I would always give it back, and that worked out well. So now being here in Congress and seeing what they are doing to the country who has total disregard for our lifestyle and what we require and what we do, it rather infuriates me. But we have a treaty, a NAFTA treaty, and the way we must go about that legally to handle that is one story which I am very active on, but I consider it one of many abuses we get from Mexico.

However, today I rise for one specific, to speak on behalf of my bill to protect American consumers and produce farmers, H.R. 1232, the Imported Produce bill. This is not necessarily totally related to Mexico, by the way, the Labeling Act of 1997. Consumers need to know the country of origin labeling. Almost every product is clearly labeled “made in China” or “made in Mexico” except the produce we eat. Every other type of food is labeled. Why not the produce?

Consumers want to know where the produce they eat is grown. Does the country of origin allow pesticides banned in the United States? Are they working under the conditions that are sanitary? Recent news stories of children being infected with hepatitis due to Mexican strawberries are a prime example of the risk imported produce can pose. Before that it was bacteria in raspberries from Guatemala. What is next?

But this is why this is not only a health issue. It is an economic issue. Since NAFTA, the total economic loss in the United States in terms of job losses and loss of production has been nearly $700 million. 200 farms have closed due to huge numbers of tomatoes imported from Mexico.

Without labeling, how can the consumer choose American produce over Japanese produce, or how can they choose American produce over imported produce?

Anyway, I hate to read these things. Anyway, my point is that our agriculture industry cannot compete now with Mexican produce. The Mexican produce is not only cheap, but it is also killing our farmers with hepatitis from produce and is sort of breezing by. I have a bill that calls for the labeling of produce. I ask that all of my colleagues support my bill when it comes to the floor.

OUR SOARING TRADE DEFICIT CANNOT BE IGNORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the business cycle has not yet been repealed, but if we did the right thing in the Congress, I believe we could do a lot to alleviate the great harm done by the business cycle.

Mr. Speaker, artificially low interest rates are the culprit in the Government created boom bust cycle. Federal regulated low rates cause bad business decisions, confuse consumers and encourage debt. These distortions prompt market corrections which bring on our slumps.

In recent years the artificially low interest rates that banks pay on savings have served to reduce savings. In the 1970’s savings were low because it was perceived they were rapidly losing its purchasing power. It was better to spend than to save. As money leaves savings accounts it frequently goes into stocks and bonds adding fuel to the financial bubble which has been developing now over 15 years.

Domestic and foreign central bank purchases of our treasury debt further serves to distort and drive interest rates below the market level.

Our soaring trade deficit is something that cannot be ignored. In January there was a negative trade deficit in goods of more than $19 billion, the highest in our history. Our deficit has now been running over $100 billion for several years. And the artificially strong dollar has encouraged this imbalance. Temporarily a negative trade balance is a benefit to American consumers by holding down price inflation here at home and allowing foreigners to finance its finance. These trends will end once confidence is shattered and the dollar starts to lose value on the international exchange markets.

The tragedy is that there are very few in Congress interested in this issue. Even on the Committee on Banking and Financial Services I hear very little concern expressed about the long term weakness of the dollar, yet economic law dictates that persistent negative trade imbalances eventually have to be corrected; it is only a matter of time.

I suspect in the next several years Congress will be truly challenged. The time has come from the fact that the large majority are not yet willing to give up the principles upon which the welfare state exists. Eventually an economic crisis will force all Americans, including Congress, to face up to the serious problems we have neglected for ourselves over the past 50 years.

I expect deficits to explode and not come down. I suspect the economy is much weaker than it is currently claimed. In the not too distant future we will be in a serious recession. Under these circumstances the demand for spending will override all other concerns. In spite of current dollar euphoria, dollar weakness will become the order of the day in the event of a recession. Consumers and entitlement recipients will face the problem of stagflation, probably worse than we saw in the 1970’s. I expect very few in Congress to see the monetary side of this problem. The welfare state will be threatened, and yet the consensus will remain that what is needed is more revenues to help alleviate the suffering. More Federal Reserve monetary stimulus to the economy, more price controls, which we already have in medicine, higher taxes and protectionism.

Soon it will be realized that NAFTA and GATT were not free trade treaties, but only an international effort at trade management for the benefit of special interests. Ask any home builder how protectionist sentiment adds several thousands of dollars to the cost of a home by keeping out cheaper Canadian lumber in spite of NAFTA’s pretense at free trade.

The solution to this mess is not complex. It is however politically difficult to overcome the status quo and the conventional wisdom of our intellectual leaders and the media. What we need is a limited government designed for the protection of liberty. We need a strict minimal control over our Nation’s wealth, not the more than 50 percent of government control that we currently have. Regulatory control in minutia, as we have today, must end. Voluntary contracts need to be honored once again. None of this will work unless we have a currency that cannot be debased and a tax system that does not tax income, savings, capital gains estates or success.

Although it will be difficult to go from one form of government to another, there will be much less suffering if we go rapidly in the direction of more freedom rather than a protracted attempt to save the welfare state. Perestroika and glasnost did not save communism. Block grants, a line item veto and a balanced budget amendment will not save the welfare state.

THE ISSUE OF CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I rise to expand on a couple of remarks made by my friend from Houston, Dr. PAUL, and to talk about an issue which I actually have raised twice here on the floor today, once during the 3 minutes, and then I discussed it during the time that the chairman reserved for consideration of the suspensions, and that is the issue of capital gains.
My friend from Texas, Mr. PAUL, said that we should have no capital gains tax, and I happen to agree with that. But frankly, we need to begin moving in the direction of no tax on capital, and I am very pleased to have introduced legislation. Many sponsors of Members, my friend in Huntington Beach, Mr. ROHRABACHER, and many others, a bill, H.R. 14. It is called H.R. 14 because it takes the top rate on capital gains from 28 percent to 14 percent. I believe this modest measure will go a long way toward increasing the take-home pay of working Americans.

Many people used to say that the capital gains tax cut was nothing but a tax cut for the rich, when in fact, we knew all along that by unloading capital we could create jobs, increase the flow of revenues to the Treasury, but recent studies have shown that we not only can do those things, but on average, the take-home pay of working Americans will increase if we reduce that top rate on capital.

One of the things that people have also said who historically have talked about these taxes tax cuts for everyone but not a tax cut for the rich, there has been a realization that average Americans are saving a little more, and they are investing in some things, and we have found that there are 63 million American families that actually own mutual funds of the 90 million some odd families. So there is clearly a broad-based appeal and potential support for reducing the top rate on capital.

I say it is broad-based because on the opening day of this Congress, I was pleased that I was joined with Democrats and Republicans to introduce this. In fact, as initial sponsors on our side of the aisle, my colleague who serves on the Committee on Ways and Means, the gentleman from Pennsylvania [Mr. ENGLISH] joined me and we had actually three Democrats who joined. The gentleman from Texas, [Mr. HALL]; and the gentleman from Virginia [Mr. MORAN], three Democrats and two Republicans on the opening day were the prime sponsors of this legislation to reduce the top rate on capital.

It is not targeted; it does not have the Government going in and selecting whose investment is taxed at a lower rate than someone else’s, it simply reduces taxes on the board, cutting in half that top rate.

What will this bring about? Well, we have today probably approaching $8 trillion of capital that is locked in because there are widows who are concerned about the prospect of selling their home or other investment because it has appreciated in value. There are family farmers who are concerned about selling, because the capital gains tax rate is so high. There are small men and women who very much want to sell, but they feel that they should not because that tax is so high.

It seems to me that a capital gains tax rate reduction is something that we could put into place to help ensure that we do not slip into recession. I see it as one of the best insurance policies to prevent us from going into recession.

Then as I alluded to a moment ago, the increase in the flow of revenues to the Federal Treasury which has happened every single time it has been done, reducing the top rate on capital gains, is not done based on this empirical evidence, follow our reducing the top rate on capital.

Back in 1993 we found that if we had a 15-percent rate on capital gains, we could, over a 7-year period, increase the gross domestic product by $1.3 trillion, create a million new jobs and generate $220 billion in revenues to the Treasury. That comes about because we unleash that $7 trillion to $8 trillion that is locked up and the take-home wages by $1,500 for the average American family.

Mr. Speaker, we are up to, as of this afternoon, 118 cosponsors for this very important measure, and I would like to encourage the Speaker and my colleagues on both sides of the aisle to join as cosponsors of this very important measure.

SUPPORT FOR OUR NATION’S SPACE STATION EFFORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today in support of our Nation’s space station effort. As most Americans are aware, we have been bending metal here in the United States and we are getting very close to putting aloft the first critical elements for the initial assembly of our space station; and as well, our international partners such as the Europeans, the Canadians, and the Japanese have invested billions of dollars in constructing their elements, and scientists all over the world, our school children all over the world, are looking forward to the first phases of this program.

Unfortunately, however, in the space station redesign conducted by the administration in 1993, the Russian government was placed in the critical pathway, what we call the critical pathway for space station construction and assembly. They were put responsible for providing the tax dollars for the construction of the service module, an element that has contained in it the life support, attitude control and propulsion capabilities.

Unfortunately, the Russians have not been paying for their part of the space station. They have demonstrated to the international community that they are an unreliable partner. Indeed, they have told us five times over the past year-and-a-half, I believe now six times over the past year, and that they will be putting the money into this program and they have failed to do so. As we all know here in this body, the Russians have very, very serious internal financial problems that have been created by their transition to a market economy, and they just do not have the rubles to pay their partners to build their components to the space station.

Now, the reason I rise today is to call on the administration, and in particular, I call on the Vice President, AL Gore, to rise to the occasion and demonstrate to the American people that he has the kind of leadership ability that we expect to see in a national leader like him, and to step forward the plate and explain to us how he is going to redefine the Russian involvement in this program.

I do not believe this situation calls for another redesign of the space station. We have a good design as it is, and we need to stay on schedule and we need to make sure that this program is funded. But clearly, the Russians are not going to be able to be a full participant in the way that was originally defined. The time is ripe, the time is now, for the administration to come forward and, specifically for the Vice President, who has been tasked by the President to lead our Nation’s space policy, it is time for the Vice President to step forward and explain to us how we are going to keep this program on track and to make it a success.

Now, let me just make very clear that I would like to see the Russians somehow involved, but they have to be responsible from the very beginning. We cannot have this program dependent on them anymore. We need to do what we can to keep them involved. They have a lot to bring to the table in their knowledge of space flight and their engineering, but we do not want them to be in the critical flow where our space station, the international space station is dependent upon them, because they clearly do not have the money to do that.

Now, there has been a proposal brought forward to take funds out of the space shuttle program and divert it into efforts to try to come up with a new interim control module that will serve as a fail-safe effort to make sure that this program is a success. I have very, very serious reservations about taking more money out of our space shuttle program. The space shuttle program has been put over hundreds, thousands of people in my congressional district, and that includes Kennedy Space Center,
the home to our Nation's space shuttle, and I think it would be unwise for us to cut additional dollars out of the space shuttle program at this time.

I believe that there are other areas within the NASA budget, such as the Mission of Planet Earth Program that I believe last year had over $1 billion of unexpended resources, and the year before that, $600 million of unexpended resources, a program that does not have critical safety issues associated with it.

Specifically, we are not talking about human space flight here, we are talking about unmanned vehicles, unmanned satellites, studying the environment. A worthwhile program; nonetheless, a program that has clearly shown that it has extra money in it and a place where we could get the funds that we need to keep this program a success.

So again, I call on the Vice President to rise to the occasion and do the right thing and preserve our Nation's space station program.

AMERICA'S TECHNOLOGICAL EDGE IS IN DANGER

The SPEAKER pro tempore (Mr. LAHood). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, on Thursday of next week on this floor will be a debate which will actually end up in a decisive vote for the future of the United States of America. Unfortunately, the vast majority of all Americans have no idea that there is even a piece of legislation like that which will be debated in one week on this floor even working its way through the system.

There has been a blanket, overall, coverup on this issue in what would be called the traditional media of the United States of America. The networks and the major newspapers have not touched this issue because they do not want the American people to know that a major decision affecting their way of life, the standard of living of their children, America's competitiveness, and the economic well-being and the national security of our country will be at stake with one vote. That is because this issue is relatively hard to understand, yet it is so vital that if the vote goes in the other way, I believe this will be the first step on an escalator down for the people of the United States of America, because it will be ending and eliminating the greatest advantage that we have had as a country, and that is our technological edge over our competitors.

The American people enjoy a high standard of living, not because we work harder than other people. People all over the world, many of them work longer hours; they are hard-working people, but yet they live in poverty. They have standards of living that we would never accept in the United States of America for even our poorest person.

What gives us as Americans the edge? What ensures us the fact that we have the right to keep that edge is a technological advancement that can uplift the standard of the average person? It has been the technology that our citizens have developed and produced and invented over the history of our country. America is a nation of yes, hard-working people, but there are hard-working people everywhere. Most importantly, we have been a nation of technology which has permitted our people to increase their standard of living, to live high and above the rest of the people of the world. Even at a time when there is international competition with countries where the people earn far less wages, we can out-compete them and we can look forward to a bright future, if we have the technological edge.

But what is happening here next Thursday is a vote on the fundamental protections of law for American innovators, American inventors, and for the owners and developers of new technology.

We have had basically the same law in the United States of America for 200 years. Again, most people do not fully comprehend that this has been a protection granted to Americans that is different in other countries that has enabled our country to produce this higher standard of living and this great opportunity for the average person in America. They do not recognize that because it is little known that written into our Constitution by our Founding Fathers is a patent office and protection for inventors. That is why the inventors were in the United States of America. That is why the great innovators of that technology that produced all of the wealth that enabled us to live better, that is why they were Americans.

People came here from all over the world. Americans have any special trait. We just have freedom and opportunity and a legal system set down by our Founding Fathers that understood the necessity of individual freedom and individual rights being respected in order to give the whole of the American people to progress.

And now we are changing the fundamental law in a very hushed manner so very few people know about it, the fundamental law that directs and protects the development of technology in the United States of America.

Next Thursday, on this floor, on April 17, will come a vote in which two bills will come head to head, one bill H.R. 400 and the other H.R. 811. It is a combination of H.R. 811 and H.R. 812. H.R. 400, which I call the Steal American Technology Act, will, if passed, open up the United States to the greatest theft of our intellectual property and our technological achievements in the history of our Republic.

It will be the equivalent of sending a message to everyone in the world to come and get our technological secrets and use them against the American people. It is as bad as that. That is H.R. 400.

What bill, what does it do? No. 1, and hold on to your seats for those of my colleagues who do not understand what is going to happen on this floor in one week, this is a bill that will mandate that every inventor in the United States who applies for a patent will have to give up his patent publicly for the world to see after 18 months even if that patent has not been issued.

Now, what does this mean? From the history of our country, from the very beginning of our history, when someone has applied for a patent, when an American has applied for a patent, he or she has had the right of confidentiality, knowing that none of that information would be disclosed unless that patent was issued; and when the patent is issued, that person, that individual owns that technology. That has been a right for every American.

And what is happening now? Next Thursday we will vote to discard that right that no longer, after 225 years of American history, that right, which has been a force for good in our society, will be discarded by a vote here on the floor of the House of Representatives because H.R. 400 mandates the publication of all of our secrets.

There will be no more industrial espionage. You heard about that. You have heard about people coming into the United States in order to steal our secrets. There will be no more industrial espionage because after 18 months, every bit of secret information about the development of our new technology will be sent to our worst enemies, people who want to destroy our country.

People who want to destroy the American way of life, people who care not one iota for the standard of living for our people but want to pull those millions and billions of dollars of wealth into their pockets rather than see the American people enjoy the fruits of our free society.

This is almost unbelievable. It is almost beyond belief, until you hear people stand up and argue this case as if, oh, this is going to be good because everybody will know what is being developed and the patents can all work together.

There are people in this world who are intent on not working together and they will be very happy to steal everything that America develops.

The second provision of H.R. 400, which will be on this floor in a week, is called reexamination. The publication angle of H.R. 400 is enough, is enough for us to say get rid of this terrible threat to the American people. But that is a future threat. I might add. Partially affects only the future technologies.

What we have discovered when looking into H.R. 400, and I did not know
there are small provisions in this bill which open up the door to reexamination, which is the No. 2 provision, reexamination.

What does reexamination mean? That means now, today, and all through our country's history, when you are issued your patent, it is your patent and there is almost nothing someone can do to challenge your right because it is your property. It has been decided upon and perhaps only one other criteria can be used to fight against that court.

Instead, H.R. 400 opens up a panoply of options for not only our big corporations but foreign corporations and multinational corporations to go at and challenge every one of our existing patents, not only are future patents going to be published before they are even issued, so that thieves can take away our future technology, the current technology that we have that gives us billions of dollars in royalties that comes to this house every year, these foreign corporations that are paying royalties now will have the option, instead of paying royalties, to file suit and to interfere and to act and to call for reexamination of current patents.

First and perhaps another just as equally important provision of H.R. 400, the Steal American Technologies Act, which will be voted on in this body on the floor of the House in 1 week, is that it, again, hold on to your seats, it will obliterate the Patent Office.

That is right. The Patent Office is written into the U.S. Constitution, and it eliminates it as a Government entity and resurrects it. Resurrects it as what? A corporatized entity. Corporatized.

What does that mean? That means there will be some entity that used to be the Patent Office and now it will be corporatized, something like the Post Office, Government but not Government.

This bill mandates, for example, that this new corporate structure will have business leaders on its board of directors. Now, what does that mean? I thought the business leaders were the ones who were going to be dealing with the patents. We are going to put the people who actually make money dealing with patents on the commanding board of directors of this company? This board is also enabled to borrow money and the taxpayers are still on the hook. Patent examiners have been shielded for 200 years from outside influences. Patent examiners have never had a scandal. These hardworking public servants, like judges, have such power in their hands to determine who owns billions of dollars of wealth, but they have been shielded up until now from outside influences. Will they be shielded? Will they be shielded from this new corporate entity?

Let me add, there is one other thing I forgot to mention; the new corporate entity, according to H.R. 400, will be permitted to accept gifts. Accept gifts from corporations? Accept gifts from foreign companies? Accept gifts when they are making determinations about who owns what wealth in the future? What kind of effect will this have on the decisionmaking at this new corporatized Patent Office?

Mr. Speaker, there is a formula for catastrophe. This is a formula for the destruction of the American way of life, and I cannot stress it too strongly here, it is going to be voted on and the American people do not know about it. It is coming next week. There has been a lid placed on coverage in the mass media. We do not have shows on the network or in our major newspapers. They are not doing stories about this threat to each and every one of us. It is not there.

I have a piece of legislation, and the gentleman from California, Duncan Hunter has a companion piece of legislation, H.R. 811 and 812, that go in exactly the opposite direction from the bill, from H.R. 400, the one I just described.

H.R. 811 is the Patent Term Restoration Act, which I have authored. Basically it restores a guaranteed patent term to the American people. If no one one would it is why we have to restore a guaranteed patent term, I hate to inform them, but we have already lost our right that has been with us since the founding of our country.

Our people may have a right when they apply for a patent, no matter how long it takes for that patent to be issued, that there is still a guaranteed time period, 17 years, when someone would reap the benefit from that invention, either the investor or inventor, whoever owns that patent. That was taken away. That was eliminated by a provision that was snuck, and I repeat, snuck, into the GATT implementation legislation.

GATT 3 years ago did not require us to change our patent laws, but someone put that provision into GATT, and thus the Congress was faced with voting against the entire world trading system or agreeing to this fundamental change in patent law. This was a betrayal of the American people in the worst way. My bill restores the guaranteed patent term. So no matter how long it takes to issue your patent, no matter who is against you, once that patent is issued the American has a right to a guaranteed patent term of 17 years.

By the way, it was replaced with something that sounds pretty innocuous, like many of the things in these bills sound innocuous. The provision that replaced our patent term guarantee was a provision that said you are going to have patent protection from 20 years from the date that you filed. However, however, 20 years, all it really means is the clock is ticking against the inventor do not get it till 10, 15 years to get an invention patented, for the patent to issue, that patent applicant basically has lost all of that time. All of that time.

No, we do not need the clock ticking against the inventor, we need a guaranteed patent term, which has been our right. That is what my bill does. The companion bill, H.R. 812, bolsters and strengthens and makes more produc- tive the changes that reform the Patent Office and strengthens our Patent Office, instead of obliterating it like they do and corporatizing it, in H.R. 400.

These bills will come to a direct head-on-head vote. My bill will be offered as a substitute. H.R. 811, strengthening the Patent Office, will come right up against it and there will be one vote.

Right now there is an army of lobbyists going through this town contacting Members of Congress because they are interested in how they are going to vote. Unless the American people, unless the American people contact their representative, the major influence on how this vote will turn out will be lobbyists that are paid for by huge multinationals, corporations, and yes, even some, many, of our major domestic corporations who are in league with these multinationals.

Mr. Speaker, we can turn this around if the American people do contact their elected representatives. That will make the difference.

By the way, interestingly enough, how do we communicate if we cannot get the news media to cover the story? I have tried everything. I give these speeches. I mean, we have Rush Limbaugh and Michael Reagan and others, because the regular media will not cover this story that is so vital to the future of our country.

What coverage we have been able to get through these speeches on the floor, we have received letters and Members of Congress have received letters from all over the United States, from small inventors, people who are afraid.

The two most recent letters my office received, one was from a gentleman who is conducting research into breast cancer. He has made some breakthroughs but he is afraid to try to patent his discoveries. He is afraid of that because with the new H.R. 400, that would mean it would be published for the whole world to see, and he would reap no benefit from it. He is afraid, whether he should disclose what he has invented.

Another person who wrote my office is a person who has developed a new system of killing bugs. That may sound rather minimal to people, killing bugs. It is not minimal. We are pouring tons of pesticides into our environment every year, and this man has invented a product that requires chemicals, a method of dealing with infestations of bugs in homes and in fields that would prevent us from being poisoned.
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Mr. Speaker, it makes no sense. H.R. 400 says, how are we going to protect these American inventors? You ask them, are you going to publish it, or are you going to keep it away from the public, before they get the patent, how are they protected? And do you know what the answer is? Well, once the patent is issued, if someone is using their idea, they can sue them in court. We can imagine the Wright Brothers trying to sue the Mitsubishi Corporation. So sue me. You can go over to Japan to try to sue some huge corporation or China or some of these other countries. Impossible. This is a formula for the theft of America's technology. It is the decline of our standard of living.

A pharmaceutical company, Allergan, pharmaceutical companies spend millions of dollars trying to develop new drugs in our country. What happens, it takes years to get through the process. If their patent is made public, they will not spend that money. No one will spend any money to develop new drugs anymore that will cure diseases that we have. If they all say why should you spend the money to develop it?

This bill, I compared it yesterday to a bouquet of flowers. When you ask the people who are supporting this bill, who are pushing this bill through the system, why they could ever support, how could you ever support a piece of legislation that would be so destructive to America's interests, that would open us up to theft internationally, do you know what their answer is? Their answer is, there are a lot of good things in this bill.

Then they will go through a list of nice little things that keeps the money in the patent office. It helps facilitate hiring new patent employees, and they will go through a list. This is very similar to being handed a bouquet of flowers. If you are handed a bouquet of flowers and somebody says look at the flowers and then you realize the bouquet is filled with snakes, poisonous snakes. And you ask them, are these poisonous snakes? And if that person only wants to talk about the flowers but refuses to talk about the snakes, does not talk about the snakes, is not giving you that bouquet because he thinks a lot about you. He wants to destroy you.

What is happening is that a bouquet of flowers has been handed to the American people. There are some nice little reforms in H.R. 400. They can talk about them all day, but we do not want to talk about the bouquet of flowers. We want to talk about the poisonous snakes that will destroy our country, the snakes that will destroy our families. That is what we want to talk about. But they will talk about how nice the rose looks. I want to talk about why we are publishing our information for everybody to steal. But look how nice the flower is. How about talking about the daisies. How beautiful. What about this idea that now you can have all of our patents at the public domain, how could you ever support a bill, these people who are supporting this bill, who are pushing this bill through, the Japanese.

Mr. Speaker, I will tell my colleagues, I believe in foreign trade and international trade. Harmonizing our laws is a good thing. As long as we are
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The Speaker pro tempore (Mr. LaHood). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma [Mr. Coburn] is recognized for the remainder of the hour as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I do agree with the position of the gentleman from California [Mr. Rohrabacher] and will be supporting his position on the House floor.

I want to take a minute to address those in our country who are interested in our budget. If in fact they do not believe that a balanced budget is important, then they should not pay attention to anything that I am about to say. But if in fact they think we ought to live within our means, then I think consideration of some of the information that I am about to relate to them will find interesting.

In 1972, our entire budget was $241 billion. This year we will spend $171 billion more than the interest on the national debt alone. So what we are really faced with in our country is a threat. The threat is not very popular to talk about. The threat is not easy to focus on.

But, nevertheless, the threat is great, and the threat is this: If the people who work and vote in this body fail to recognize the importance of not balancing the budget, what in fact they have done is ruined the future for our children and our grandchildren.

Senators who would be listening who suffered through the Great Depression, who were the valiant men and women who allowed us to win World War II, they are the ones who hold this debate in their hands, the fate of a balanced budget.

For what will really happen to our children as they pay out the $200,000 each that they now owe, both in terms of debt and interest, which does not begin to recognize the internal debt that we owe the Social Security System, from which we borrow money, actuarily stolen, $69 billion last year to run the Government, their living standard will be nowhere close to what we experience today. Their opportunity to have an education, to own a home, will vanish in the midst of our irresponsibility.

How big is the threat? The threat is the largest threat we have faced since the end of World War II. It is a very subtle threat. It is one that is hard for people to get excited about, yet it will undermine the essence and the greatness of the American dream.

What do we have to do to win this battle? The first thing we have to do is recognize that career politicians from both parties are not necessarily interested in doing the right thing. Martin Luther King said in his last speech, his last major speech before he was assassinated, that cowardice asks the question: Is it expedient? And vanity asks the question: Is it popular? But conscience asks the question: Is it right? And if it is right, then it is the last question and running to the first two: Is it expedient? Is it popular?

It will not be popular to balance the budget. It will not be expedient to balance the budget. But it is right to balance the budget.

What is the psychology of the rationalization that we have in our country today that says we will balance the budget sometime in the future? How did we get to the psychology of saying we do not have enough money, actually to pay our bills and it is fine to jeopardize and mortgage the future of our children because we do not have the courage to make the hard decisions that are required to eliminate that threat for our children?

What I would ask my fellow Americans to do is to think, as a grandparent or a parent, what are the most important things in their lives, and usually we will answer, our children or our grandchildren. I have an 18-month-old grandson, and as I look at her, I look to see what possible future can she have if we fail to do the right thing, the thing that our conscience would
dictate, which is not taking away their future for us now.

We hear from organizations like AARP that we should dare not touch the cost of living index, the CPI, regardless of the fact that most economists will tell you that it covers only the incremental increase in the cost of living. The idea of selfishness has now displaced the concern for our children and our grandchildren.

The same thing for special interests that affect the Federal Government every year. There is going to be a debate in not too long on the National Endowment for the Arts. Regardless of what our feeling is on that, how can we spend money in that area when we know that our children will pay back that $900 million three or four times what it cost because we do not have the money to pay for it?

How in the world do we justify and rationalize our ability to not do what is right? We cannot. We cannot face our grandchildren, stand up and do the hard thing. And, unfortunately, the reason that we will not is, many people in this body are more interested in getting reelected, and their careers and their decisions about coming back to a job of power have become more important than their children and their grandchildren. So we see greed and selfishness for ourselves is starting to displace the very unique qualities that made America great.

Alex de Tocqueville said of the American people that America is great because America is good. When America ceases to be good, America will cease to be great. I would put forth to the American public today that the way we measure our goodness, the way we measure our compassion, is by doing the right thing and doing the right thing now.

We will hear a lot of people scream and say we cannot cut certain programs, we cannot balance the budget, that we cannot do it today. But I would put forward the belief that if we faced an external threat in this country, not an internal one but an external threat to this country, that we as Americans would rally around, we would come together and say: What do we have to do to defeat this threat? And if it required sacrifice of us all, we would make that sacrifice, we would pull together, we would demand that every part of Government become much more efficient, that they would accomplish the same task with less cost and more efficiency.

The fact is, we have a subtle threat. We are not willing to address this threat, and so, consequently, we are not about to do their job.

I do not hold much hope for a balanced budget because I do not hold much hope that people will make a decision based on the right things, their conscience. Unfortunately, I do not currently feel that too many of the Members of this body will make a decision based on cowardice and vanity, much as Martin Luther King talked about.

The only way we balance the budget is if the people of this country say we must balance the budget. So those that hear what I am saying today have to become an active part, a participant in this process. They have to demand that those that represent them make the hard choices, the choices that are morally right.

It is immoral to steal from our grandchildren and our unborn grandchildren. The only way we solve this problem is for the American public, the citizens of the United States, to demand the courage and the proper representation of their Members of Congress to accomplish this task.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 30 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the spirit of Hershey does live on, and I would say to the gentleman that I enjoyed the time that I spent at the conference on a bipartisan basis.

My concern today, however, and I suppose in a sense this is sort of a reaching out to the other side of the aisle, is that we need to address the issue of campaign finance reform. I say this not in the spirit of trying to attack anyone to suggest that anyone has a solution to the problem or that the problem necessarily can be decided on either side of the aisle, but the bottom line is that the Republicans are in the majority in the House of Representatives, and the Democrats increasingly, including myself, have been frustrated by the fact that we have been unable to get the Republican majority to bring up the issue of campaign finance reform either in committee, with hearings or markups, or on the floor of this House.

Many of my colleagues know that in the President’s State of the Union Address he called upon the House of Representatives, both Republicans and Democrats, on a bipartisan basis, to address the issue of campaign finance reform.

Democrats have increasingly, over the last few months, requested that the House Republican leadership address the issue, and for the first time, have had hearings on legislation, bring the legislation up in committee, and set a deadline on when campaign finance reform reaches the floor of the House of Representatives so we could have a debate and be able to vote on a bill that most of us could agree on.

Unfortunately, that has not happened, and, as a result, the Democrats have been forced to use procedural motions, as we did this afternoon on one of the suspensions bills, we did the debate and did allow the opportunity to discuss campaign finance reform.

Mr. Speaker, on several occasions during special orders over the last couple of months, myself and other Democratic colleagues have come to the floor to both speak out on the issue and also to talk about some of the proposals that have been put forward, many of which have been introduced, many of the bills, on a bipartisan basis. But, unfortunately, we still see nothing.

I think the issue is important for a number of reasons. First of all, as I mentioned earlier today, when I returned to my district for the 2-week break, that we had, the 2-week district work period, it was repeatedly mentioned to me by my constituents at every location, a supermarket, a coffee shop, wherever I happened to be, many people came up to me and said: What is the Congress doing? It does not appear to be doing anything.

The term has already been coined by the Washington Post, which on this last Monday did an editorial, calling the Congress the do-nothing Congress. I think this editorial has already been repeated, I fear that it might repeat it again, but the bottom line is that we have taken up almost nothing of substance in the first 3 or 4 months of this Congress.

When I talk to my constituents, they say well, it seems the only thing Congress does is to call upon investigations of the White House or investigations of campaign financing, but, at the same time that they are spending money on these investigations and things about investigating finances or campaign finances out of the last November campaign, no one in the majority, no one on the Republican side in the leadership, is proposing that we move forward on campaign finance reform.

I would maintain, just based on talking with my own constituents in the last 2 weeks, that that is not acceptable. The public is really tired of hearings about all the investigations and things about investigating finances or campaign finances out of the last November campaign, no one in the majority, no one in the minority in this Congress.

So the system cries out for change. It just cries out for change. Whether it is public financing or it is a cap on spending or it is the various proposals that have been put forward, the bottom line is that we have to address the issue. It is time for action. It is time to stop worrying about all the myriad of investigations and things about investigating finances or campaign finances and to simply do something legislatively to make the system work. That means campaign finance reform.

I just want to throw out an example, in New Jersey we are now in the midst of a gubernatorial race, and for a number of years in my home State of New Jersey, we have had a system in place where there is a cap on the amount of money
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one can spend, and if a candidate raises a certain amount of money through individual as well as political action committee contributions, they get public funds to match it, with the understanding that there is a cap on the amount of money that they spend on the campaign.

Now, I do not have to get into all the details of the New Jersey system, but the bottom line is, it is essentially a way of trying to reduce the amount of money spent on a campaign, trying to provide some sort of private funding either through political action committees or individuals at a certain amount, which is also capped, and then to match it with public funds. As a consequence, our gubernatorial races in New Jersey are reducing the amount of money that has to be spent.

If we look at how much is spent on a gubernatorial race in New Jersey statewide as opposed to how much is spent on a senatorial race where there is no public financing of financing or no restrictions in the way that we have in spending on the State level, there is a big difference.

Really, at this point in New Jersey, it is not that difficult to run for Governor, raise the money to do so, if an individual wants to. On the other hand, it is very difficult to run for Senator because of all the money that one has to raise without any matching requirements.

So I do not want to get into the details of the specific proposals today, although I think some of my colleagues may decide they would like to, and that is fine, but the bottom line is, we are calling for action on campaign finance reform by the Republicans. They are in the majority; they have the obligation to bring up the bill, to have the hearings, to mark it up and bring it to the floor.

We suggested that that be done by Memorial Day. The President suggested it be done by July 4. In either case, it needs to be done, and we need action.

Mr. Speaker, I know I have some of my colleagues joining me today, and I would like to yield at this point to the gentleman from Massachusetts [Mr. Tierney].

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to address the lack of direction and the absence of any agenda addressing issues of importance to the people of my district as well as the people of this country.

Frankly, this body has been behaving as an institution so gripped by political tensions and acrimony that any action claimed as nonpolitical appears only to be a pretense. Most Americans can remember when the distinguished Congress of O’Neill from my home State of Massachusetts was the Speaker and members of both parties conversed, they met, they socialized, they civilly debated issues and they deliberated all the proposed bills and amendments and finally they voted moving an agenda forward.

What has changed, Mr. Speaker? Who has changed to make this different so that the majority now proposes bills designed for contemplation or improvement, not even for amendment, but only for votes along party lines that are phrased in such political terms that are so stark that they are not even faintly disguised by their party-line purposes for the next election. Again, the phenomenon is pretty well unchanged.

People expect us to debate here. They expect us to deliberate and they want an exchange of ideas and votes on the issues of importance to them. They want us to be dealing with campaign finance reform, with education, with health care, with Social Security and Medicare, the State and economic growth. Our colleagues across the aisle complained when they were in the minority. Well, they are in the majority now, Mr. Speaker. Show us the leadership. Show us the fairness. Show us the good faith. Show us the nonpartisan governance. It is simply not happening.

Some assert that they are not extremists on that side of the aisle, and that may be so, but check out the party-line votes and those assertions seem to lack merit. The actions are contradicted by their party-line behavior, and their votes support the extremism and the politicization. Perhaps the greatest example, Mr. Speaker, is the committee funding. We are not here today debating campaign finance reform, as we should be, or the economy or health or education. We are not addressing campaign finance reform because we are busy dealing with the budgets for committees like the Committee on Government Reform and Oversight, where the committee chairman appears bent on orchestrating an investigation that will be without credibility. Why will it be without credibility? Mr. Speaker? Because, unlike the Senate committee dealing with the same subjects, it is going to be partisan. It is going to be more about the next election than about oversight. It is going to be limited. It is not going to be about the entire House and people running for the House and people campaigning for the Senate. It is not going to be about Republicans and Democrats running for President, or the Republican as well as the Democratic party. Unlike the Senate, it is going to be focused only in a partisan manner. It is a committee that is seeking some $6.2 million, Mr. Speaker, using $3.2 million to investigate, using as much as $3.8 million of the base budget to supplement that investigation, and reserving some $14.9 million, Mr. Speaker, potentially for that limited partisan political investigation that will be totally without credibility and will be a partial duplication of what the Senate is doing. That Senate, Mr. Speaker, will be doing a broader, bipartisan, more objective and I suggest more credible job for $4.35 million.

Are the majority afraid, Mr. Speaker, of the majority, of the Congress to investigate Republicans and Democrats who ran for the House and the way they did it? Or Republicans and Democrats who ran for the Senate and the way they did it? We need to know what the past practices were. We need a thorough, inclusive investigation. We are 100 days into this session, Mr. Speaker, and there has been no campaign reform debate. We need a credible, valuable investigation that will cover all practices of all parties and all candidates. The purpose of the oversight portion of that committee, Mr. Speaker, should be to learn from the errors and the problems of the past. The goal, Mr. Speaker, should be to inform the public that informed as both parties and both chambers are engaging in campaign finance reform. We should be dealing with that business now, Mr. Speaker, so we can then address the budget, the economy, health care, economic growth and the issues in such a way that the public will not have the perception that special interests are taking charge but rather will have the confidence that we are doing the people’s business.

Mr. PALLONE. I want to thank the gentleman, and I think, Mr. Speaker, we increasingly see the sense of frustration that many of those on the Democratic side of the aisle fear right now over the fact that there has been no progress in terms of the Republican leadership bringing up the issue of campaign finance reform. We are just going to continue to speak out every day until they take some action on this issue.

I yield to the gentleman from California [Mr. Waxman].

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, there is an important reason why the House of Representatives and the Congress ought to investigate campaign finance abuses. Such an investigation is perfectly legitimate. But the one that is about to be conducted in the House is not legitimate. That investigation by the Governor Reform and Oversight Committee and Oversight has been no campaign reform debate. We ought to look at the whole spectrum of how this system supposedly works. We ought to look at what has been happening at the White House but we also ought to understand what has been going on here in the Congress. The scope of the investigation ought to be to look at all of these matters, because the only legitimate purpose of an investigation is to lead to reform, and this is it. It is this system that is driving Members of Congress and candidates for President to go out and raise money.
They are constantly out raising money and not doing the job of representing the people. We need to understand how this system has brought us to the point where we are today.

When we meet tomorrow on the Committee on Government Reform and Oversight, we are going to, for the very first time, discuss our committee's investigation. We have never had a meeting to discuss it. We are going to have a vote on the scope of that investigation.

I would suggest to the gentleman from California, Mr. MILLER, that option which may be the right one, that is the best way. No one person should have that kind of power. Power concentrated in that way is an invitation for abuse, and I do not think we ought to give Chairman BURTON that option which may be too attractive to him and to his staff for them to consider.

So when we meet tomorrow, we are going to propose a bipartisan investigation. Why should this be partisan? It ought to be something done both with the Democrats and the Republicans working together, just as in the Senate they are working together under rules that they have agreed to on a bipartisan basis to conduct this investigation that they are conducting.

From my point of view, I do not see any reason why the Congress should have to be two separate investigations. I do not know why there is a Senate investigation and a House investigation and other committees are conducting parallel investigations on parts of the campaign finance issues. Can you imagine the amount of money that is being spent, in fact wasted, when the House is paying for a separate investigation than what the Senate is doing?

We had joint House-Senate investigations in the past, and I think it makes a lot of sense for us to do one now. But not only is the taxpayers' money being wasted in the funding of these investigations, but when an agency gets a subpoena from the House and the Senate and different other committees, they have got to stop everything they are doing and devote staff time and resources to comply with the requests for information, and they are wasting money by the bill of committees that are asking them to comply.

Mr. Speaker, I alert my colleagues that now is the time, if we are going to have a fair and bipartisan investigation, to get the ground rules straight. I hope tomorrow the members of the committee will go along with the suggestions that were adopted 99 to 0 in the Senate and ought to be the blueprint for our investigation in the House.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. MILLER of California. I want to commend the gentleman for the position that he and a number of his members on the Democratic side of the committee have taken. I only wish it would be taken by the entire committee, by the chairman, and by the leadership of the House.

One of the things that is becoming very clear to me, as we watch your investigations and others get under way with respect to the White House and the whole question of campaign finance reform and what happened in the last election and the incredible amounts of money, is that we do not have a lot of credibility with the public on this issue.

They really do believe that in some cases the fox is guarding the hen house here. The only way that we can start to reestablish that credibility is with a complete, comprehensive, and a bipartisan investigation.

One of the finest hours in terms of the public's understanding of the Congress and appreciation for the Congress was in the Watergate investigations, which were done, in fact, on a bipartisan basis because what was at stake was, in fact, the very institution of the Presidency, of the separation of powers, and of our democratic institutions.

I would suggest to the gentleman from California, and I would suggest to Chairman BURTON, and I would suggest to the Republican leadership that no less is at stake here. No less is at stake here because what we have seen is, in this last campaign in action, by the White House, by the Republican National Committee, by the Dole committee, by the Democratic National Committee, by Members of Congress, what we have seen is that we have essentially lost the confidence of the American people. That becomes very clear in any sampling done of the American public.

There is no substitute for a bipartisan, comprehensive investigation into irregularities with respect to this, into the legalities of various activities, into the ethics of these activities. If we fail to do that, whether or not you can pin....
somebody’s hide to the wall or not will not resonate with the public in terms of whether they believe we have done the kind of investigation, whether we have really cleansed this system of what I believe is such a corrosive level of speckling that it is distorting the processes by which this institution arrives at conclusions and I think is undermining our democratic institutions.

I would hope that when the gentleman starts his hearings tomorrow and the committee deliberates, that there would be some fundamental understanding by the Republicans that this is larger than their party or our party, this is about the survivability of this institution in terms of the confidence of the American public, and that is very important.

That is very important because when this is all said and done, we have a lot of other issues where, if we do not have some level of confidence with the American public, the decisions about tax relief or the balanced budget or Medicare or Social Security were made without the corrosive influence of special interest money, then we are going to have a lot of trouble in terms of the future of this country and the future of this institution being able to make those difficult and tough decisions that are so necessary to our future.

And I just want to commend my colleague from California for his tenacity in this argument. I can appreciate that it appears that, this is simply prepared to overwhelm you, they are prepared to go on with business, as they view, as usual. And I want to thank the gentleman on behalf of one that serves in the House, both Democrat and Republican, and the Senate, is because he himself has been under investigation.

There have been allegations, as you know, that he in fact —

Mr. WAXMAN. Let me reclaim my time and just tell the gentleman, I hope he is incorrect, and I want us to work on our committee in a bipartisan fashion and to understand the system and to go forward together legitimately to understand the system, find abuses, hold them out to public scrutiny, learn how to reform the system that no one, I think, can defend.

I know that there are members of my committee here that have taken out this opportunity for Special Orders.

Mr. TIERNEY. Will the gentleman yield?

Mr. WAXMAN. I am not going to yield to the gentleman. I will yield back my time with the understanding that the Chair will grant that time to the gentleman from Massachusetts [Mr. TIERNY].

CAMPAIGN FINANCE REFORM

The Speaker pro tempore (Mr. LAHOOOD). The gentleman from Massachusetts [Mr. TIERNY] is recognized for the remainder of the hour.

Mr. TIERNY. Mr. Speaker, I would like to yield at this time to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Our Founding Fathers, the authors of our Constitution, created something that the world had never seen, a representative government based on the popular election of the legislative and executive branches. It was a powerful idea whose time had indeed come.

Based on the study of the most advanced ideas of that date, it has taken us now more than 200 years to extend those basic ideas to include all of the people of this country, for Latino, Hispanic, Asian, Native American, men and women; and I would like to add rich and poor to the list.

But, unfortunately, our democratic system has been attacked by a virus of voraciousness that our Founding Fathers could never have imagined, money. By some estimates, our last national elections cost $2 billion. And according to a study by the Center for Responsive Politics, 9 out of 10 U.S. House races were won by candidates who outspent their opponents in the election, and in nearly 40 percent of the House races the winner outspent the loser by a factor of 10 to 1 or more.

In competitive races, House candidates are spending 50 percent more in direct-mail and TV advertising than they did 20 years ago at the time of Buckley versus Valeo. Thirty years ago, the average sound bite on the TV news was 42 seconds. By 1992, that bite was trimmed to less than 10 seconds.

Today, money talks, and when it talks it drowns out almost all other political discourse, money has distorted, corrupted, and perverted our political system.

It is time to get back to the basic democracy of Benjamin Franklin, Elizabeth Stanton, Frederick Douglass, Susan Anthony, and Martin Luther King. We are past the time for halfway and halfhearted patches on the system.

Belief that this closure alone will remedy the problem is akin to belief in the tooth fairy. Solving the problem by just regulating soft money is about as likely as expecting pigs to fly.

I believe that the basic principles of campaign reform, at a very minimum, should be these:

First, take money out of the equation; finance all Federal campaigns through voluntary full public funding; amend the Constitution to prohibit Federal candidates from using private funds; provide voters with enough unfiltered information to make informed choices; open up television, radio, and other media for a discussion of the issues by the candidates; shorten the election cycle; create a truly independent regulatory agency to monitor and make public the spending of public campaign moneys; require paid lobbyists to publicly report who and when they lobby; create universal voter registration; encourage experimentaton with small, print, and electronic ballots and multiple day elections; require full disclosure of all independent expenditures.

The fact that most Americans indicate that they have lost confidence in the functioning of our democratic elections and that most do not vote should be both a warning and a summons to action. The time to act is now, before
the American public continues to erode its faith in our democratic process.

Mr. TIERNY. Mr. Speaker, I re-
claim my time. I want to thank my colleague from Illinois and state, as a
member of the Committee on Reform and Oversight, who would much rather be
joining my colleagues debating and de-
liberating the issues you address than
going down the avenue we are taking
or seemingly going to take tomorrow.

At this time, Mr. Speaker, I yield to
my colleague from New York, Congress-
guveness MALONEY.

Mrs. MALONEY of New York. Mr.
Speaker, the Committee on Govern-
ment Reform and Oversight will soon
vote on whether to hold a serious cam-
paign finance investigation or to hold a
narrowly focused, partisan, wasteful
charade. The chairman of that commit-
tee has begun a blatantly partisan in-
vestigation of the White House to
barrass the President. He proposes, he
has an unprecedented proposal, and that
 proposal he proposes would apply
only to the actions of the executive
branch officials and only to the
Presidential election. Doing so, limit-
ingso, limiting it only to the 1996 Presi-
dential campaign and the executive branch,
meant only on the Clinton campaign and executive branch offi-
cials, means it will be only democratic
violations that will be looked at.

At the very least, if the chairman
was serious about studying campaign
finance violations, they would look at
both campaigns; they would look at
both the Democratic and the Repub-
lican campaigns. There have been
published abuses in the Dole campaign and
the Clinton campaign. We should study
both campaigns if we are serious about
finding solutions.

Likewise, it should be expanded to
cover the Congress, both branches, in
the Senate campaigns and the House
campaigns, if you are really looking at
finding what is wrong with the system
and trying to change it and make it
better.

The chairman plans to use $15 mil-
lion for his investigation. That is three
times more money investigating the
President than the Senate is spending
to investigate both the President and
the Congress. That makes absolutely
no sense, and it is wasteful.

Mr. Speaker, the chairman has sig-
nificantly broadened his own powers.
He has issued more than 100 subpoenas
without the committee's approval.
Furthermore, the chairman is seeking
unilateral authority to release the doc-
uments that he obtains by subpoena.
The Senate, on the other hand, the Re-
publican Senate, on the other hand, he
does not have a majority in either chamber.

Mr. Speaker, the committee is voting
unanimously and endorsed a
bipartisan investigation of both Presi-
dential and congressional campaigns
regardless of party. They are looking at
issues, not at politics.

I yield my time to Mrs. MALONEY and
the Republican leadership, the Senate
is charged with an investigation of
both illegal and improper campaign fi-
ance practices during the past elec-
tion. The scope is well defined and en-
tirely appropriate to serve the public
interest and to understand the full
range of abuse. However, the House in-
vestigation which the chairman is pro-
posing is not. The chairman's blanket
unilaterally issue subpoenas and release documents is without
precedent.

I want to state, Mr. Speaker, that
this is the view that has been taken by
my colleague from Illinois and state, as a
member of the Committee on Government Reform and Oversight. Appar-
tently Chairman Burton would like to restrict the scope of his
Committee's work to only one party by prob-
ing into the White House instead of broadening it to the entire Demo-
ocratic National Committee. Apparently we
are to believe that there is nothing to worry about when it comes to any other politi-
cal campaign's fundraising practices—certainly not the U.S. Congress.

In light of how disgusted Americans
are with politics as usual, Chairman Burton's
move needs to be entered into Ripley's Be-
lieve It Or Not. It is unbelievable that a
House Committee would actually vote to
begin an investigation of the campaign fund-
raising practices of politicians by systemati-
cally excluding the U.S. Congress. I know
how out of touch some politicians can be
coming from real people but you would have
had to have traveled to Mars for the Con-
gressional recess not to know how angry
people are with big money in politics and how
disgusted they will be with any investigation
that attempts to sweep the truth under the
rug before it even begins.

The issue here is clear. The Senate voted
unanimously and endorsed an investiga-
tion into the entire campaign fundraising
problem as it relates to all Washington politicians. To do anything else on the House
side will render their investigation of
only incomplete, and, at worst, a partisan hatchet job that
exhibits what Americans have come to hate
about politics.

The vote on this issue will become a mark-
er for members of the Committee. Those who
vote against a complete and fair investiga-
tion that includes Congress as well as the
White House, will clearly identify them-

This issuance of subpoe-

Chairman Clinger and the gentleman from Michi-
gan [Mr. DINGELL] on our side of the
aisle say that the best legislation is
thoughtful, that is intended to help
public policy.

The proposal that the Republican
chairman is putting forth before the
committee, according to Common Cause, Public Citizen, the League of
Women Voters is unprecedented,
wrong, anti-Republican, anti-Demo-

crat, anti-good government, anti-com-
mon sense, wasteful, and should not be
done.

I would like to caution all Members
of this body on both sides of the aisle
that everyone should think very care-
fully before they would vote for a pro-
posal that attempts to narrow the entire
country seems to be opposed to except the
chairman of this particular committee.
I hope everyone will read the doc-
ments he is putting forward and read
the statements of the groups that have
come forward in opposition.

Mr. Speaker, I am entering into the
Record the statements of Common
Cause, Public Citizen, NYPIRG, the
League of Women Voters, and other
government groups that have
unanimously endorsed a bipartisan
investigation of the entire campaign
problem.

Statement by Becky Cain, President, League of Women Voters of the U.S.—A-
pril 8, 1997

Chairman of the House Committee on Government Reform and Oversight has
broadened the scope of its campaign finance invest-
igation.

Good afternoon, I'm Becky Cain, President of the League of Women Voters.

We are here today to call upon the House Government Reform and Oversight
Committee to conduct a fair and comprehensive investi-
gation into campaign finance practices. We are deeply concerned that the committee
is poised to head in the wrong direction, to
conduct an investigation that will not have the confidence of the American people.

Last month the Senate voted to expand the scope of its probe into campaign finance to include presidential and congressional fundraising practices, both illegal and improper. That vote was unanimous. Senators understood that if their investigation was to have any credibility, it had to include congressional as well as presidential fundraising practices. They understood that the investigation had to be conducted with fair procedures.

Here on the House side, however, we face a very different situation. The chairman of the House Government Reform and Oversight has insisted on excluding Congress from the House investigation. This simply is unacceptable.

On Thursday, the full committee will vote on a "protocol" to guide the House investigation. We call upon the committee to vote for an investigation that explicitly includes Congress in its scope. We call upon the committee to vote for procedures that ensure fairness.

Simply leaving the scope undefined is not an acceptable option. The chairman has made abundantly clear his desire to strictly limit the scope, so the committee must make explicitly clear that the Congress is included.

If the House investigation is to have a dime's worth of credibility, members must send the chairman a simple message: expand the probe to include Congress, and adopt fair procedures. The Senate investigation provides a good model.

Under the chairman's proposal, members of the committee will be voting to exempt their own fundraising practices from investigation. Members of the committee who do not demand that an expanded scope will be putting themselves beyond the reach of the probe. Congress must not exempt itself from investigation. Congress isn't supposed to be above the law. How can members of Congress exempt their own campaign fundraising from investigation? The American people won't buy it.

Anyone who believes that campaign finance abuses are limited to one branch of government simply isn't reading the papers these days. The system is a mess and needs to be brought to bottom.

An investigation focusing solely on presidential fundraising activities will be seen for what it is, just one more political game. Instead, Congress must be included in the House investigation.

Members who think that this vote will slide under the radar, think again. The New York Times reported today that nearly nine out of ten Americans said that hearings should investigate the fundraising activities of both parties. In voting to exclude Congress, the facts are in defiance of the public's clear desire for a fair, bipartisan investigation.

The question lies in the hands of Republican moderates on this committee. Their votes will decide whether the House will conduct an investigation that is credible and fair. Their votes will decide whether the investigation goes after wrongdoing wherever it can be found. By voting for the chairman's proposal, these moderates would guarantee a continuation of the partisan games that have characterized the debate on campaign finance for too long.

We are relying on moderates like Chris Shays (R-CN), Tom Davis (R-VA), and Jeff Bingaman (D-NM) to do the right thing.

Local Leagues are taking action and calling on their members who serve on this committee to vote for a comprehensive investigation.

The Senate faced this same question and voted for a comprehensive investigation that looks into illegal or improper activities in connection with 1996 federal election campaigns, congressional as well as presidential. There is no good reason for the House not to do the same. In favoring this, the committee understand the importance of voting to broaden the scope of the House investigation. We trust they have the will to vote for their convictions.

Thank you.

STATEMENT OF ANNE MCBRIDE, PRESIDENT OF COMMON CAUSE, REGARDING THE UPCOMING COMMITTEE VOTE ON THE HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE'S INVESTIGATION INTO CAMPAIGN FINANCE ABUSES

On Thursday, members of the House Government Reform and Oversight Committee are scheduled to decide whether they will spend the almost $4 million in taxpayer funds the Committee has been allocated to perform a partisan sideshow or a thorough, complete investigation of the campaign finance mess in Washington. The campaign finance abuses and violations in the 1996 elections represent far too serious a crisis of American democracy for this Committee's investigation to be used for partisan game playing.

The American public simply will not trust an investigation that gives one party a free ride. A recent Newsweek poll published today found that 9 out of 10 Americans want the hearings to investigate the fund-raising activities of both parties.

Any congressional investigation of campaign finance practices to be conducted by the House Government Reform and Oversight Committee must be comprehensive, fair and bipartisan. Only an investigation which is comprehensive, fair and bipartisan will have public credibility.

To be comprehensive and bipartisan, the Committee must look into fundraising improprieties and possible violations of law by both the presidential and congressional campaigns as well as by executive branch officials. Excluding congressional campaign finance practices, as Chairman Burton proposes, means the Committee will see only a partial picture of the abuses with the existing campaign finance laws. As the activities missed will be the growing soft money fundraising and spending practices of the party congressional campaign committees, the activities devoted to special interests and their lobbyists for campaign money, the use of non-profits for partisan political activities and the misuse of so-called "soft money" by party and congressional committees in congressional campaigns. Any credible campaign finance investigation must include these and similar very serious practices.

Further, should the Committee narrow its scope to wrongdoing only by executive branch officials, and not by both presidential and congressional candidates, the Committee would consider the possible serious violations by the Dole campaign. Common Cause laid out last October in a letter to the Justice Department how both the Clinton and Dole campaigns also violated the applicable spending limit and misused soft money. In order to be bipartisan, the investigation must examine both campaigns.

The Committee hearings also must be scrupulously fair. Fairness will be insured only if the Committee follows congressional precedent and gives minority members a voice in the investigation. Chairman Burton has proposed giving himself apparently extraordinary powers in calling on the House to raise subpoena power and make public disclosures of investigatory documents without prior consent of, or even notification to, the ranking minority member.

The issuance of a formal subpoena is a serious matter, subject to great potential abuse. Here on the House side, however, we face a very different situation. The chairman of the House Government Reform and Oversight has insisted on excluding Congress from the House investigation. This simply is unacceptable.

The American people will be watching what happens in the Government Reform Committee on Thursday. Each member who serves on the Committee bears personal responsibility to stand up and be counted: To vote to ensure that both presidential campaigns as well as congressional campaigns are covered, and that the committee's procedures are bipartisan and fair.

U.S. PIRG URGES HOUSE COMMITTEE TO BROADEN CAMPAIGN INVESTIGATION

The U.S. Public Interest Research Group (PIRG) today joined other reform organizations in calling on the House Government Reform and Oversight Committee to broaden the scope of its investigation into campaign finance reform practices. PIRG urged the Committee to include both Congressional and Executive Branch fundraising, as well as both improper and illegal activities, in its investigation. The Committee, chaired by Rep. Dan Burton (R-IN), has to date not decided whether to hold a broad-based investigation that includes congressional fundraising practices, in sharp contrast to the investigation of the Senate Governmental Affairs Committee, chaired by Sen. Fred Thompson (R-TN). The House committee will vote on the protocol for its investigation this Thursday, April 10th.

"Limiting this investigation is like wearing dark glasses to look in the shadowy corners of a dark house. Unless they turn on the lights, the committee will miss a huge part of the problem: fundraising in Congress itself," said Bill Wood, democracy advocate with U.S. PIRG. "We urge the House Committee to, at a minimum, rise to the level of the Senate and use their authority to illuminate all kinds of problems in our current political fundraising system," he continued.

REPRESENTATIVE BURTON'S ONE-SIDED INVESTIGATION INTO CAMPAIGN FINANCING CONSUMER GROUP ASKS HOUSE MEMBERS A QUESTION.

WASHINGTON—Citizen Action, the nation's largest independent consumer watchdog organization, today called on the House Government Reform and Oversight Committee to vote for a full investigation of all illegal and improper campaign fundraising activities by both political parties, by the White House and Congress.

Citizen Action blasted the effort by Rep. Dan Burton (R-IN) to conduct a narrow investigation that only includes the White House and Congress but excludes fundraising activities by Members of Congress.

Joining with the League of Women Voters and other organizations supporting campaign finance reform at a press conference this afternoon, former Congressman Tom
Andrews, Citizen Action National Program Director, declared, "In light of how disgusted Americans are with politics as usual, Chairman Burton's move needs to be entered into 'Ripe But One It Or Not'. It is unbelievable that a House Committee would actually vote to begin an investigation of the campaign fundraising practices of politicians by systems that includes the U.S. Congress, continued Andrews. "It seems that Chairman Burton would like to restrict the scope of his Committee's work to only one party by probing only the White House and the Democratic National Committee. Apparently we are to believe that there is nothing to worry about when the political fundraising is investigated—the White House and the Democratic National Committee. Apparently we are to believe that there is nothing to worry about when the political fundraising is investigated—certainly not the U.S. Congress."

"I know how out of touch some politicians can become from real people but you would have had to have traveled to Mars for the Congressional recess not to know how angry people are with big money in politics and how disgusted they will be with any investigation that attempts to sweep the truth under the rug before it even begins."

"This issue here is clear. The Senate voted unanimously to open up the investigation to the entire campaign fundraising problem as it relates to all Washington politicians. To do anything else on the House side will render the Senate investigation useless and, at worst, a partisan hatchet job that ex- hibits what Americans have come to hate most about politics."

"The vote on this issue will become a marker for Members of the Committee. Those who vote against a complete and fair investigation that includes Congress as well as the White House, will clearly identify themselves as a major part of the problem. Because every politician has learned to talk a good game on this issue, this vote will be very useful for citizens to know which side their member of Congress is really on when it comes to cleaning up our political system.

"Every member of the Committee needs to know that you can run but you cannot hide on this issue. Your vote will be counted and you will be held accountable. There is no excuse for anything less than a full and fair independent and congressional fundraising, from the selling of access in exchange for big campaign contributions to the use of federal money to pay for political consultants looking to the Congress to do the people's business and conduct the fair, nonpartisan investigation the situation demands one that digs deep and lays out the truth, no matter who it is or who it touches. The people will settle for nothing less."

"For more information on campaign finance reform or about the Reform Party, call the national Reform Party office at (972) 450-8800, or contact your state Reform Party headquarters."

**STATEMENT OF JOAN CLAYBROOK, PRESIDENT, PUBLIC CITIZEN, HOUSE INVESTIGATION OF CAMPAIGN FUNDRAISING ABUSES**

"Public trust in our system of government is dangerously low. Political gamesmanship and partisan sniping are destroying voters' confidence in their lawmakers. So is the corruption of the campaign finance system, which now swamps Congressional races and the methods used to raise such sums.

"Congressional candidates poured $743 million into the races in 1996. The disease of special interest corruption is not confined to the executive branch of our government, so why should the Government Reform and Oversight Committee be confined only to the executive branch?"

"The voters are demanding to know the full story behind the litany of fundraising abuses that not only raise questions about the Republican donor access programs, but also about the administration and Congress and by Democrats and Republicans alike.

"The Government Reform and Oversight Committee investigation must not close its eyes to suspect activities like the Republican donor access programs, where those who gave $50,000 were guaranteed at least three private meetings with GOP senators."

"The Committee must not close its eyes to the Republican fundraising letter of 1995 promising that corporate contributions of $25,000 or more would go "directly to fund the House race"—an activity that would have been illegal.

"And it cannot close its eyes to public demands for action. Today's poll in the New York Times shows that ten people want fundamental changes or even a complete overhaul of the political fundraising system, and nearly nine of ten people want the Congressional investigations to cover fundraising abuses by both parties."

"Chairman Burton must not be allowed to turn his investigation into a partisan vendetta against the White House that sweeps Congressional fundraising abuses under the carpet. Giving him the power to control this investigation is like appointing Pete Rose Commissioner of Baseball. Dan Burton must not be allowed to seize unilateral power of subpoena, and he must not be allowed to destroy the credibility of the House of Rep- resentatives by confining its investigation to one corner of a very huge problem."

"The Committee as a whole should also control what documents are released to the public. The Committee's probe is far too important for it to be controlled by one individual who owns activities are being investigated and who wants to decide which abuses will be investigated and which will be ignored."

"Representatives must choose between a wide-ranging, principled and fair investiga- tion, or one that is conducted for narrow part- isnatic purposes that shields the indefensible Congressional campaign finance system from scrutiny."

"Last month, because a handful of Repub- lican senators stood tall, the Senate voted unanimously to expand the scope of its probe into campaign finance to include Presidential and Congressional activities, both illegal and improper."

"The question is whether the House— and the Government Reform and Oversight Committee—also has the courage to listen to the American people and investigate the whole story.

Mr. TIERNEY. Mr. Speaker, at this point in time I would like to yield to my friend, the gentleman from Illinois [Mr. BLAGOJEVICH]."

"Mr. BLAGOJEVICH. Mr. Speaker, let me say that as a freshman for all this is my maiden voyage, this is the first time that I have addressed the House with regard to a question of an issue relating to procedure and an issue that relates to a committee."

"I say that as long as we are talking about investigations, I must confess, Mr. Speaker, that I have to plead guilty. I have to plead guilty to naivete."

"When I ran for Congress this last fall, I ran with the notion that Members of both political parties were going to try to work together to improve our coun- try on the issues that are important to people in our respective communities. We were going to work to try to im- prove our schools; we were going to try to fight crime and balance the Federal budget."

"I thought Congress was going to operate under the rule of law. I believe in faith together to solve these problems and many other problems that face our communities. I must confess, however, that I was somewhat naive. I must confess to being somewhat demoralized by the fact that as a freshman member of the Committee on Government Re- form and Oversight what I have seen
I contend that this 105th Congress must get back on track. One hundred days and still no real issues, no real opportunity for children, for people. We have got to get back on track.

I am happy to report that Detroit, the city, the country, among sixty other cities, was the No. 1 application put in and won that rightful first place empowerment zone designation. We have 2 billion dollar's worth of private investment; we have over 100,000 jobs committed and we are in the process of rejuvenating that.

I am happy to report that beginning next Monday, Tuesday, and Wednesday, the White House will sponsor and hold in Detroit the first annual meeting of the empowerment zones and the enterprising communities. This will be the first time that the enterprising communities and the empowerment zones will come together to see what is working, how many they have employed, how many they have retrained, what has happened, and can we expand that opportunity. Let us put Americans back to work. Let us provide educational opportunities for our children. Let us have pensions and security for seniors who have worked so hard for this country.

We are now almost 100 days into the 105th Congress. How long will it be before we get back to work? I am asking our Republican leadership, let us deal with the issues of America. Let us put Americans back to work. Let us provide educational opportunities for children and not even-handed way, where power is not abused, so that there is credibility to any investigation.

I am happy that Detroit is being selected, I am happy that President Clinton had the foresight to establish the empowerment zones, and what I want to see is how they expand that opportunity. Let us put Americans back to work. We are now almost 100 days into the 105th Congress. How long will it be before we get back to work? I am asking our Republican leadership, let us deal with the issues of America. Let us put Americans back to work. Let us provide security for our children so that they too can have wonderful, exciting lives that we have all been blessed by.

One hundred days. Is it not time that this Congress, the 105th Congress under Republican leadership deal with the real issues? Enterprise zones, working Americans, sending children to school, providing health care, securing pensions, that is what the American people want to talk about.

I would hope that we begin the work of the people of this great Nation, that as we move to a new millennium we talk about those real issues, and let us get to work, Congress. We are 43% of the most powerful people in the world. People sent us to this Congress to do their work. Let us get to work. Mr. TIERNEY. Mr. Speaker, at this time I would like to yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I rise to address an issue in which the credibility of Congress is at stake and the credibility of a congressional committee is at stake.

Our Government was set up, the Government of the United States was set up, to prevent the abuse of power, a separation of powers, and that separation of powers was to prevent the abuse of power, a system of checks and balances to prevent the abuse of power, a House and a Senate to prevent the abuse of legislative power, a district, appellate, and Supreme Court to prevent the abuse of judicial power.

Democracy is the greatest form of government known to the world, and it is as effective as long as we do not abuse power. The American people are very aware of this. That is why they favor a system which distributes the power throughout the Government.

We have a situation on our committee, the Committee on Government Reform and Oversight, which lends itself to the great concern of the American people as to whether or not power is being abused, because we have a condition set up which permits the chairman of that committee to be a policeman, a prosecutor, a judge, and a jury over matters relating to the investigation of campaign finance.

The American people have a right to know what is going on with respect to campaign finance, but they also have a right to make sure that it is done in an even-handed way, where power is not abused, so that there is credibility to any investigation.

Mr. Speaker and Members of the House of Representatives, we need to go very slowly on our efforts to investigate campaign finance if it is not being done in a bipartisan manner and if it refuses to recognize the demand and the requirements which the American people have for checks and balances and for the prevention of the abuse of power.

I implore the chairman of the committee to consider our requests so that we will have the committee make the decisions as a whole for the calling of witnesses, for the subpoena of documents, and for any other matters which come before our committee. I would ask the gentleman from Indiana [Mr. BURTON] as a gentleman and as a Member of this House to consider the grave responsibility he has to protect the democratic process in this moment of great concern of the people.

Mr. TIERNEY. Mr. Speaker, at this time I would like to yield to my distinguished colleague from Connecticut [Ms. DeLAURO].

Ms. DeLAURO. Mr. Speaker, I want to thank my colleague for yielding to me. Also, I want to commend my colleagues for coming down this afternoon to talk about the issue of this investigation.

I wanted to be here as well to join in the commentary in order to support the efforts of my colleagues in calling for a democratic process on campaign finance issues, campaign finance reform, and of what our administration practice is. But I also believe that we ought to take a look at the Congress as well and what has happened, and look at what may be potentially there to have an open and fair investigation.

However, I would just say to my colleagues that I think that there are
clear motives on the part of the Republican majority to have a one-sided investigation, and the reason is what they do not want to do is to look into the practice that they were heavily engaged in last week during the last session of this Congress and up to the election in which the majority and the opposition were writing legislation in this body in exchange for campaign contributions.

Today on the floor of this House, the majority whip gave us his own revisions on campaign finance reform. The majority whip, the gentleman from Texas, was widely criticized during the last Congress for allowing lobbyists to write legislation in his office. Article after article documented meetings where GOP donors were invited to draft bills on issues of concern to their special interests.

One such article from the Washington Post on March 12, 1995, and these are the words of the article and I am not making this up, this is documentation, an organization called “Project Relief” that included 350 industry members and lobbyists. Instead of just proposing legislation, the majority whip let them draft the laws directly. In other words, he would let paid lobbyists do what House Members, Members who are duly elected by the 500,000 or 600,000 people they represent in their districts to come here to carry the interests of those folks to this body, to craft that legislation in terms of getting meaningful public policy in the lives of American taxpayers, he would let the lobbyists do what House Members are elected to do.

The gentleman even admitted the practice, saying that the lobbyists have, and this is a quote, “They have the expertise.” Today the gentleman from Texas claimed it never happened. Once again Republicans do not want an open investigation.

I will tell the Members the other items that went into the bill. The tobacco industry gave the [RNC] Republican National Committee, $7.4 million. They passed a product liability that would have saved the tobacco company millions of dollars. The NRA gave $2 million. The GOP worked to try to kill the assault weapons ban in the last session of the Congress.

The GOP Congress let big business help write a workplace safety bill. In January of 1995 big business lobbyists wrote their wish list for workplace safety regulations. When the bill was finished in early June, virtually every single item on that wish list had been incorporated into the final version of the bill. Business lobbyists even worked closely in drafting the legislation.

There were other areas in terms of other non-legislative outrages. I am just going to hold up this book. This is the National Republican Campaign Committee [the tactical PAC project, PAC being Political Action Committees. These were folks who were given a friendly or unfriendly notation by their name. This was circular to the GOP representatives based on how much money these folks gave to Republicans or Democrats.

The majority whip, who was nicknamed “the Hammer,” and is very proud of this appellation here, for his hand is very visible on the House floor. It’s been known to greet lobbyists with this book, thumbing through it, and saying, see, you are in the book, one way or the other.

The long and short of it, I think what we ought to do is to continue with a lot of this information, to get it out. The public ought to know this. We ought to try to get it out, so that the public has both sides. This needs to be a fair and open investigation.

No one is saying that we should not investigate. We should, because wrongdoing, wherever it occurs, ought to be stopped. Let us do the right thing by the American people. Let us open this investigation and make sure that both sides are heard. I thank my colleague for having allowed me some time to speak.

Mr. TIERNEY. I thank my colleague for taking the time to point out the remaining 2 minutes that I have. Mr. Speaker, just to continue to point out some of the things that your gentlewoman brought to light, and being that what we are really discussing here is the fact that this is a proposal by a committee and a committee chairperson to run a totally extraordinary and unusual type of campaign investigation that focuses only on one party, one office, instead of doing what the other body, the Senate, did in terms of broadening it out.

The fact of the matter is, as our minority leader, the gentleman from California [Mr. WAXMAN], pointed out, the fact of the matter is that we can do better. We need not have two separate investigations, particularly when one of them is really compromised the way the other one is.

We ought to do what they have done over in the Senate side, or let them do it if we cannot work jointly with them, save the American taxpayer some $34 million, and deal with both parties, all offices, and have a credible investigation, and not one where we have one individual unilaterally, without any constraints, issuing subpoenas.

In every other investigation that has been done by these bodies of any notoriety, there’s been an unprecedented silence. It was known to be the case. I called for an investigation, and the House Ethics Committee, or the proposed Senate investigation, nor have there been unilateral releases of privileged and confidential documents in any of those.

Yet our chairperson in the House purports to do both of them, but he purports to do it by silently not stating his special names. He has investigation and the protocol, so those Members of his committees who profess to be moderate or profess that they would be embarrassed by such a venture can hide behind that lack of specificity.

I want to thank all of my colleagues who came to the floor today to highlight this matter, and urge, Mr. Speaker, that we see some leadership on the floor of this body, to be honest with each other and do something that will have credibility, that we move forward so the American people will know that this Congress is working for them.

ANNOUNCEMENT REGARDING THE PASSING OF THE HONORABLE CHARLES G. HAYES, FORMER MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOO). Under a previous order of the House, the gentleman from Illinois [Mr. Rush] is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I am saddened this afternoon, as I have the responsibility to announce to the Members of this body, to the Nation, and to the residents of the First Congressional District that on last evening our friend, our colleague, former Representative Charles G. Hayes, died last night.

Charlie Hayes, Mr. Speaker, as we know, was a man who was at the forefront of the struggle of poor people, minorities, women, trade unionists. He dedicated his entire life, Mr. Speaker, to promoting the interests of the disadvantaged, the downtrodden, the poor, the oppressed.

Mr. Speaker, those of us who served with Charlie Hayes during his tenure, beginning in the 90th Congress, recall affectionately and vividly his loud voice at the rear of the room when things got unruly here. He would call out “Regular order, regular order,” in a distinctive manner, and everyone would be brought to attention because of his commanding voice.

Mr. Speaker, his commanding voice called “Regular order,” indeed, in the affairs of this Nation, certainly as he saw injustices throughout the land, as he saw injustices in the union, trade union movement, as he saw injustices occurring in the city of Chicago and throughout the Nation.

Charlie Hayes was one of the giants of this Nation. America could not have produced a more sincere, a more dedicated, a more courageous leader than Charlie Hayes.

In the city of Chicago, Mr. Hayes was on a lot of personal levels. I can recall moments when our community felt as though we were not being represented in the city of Chicago in a fair way, and Charlie Hayes was at the forefront, the leader of an organization, a committee, called the Committee to Elect a Black Mayor in the City of Chicago. The culmination of that committee’s work was to elect Harold Washington mayor of the city of Chicago.

Charlie Hayes was a man who reached out to all races, to all elements in this society. All that you required in order to get Charlie Hayes’ commitment to you was that you be proud of this apellation here, for his commanding voice at the rear of the room when things got unruly here. He would call out “Regular order, regular order,” in a distinctive manner, and everyone would be brought to attention because of his commanding voice.

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Charlie Hayes was a man who reached out to all races, to all elements in this society. All that you required in order to get Charlie Hayes’ commitment to you was that you be
discriminated against, that you be disad
tantaged. If in fact you had those re-
quirements, those prerequisites, then
Charlie Hayes was indeed your cham-
pion and your leader.

Charlie Hayes served gallantly in this
Congress. He served as the first trade
union leader to become a Member of Congress. He served gallantly on behalf
of the people who reside in the First
Congressional District. He was indeed a
man whose every step was on behalf of
the poor and the downtrodden, whose
every act as a Member of this body, whose
every act as a member of the trade
union leadership movement, whose
every act as an adult individual, his
every act was characterized by his
commitment to humanity, to the
upliftment of humanity.

Mr. Speaker, I am very, very sad-
dened as I stand before this body to de-

deliver these few words of announcement
that my friend, your friend, your col-
league, Charlie Hayes, has passed on.

Mr. Speaker, I sit back and I re-

flect for a moment on what Charlie is
doing now in the assembly of God, in
the heaven, I too know that he is look-
ing here among us, and he is seeing and
observing some of the things that are
occuring here. I have no doubt that he is par-
ticularly saddened by that. I can just
vividly imagine hearing his voice from
the heaven calling down upon this body,
addressing us all and saying, “Friends, colleagues, regular order.”

SUPPORTING COUNTRY-OF-ORIGIN
LABELING LEGISLATION ON IM-
PORTED FRUITS AND VEGETA-
BLES

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Ohio [Ms. KAPTUR] is rec-
ognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, at a later
point I will have something to say about
our distinguished colleague, Mr. Hayes of Illinois, with whom I had the
great pleasure of serving for many
years.

Mr. Speaker, I wanted to inquire of
families in America that if they this
past week bought strawberries in the
grocery store and then one of their
children became ill from eating those
berries, would they be able to find out,
as a U.S. consumer, where those berries
had been produced and who had pro-
duced them? The answer is no. One would
not be able to find that information,
when in fact consumers in our
country have a right to know where
their food is coming from.

Mr. Speaker, I rise today in support
of a country-of-origin labeling bill on
imported fresh fruits and vegetables. I
also rise in support of labeling for fro-
zen fruits and vegetables. Our distin-
guished colleague, the gentleman from
California, Mr. Sonny Bono, has intro-
duced the Import Produce Labeling
Act of 1997. I am pleased to join him as
an original sponsor on that bill, to re-
quire all fresh fruits and vegetables to
be clearly identified as to their country
of origin. With all the pesticides used
in other places and the difficulties with
border inspection, this is the least we
can do for our people.

Also, we have written this week to
the Secretary of the Treasury, Mr. Rub-
in. The Treasury Department has been
dragging its feet for well over a
year on the labeling of imported frozen
items, which of course these particular
strawberries, on which hundreds of our
people have become ill, were imported
berries that were processed and frozen.

Mr. Speaker, I feel strongly about the
reason that as we approach the year 2000 we cannot
take better care of the American peo-
ple.

A recent poll showed that nearly 70
percent of our people want to know and
favor country-of-origin labeling for
both fresh and frozen commodities.

Mr. Speaker, I thank my distin-
guished colleague, the gentleman from
Michigan [Mr. Smith] for giving me the
opportunity to place this on the
Record.

Mr. Speaker, I rise today in support of coun-
try of origin labeling on imported fruits and
vegetables—both frozen and fresh.

Nearly every consumer product has
origin labeling except the produce we eat.

Consumers have a right to know where
their food is coming from.

The use of pesticides in other countries
and border inspection practices raise even more
questions in the minds of consumers about
the quality and health risks of imported fruits
and vegetables.

I am pleased to be a sponsor of the Im-
ported Produce Labeling Act introduced by
our colleague from across the aisle Representa-
te Sonny Bono. This bill strengthens existing
law to require all fresh fruits and vegetables to
be clearly identified as to their country of
origin.

This bill simply closes existing loopholes
that allow fresh fruits and vegetables to be ex-
empt from country of origin labeling require-
ments, by requiring that the products them-
selves—strawberries, lettuce, potatoes or onions—be
treated as if they were a whole
commodity—held at the retail
level with their country of origin.

It is critical that we clearly define the
country of origin on all fruits and vegetables coming in
country so that we can effectively trace
back bad lots.

The press has been full of reports about fro-
zen strawberries with misleading country of ori-
gin information which were associated with an
outbreak of hepatitis among school children
classicating in the National School Lunch Pro-
gram. Commodities produced for the lunch
and breakfast programs are required by stat-
ute to be grown in America, unless no domes-
tic product is available. Based on news re-
ports, it appears that the processor may have falsified
documentation to make Mexican
strawberries appear to be American produce.

As a result of this deception, thousands of
children are threatened with disease.

On April 3, I wrote the Treasury Secretary
Robert Rubin to urge him to proceed with the
enactment of a final Customs Service Regula-
tion which would clarify the requirements for
country of origin labeling for frozen imported
produce.

Last July, Customs published a proposed
regulation clarifying that frozen imported
produce be clearly labeled as to country of ori-

gin on the front panel of packages, in perma-
nent ink. In its Federal Register notice regard-
ing the proposal, Customs declared that the
clarification in policy was necessary because
current standards allow variations in labeling
which could create confusion or be mislead-
ing.

Current law requires imported frozen
produce to be clearly labeled as to country
of origin. But it appears to be a common occur-
rence for frozen produce that is brought into
the United States to be repackaged
without the required labeling. In other instances in
which packages are labeled, the size of type,
or poor quality of ink, make it impossible for
consumers or Customs inspectors to verify
compliance with the law. Customs has warned
that their responsibility in verifying that all
packages sold in this country comply with the
law is made extremely difficult in the absence
of clear standards for where the country of ori-
gin label is to be displayed.

Despite the importance of this issue and the
right of all Americans to be informed about
where the produce they buy for their families
is from, Customs’ proposed regulation re-
ceived little public attention and few public
comments during the comment period last
summer. In fact, only about 50 individual
comments were received: the majority of these
were from food growers and processors in
other countries.

However, American consumers and Amer-
ican food growers and processors appear to
feel strongly about this issue. In fact, a recent
national poll conducted after the comment pe-
riod closed found that nearly 70 percent of American consumers favors a Govern-
ment regulation requiring country of origin la-
beling, and 73 percent stated that they would
most likely notice the label if it appeared on
the front panel of package. Perhaps most im-
portantly, the survey found that 83 percent of
consumers had never noticed a country of ori-
gin label on a package of frozen vegetables.
These facts would seem to make the case for
enactment of the Customs proposal crystal
clear.

The recent news reports of thousands of
American school children put at risk of hep-
atitis from frozen strawberries imported from
Mexico but mislabeled as being produced of
the United States, serves as a dramatic re-
minder of how important it is for all American
consumers to know where the food they eat
comes from. The Customs Service must en-
act country of origin labeling on frozen fruits
and vegetables immediately.
they have payroll deductions, to see how much is deducted from that check for taxes for Government.

Right now if you are an average working American, Government taxes 41 cents out of every dollar you make. Government is thinking that they can make decisions of how to spend the money you earn better than you can, have simply decided to keep increasing the size of Government, doing more things, making more promises.

Mr. Speaker, I wanted to talk for a few minutes today on one of those promises, which is Social Security. Now, politicians have promised more than they can deliver on Social Security. The official estimate of the Social Security Administration is that Social Security is going bankrupt. This first chart that I have shows that there is going to be a slight surplus of money coming in the Social Security tax. But by 2040, we are going to have a deficit in Social Security. Today there are three people working to pay in those taxes. Of course what we have done is that we have increased the Social Security tax, the 12.4 percent on the first $62,000 of earnings. And that base of $62,000 is automatically indexed to go up every year. So the question is, should we yet again increase taxes on those workers? This chart shows how we have increased taxes over the years. So every time we get a little bit of money needed in Social Security, we increase taxes and that is more risky than the existing system private investment, it is risky, Nothing is more risky than the existing system because you are going to be very, very lucky if you get back what you put into the system in taxes.

If you happened to retire back here in 1940, of course, it only took 2 months to get everything back you put in. Taxes were very low and the program was just starting. If you retired in 1960, it took 2 years to get back every tax dollar that you had paid in, and your employer put in, plus compounded interest. By 1980, it took 4 years after retirement. Look at 2 years ago. In 1995, you have to live 16 years after you retire to get the money back that you put in. If you get back what you put into the system in taxes.

In 2005, which is 8 years from now, you are going to have to live 23 years after retirement. By 2020, you will have to live 20 years after retirement to get back just what you and your employer put in in taxes.

Today 78 percent of American workers pay more in the Social Security tax, the 12.4 percent Social Security tax, than they pay in the income tax. That tax is high enough.

Mr. Speaker, I want to spend a little time with this last chart. This last chart is a pie representing how the Federal Government spends its money. Last year we spent a little over $1.5 trillion. Look at the large piece of this pie, how much Social Security took out of the total spending of Federal Government, 22 percent.

So what we are looking at Medicare, Medicare is an amendment to the Social Security Act that was amended in 1965 to say, let us expand the Social Security Program to cover health care for senior citizens. Medicare is an amendment to the Social Security Program to cover health care for senior citizens, Medicare was amended in 1965 to say, let us expand the Social Security Program to cover health care for senior citizens, Medicare is an amendment to the Social Security Program to cover health care for senior citizens.

Some people say, look, if you go to a private investment, it is risky, Nothing is more risky than the existing system because you are going to be very, very lucky if you get back what you put into the system in taxes.

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Mr. Speaker, this chart shows that in 1950 there were 17 people working paying in the Social Security tax for every 1 retiree. In 2040, there are only 2 people working paying in their Social Security tax of 12.4 percent to supply each retiree that is on Social Security. By 2050, the estimate is that there will be only two people working to pay in those taxes and we have an increased number of Social Security retirees, because they are living longer, for one thing, to receive those benefits.

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Mr. Speaker, this chart shows what is happening in terms of the cost of So-
away from our kids and our grandkids to have the same kind of opportunity, to have the same kind of standard of living that we have had.

I have introduced a Social Security bill. It makes a lot of modest changes. It does not increase the benefits. It does not affect existing retirees. In fact, it does not affect anybody over 57 years old. But it gradually slows down the increase in benefits for the higher income recipients. It adds one more year to the time that you would be eligible for Social Security benefits.

It makes a couple other small changes. I say, and it has been scored to keep Social Security solvent forever; I say, let us run this proposal up the flag pole. Let us start looking at ways we can improve it, but let us not any longer pretend that the problems, that the problem does not exist. I say, if we have any regard for our kids, we are going to do two things: We are going to give them a good education and a good standard of living. We cannot give them a good opportunity if we continue to go deeper and deeper in debt and expect them to pay for it. We cannot give them the opportunity if we continue to increase taxes, thinking that Government can spend a worker's money better than they can.

Mr. Speaker, I yield back the balance of my time.

ON TAXES
(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, I want to say some last words on taxes.

In 1947, the Federal budget represented 12 percent of the total economy in the United States. In other words, the Federal budget was 12 percent of GDP. We have expanded that. As politicians find that they are more likely to get elected and reelected if they make a bunch of promises to people, we have had too many promises, likely to get elected and reelected if they make a bunch of promises to people, we have had too many promises, because what it takes to keep those promises is increasing taxes and increasing borrowing.

Though young people today should be up in arms about what Congress is doing to their future, everybody should be looking at what they are paying in taxes at the local, State and national level.

Look at payroll deductions. If we did not have automatic deductions on paychecks, the people of America would not stand for the kind of taxes they are paying to let somebody else decide how to spend their money when they could make a much better decision to help their family.

□ 1630

H.R. 864, THE MARIAN ANDERSON CENTENNIAL COMMEMORATIVE COIN ACT
The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. Brown] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman in the well, Mr. SMITH of Michigan, for calling attention to the floor for such a period of time to protect me and my interest in getting here.

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of my special order this afternoon.

The SPEAKER pro tempore (Mr. Jenkins). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to the centennial of the birth of Marian Anderson, one of the greatest of our nation's great singers, a champion for civil rights, and a leader in the advancement of global peace.

One hundred years ago, on February 27, 1897, Marian Anderson was born to a family in Philadelphia. She died at the age of 96, on April 8, 1993. She was a master of repertoire across operatic recital and American traditional genres.

When one considers music teachers first heard her singing, the richness of her talent moved him to tears. One of the greatest conductors of opera and symphonic music who ever lived, Arturo Toscanini of Italy, claimed Marian Anderson had a voice that came along only once in a hundred years. But because of her race, her prospects as a concert singer in the United States seemed limited.

However, the magnitude of her talent eventually won her broad recognition abroad. In 1939, she was the first ever black singer to perform at the Metropolitan Opera in 1955. By the time she retired in the mid 1960s, Marian Anderson was recognized as a national treasure.

No one could have foreseen such a destiny for this girl born of a poor family in Philadelphia. Her father, an ice and coal salesman, died when she was a child. When her mother could not find a job as a teacher, Marian Anderson became a cleaning lady. She scrubbed people's steps to earn enough money to buy a violin. There was no money for piano lessons, so she and her sisters taught themselves to play piano by reading about how to do it.

Marian Anderson received her first musical training in the choirs at the Union Baptist Church in Philadelphia. The members of her church raised the money she needed to study with good music teachers. By saving money and getting a scholarship, she was able to study in Europe.

A century after her birth, Marian Anderson gave that concert on the steps of the Lincoln Memorial. No other occasion could be best suited for us to pay a tribute to the centennial of the birth of this great American. And for this reason, I have brought this Special Order to the House floor this afternoon because 58 years ago today, on Easter Sunday, April 9, 1939, Marian Anderson gave that concert on the steps of the Lincoln Memorial. No other occasion could be best suited for us to pay a tribute to the centennial of the birth of this great American.

Marian Anderson not only played a vital role in the acceptance of African-American musicians in the classical music world but also made a valuable contribution to the advancement of the arts, the status of women, civil rights, and global peace.

In 1939, the Daughters of the American Revolution, DAR, refused to allow Marian Anderson to sing at Constitution Hall because of her race. As a result of the ensuing public outcry, Eleanor Roosevelt resigned from the DAR and helped to arrange a concert at the Lincoln Memorial which drew an audience of 75,000, and a world audience for larger than Constitution Hall could ever have accommodated.

Mr. Speaker, I have brought this Special Order to the House floor this afternoon because 58 years ago today, on Easter Sunday, April 9, 1939, Marian Anderson gave that concert on the steps of the Lincoln Memorial. No other occasion could be best suited for us to pay a tribute to the centennial of the birth of this great American. And for this reason, I have brought this Special Order to the House floor this afternoon because 58 years ago today, on Easter Sunday, April 9, 1939, Marian Anderson gave that concert on the steps of the Lincoln Memorial. No other occasion could be best suited for us to pay a tribute to the centennial of the birth of this great American.
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"I Have a Dream" speech delivered on the same site 24 years later, and I might add parenthetically that I had the honor to be present at that speech, an event at which Anderson also sang. The 1939 recital certainly set a precedent for March, not only in that it was a watershed in the ongoing battle for civil rights, but in the manner through which this particular victory was won by the central person quietly but firmly avoiding strife and taking moral high road that all people, regardless of race, have to admire.

But while Marian Anderson is most remembered for this concert, it was only one event in a long life of breaking barriers and setting precedents. In 1955, she became the first black singer to perform at the Metropolitan Opera in New York, as I have already mentioned. In 1957, the U.S. State Department created a scholarship for her, in which she sang 24 concerts in 14 countries. She also sang at President Dwight D. Eisenhower's Inauguration in 1957 and at President John F. Kennedy's in 1961.

Late in her life, she was frequently honored. She was awarded 24 honorary degrees by institutions of higher learning. In 1963, she became the first recipient of the Presidential Medal of Freedom. Congress passed a resolution in 1974 to have a special gold medal minted in her name. Marian Anderson was a delegate to the United Nations, where she received the U.N. Peace Prize in 1977. In 1984, she became the first recipient of the Eleanor Roosevelt Human Rights Award of the city of New York. She was also awarded the National Arts Medal in 1986.

It is clear that something must be done as a Nation to honor the centennial of the birth of this great American. Mr. Speaker, in closing my statement, I would like to take this opportunity to urge my colleagues from both sides of the aisle to support the passage of H.R. 864, the Marian Anderson Centennial Commemorative Coin Act, a bipartisan bill to honor the centennial of the birth of Marian Anderson.

The surcharges from the sale of coins will be distributed to the Smithsonian Institution for the endowment of exhibits and educational programs related to African-American art, history, and culture. The bill has a provision that ensures that minting and issuing costs do not result in any net cost to the U.S. Government.

Marian Anderson's life is a model for all of us. I consider it a privilege to have introduced this legislation to pass on our memory of this great humanitarians to our future generations. In the form of her commemorative coins, I am honored to join with my colleagues today to pay tribute to the centennial of the birth of Marian Anderson.

Mr. FATTAH. Mr. Speaker, it is fitting that Congress remembers Marian Anderson on this day which marks the 58th anniversary of her Easter concert on the steps of the Lincoln Memorial. For she is no stranger to Washington.
this ignorance could not equal the strength that Marian Anderson had, nor the power held by a dismayed Eleanor Roosevelt, who in- stead arranged for Marian Anderson to share her talent with an even larger audience. So in 1939, she gave a brilliant performance at the Lincoln Memorial on Easter Sunday. Also, broadcast on radio, Later, she received more attention and was awarded the Spingarn Award for the highest and no- blest achievement by a black American.

This recognition was just the beginning of Marian Anderson’s career. In 1955, she broke the musical color barrier when she made her debut at the Metropolitan Opera. Then in 1958, she was named by President Dwight D. Eisenhower to delegate status at the General Assembly of the United Nations. Over the course of her life she received 24 honorary degrees by college institutions; and she re- ceived medals from a list of countries. She also sang at President John F. Kennedy’s inaugu- ration in 1961, and President Johnson gave her the American Medal of Honor. On her 75th birthday in 1974, the U.S. Congress passed a resolution that she be given a special gold medal minted in her name.

It is obvious to see that Marian Anderson was one of America’s most accomplished mu- sical talents, but she is also so much more. Marian Anderson was a humanitarian who had the ability to transcend race and cultures. I am honored to recognize such a heroic lady on the date which marks the 58th anniversary of her concert at the Lin- coln Memorial. I am also proud to be a co- sponsor of the Marian Anderson Centennial Commemorative Coin Act and would urge my colleagues to do the same and join me in giving our last honor to the legacy of a lady, a musician, a civil rights champion, and a pro- moter of world peace.

Mr. MALONEY of Connecticut. Mr. Speaker, today marks the 58th anniversary of Marian Anderson’s historic concert at the Lincoln Mem- orial. In addition, this year is the centennial anniversary of her birth. In honor of these sig- nificant events, it’s appropriate that we take a moment to pay tribute to this very special woman and a long time resident of my home- town, who is not only acclaimed for her glori- ous God-given voice, but for the historic con- tributions she made on behalf of all African- Americans.

Marian Anderson, of Danbury, CT, the first African-American singer to perform with the Metropolitan Opera, stands out as a leading example of African-American pride and achievements. As a young woman developing her singing career, Miss Anderson faced many obstacles, and was often the victim of racism. Probably the most widely known incident occurred in 1939, when after triumphant appearances throughout Europe and the Soviet Union, she was prevented from performing at Wash-ington’s Constitution Hall by its owners. To apolo- gize for that mistreatment, First Lady Eleanor Roosevelt invited Miss Anderson to perform at the Lincoln Memorial on Easter Sunday, 1939. Miss Anderson proudly sang to an audience of 75,000 people, while millions more listened over national radio. Her inspirational perform- ance that April day is considered by historians as the first crucial victory of the modern civil rights movement.

Even after her artistry was recognized in the United States, Miss Anderson still faced racial prejudice on a daily basis. Well into her ca- reer, she was turned away at restaurants and hotels. Even America’s opera houses re- mained closed to her until Rudolf Bing invited her to sing at the Metropolital Opera.

Throughout all of her trials and struggles, Miss Anderson did not give up. Her undaunted spirit fought on and her determination opened doors for future black artists that had been firmly bolted shut.

The soprano Lenontyne Price, one of the earli- est artists to profit from Miss Anderson’s ef- forts, once said, “Her example of professional- ism, uncompromising standards, overcoming obstacles, persistence, resiliency and un- daunted spirit inspired me to believe that I could achieve goals that otherwise would have been unthought of.”

Soprano Jessye Norman said, “At age 10 I heard, for the first time, the singing of Marian Anderson on a recording. I listened, thinking, this can’t just be something so simple and beautiful. It was a revelation. And I wept.”

Later in life, Miss Anderson was named a delegate to the United Nations by President Dwight D. Eisenhower and was the recipient of the Presidential Medal of Freedom from President Carter. She died in 1993, but her successful fight to give every individual an op- portunity to achieve their own greatness, helped our country become a stronger nation. Her contributions will live on forever.

I’m proud to join my colleagues for this Spe- cial Order and I’m honored to be a cosponsor of the Marian Anderson Centennial Commemorative Coin Act. Each of us must learn from the example set by Marian Anderson to eliminate hate and violence, and create a stronger, more tolerant America. Thank you Mr. Speaker.

EASING TAX BURDEN FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gen- tleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to introduce legislation that would ease the tax burden for all Amer- icans and advance us in pursuit of the American dream. This legislation contains three simple provisions affecting the Tax Code: Indexation of the capital gains tax, es- tablishment of the American dream savings accounts, and repeal of the 1993 increase in taxes on Social Security benefits.

Quite simply, this bill is designed to right several wrong things that I think presently exist in the Tax Code. And I believe that these three things are off set by reductions in the Department of Commerce and the Department of Energy. Surely the De- partment of Commerce would appre- ciate the fact that we are reducing taxes, and so would the Department of Energy. So the important thing about this bill is it is budget neutral.

The legislation addresses capital gains taxation. This type of tax arises when an asset is sold and the difference between the base and the sales price is taxed. The appreciation in value can reflect real or perhaps it can reflect inflationary gain. Because of the unique- ness of this tax, what happens is, peo- ple hold an asset for a long period of time, they are taxed and it is typically much of that tax is due to inflation.

Put simply, gains should be indexed to account for inflation, and that is what this bill does. I can give some statistics, which I will make part of the record. Mr. Speaker, but basi- cally, in real terms, fixing this simple capital gains indexation will increase investments by $75 billion, raise gross domestic product by $120 billion, and reduce the cost of capital by 12 percent, creating an average of 233 additional new jobs.

Best of all, a capital gains tax reduc- tion affects nearly everyone in this country. In fact, nearly 50 percent of those Americans who claim capital gains income, have incomes of less than $40,000, and 60 percent of those who claim capital gains have incomes of less than $50,000.

The second part of this legislation es- tablishes dream savings accounts to encourage personal responsibility and, frank- ly, savings. In short, America needs a system that encourages and better savings and big-event pur- chasing savings and does so through these dream savings accounts.

The current system does not provide any incentive at all for Americans to save for their first home or for their children’s college education, nor does the current system afford American taxpayers the opportunity to use their retirement savings for catastrophic events. In fact, it has basically been argued that the current system penalizes Americans. We must change that.

The third part of my bill would re- peal the tax increases on the Social Secu- rity benefits that were enacted in President Clinton’s 1993 budget recon- ciliation bill. Prior to 1993, Individu- als with income in excess of a certain threshold could be taxed only at half of their Social Security benefits. Recipi- ents with incomes below the threshold would not at all taxed on their Social Security income.

However, after President Clinton’s 1993 Omnibus Budget Reconciliation Act had been implemented, higher in- come thresholds were achieved. Now, individuals earning above these thresh- old can be taxed at 8 percent of their Social Security benefits.

Unfortunately this bill also includes dividends on earnings. Thereby even tax-exempt dividends count as income when calculating Social Security taxation. Simply put, the tax increase in
the President’s bill is unfair and wrong. It is punitive and hurtful toward our Nation’s seniors and should be repealed. The last Congress sent to the President legislation to repeal the Social Security provisions, but the President vetoed his own legislation and it did not pass. Nevertheless, this issue is not resolved as far as I am concerned. We must address this issue, which is why I have introduced the language in this legislation to repeal the onerous 1993 tax increase on our seniors. This bill will remove these three things. It is common sense and fair. Simply altering a few necessary portions of our Tax Code, it would help all Americans and give a fair and level playing field. Best of all, every penny in reduced revenue is offset by reductions in the funds available to the Department of Commerce and the Department of Energy. This is a small but important step forward in the debate over our Nation’s future. This is legislation we cannot afford to live without.

Mr. Speaker, I urge my colleagues to support this bill. It is imperative for our country’s present and future generations that we address these issues today.

RECOGNIZING MARIAN ANDERSON ON CENTENNIAL OF HER BIRTH

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank my friend and colleague and ranking member of the Science Committee for the diversity of his portfolio, and, that is, to come to the floor to celebrate a very famous but eloquent and certainly musical American, and that is in the name of Marian Anderson.

I thank the gentleman from California [Mr. Brown] for allowing to join him in a tribute on a very special day here in Washington. Certainly as I was coming to the floor, I took advantage of the beautiful sunshine, albeit quite chilly here in Washington DC, and it caused me to be reminded of that famous day some years ago, April 9, when the first lady of music, contralto Marian Anderson, ascended the steps of the Lincoln Memorial and began to sing not to the 75,000 that were present but to the world and to the Nation. Her dignity and her ability to communicate in song clearly is worth giving tribute to, and I appreciate this opportunity to do so.

As I look over her history and we were able to acknowledge today at the Congressional Black Caucus meeting this day and this effort, we looked at her history. Certainly she came from a very proud family. She graduated from high school. You might consider her, as W.E.B. Du Bois described many in the early days of this century, the talented tenth. She was certainly someone whose family, albeit she was born an African-American in this Nation, had great hopes and aspirations for her. They had great dreams for her as an American, as a talented young woman. Sadly, of course, she grew up in the shadow of Jim Crow. But her spirit was undaunted by the atmosphere of what she lived, and the God-given talent that she had was one that she wanted to share with all to hear. She was initially, of course, extended an invitation to speak in a facility that later became known as white-only that she could not sing. But good Americans, well-thinking Americans who recognized the value of diversity and the importance of a talent in an eloquent woman as Marian Anderson should be heard.

And so this tribute that I give is as well to Marian for her talent but for the good Americans who rallied around the excitement that she had to be able to convey to America that we all stand as one.

Mr. Speaker, my tribute today, as I bring it to a close, is to congratulate the life and legacy of Marian Anderson. I wish that I could conclude this by a musical salute that all could hear, but I was moved by the moment and moved by the history of that moment, having been there or been around to have heard it, but certainly all those who have been able to tell me of it pay tribute to how she brought the American salute that all could hear, but certainly all those who have been able to tell me of it pay tribute to how she brought the country together, recognizing the value of our great history, of African-Americans but as well the history of all the good people who allowed her to so sing.

Let me conclude by sharing some of my time with the gentleman from California [Mr. Brown] for him to bring some final remarks and say that on this day that the proposition 209 was again reaffirmed. I would ask that we look to the good people of America to recognize that diversity is legal and that Marian Anderson represented that diversity some many years ago.

Mr. Speaker, I yield to the gentleman from California [Mr. Brown].

Mr. BROWN of California. I thank the gentlewoman for yielding. I want to thank her very much for coming to the floor and adding her contribution to this tribute to Marian Anderson.

In closing this special order this afternoon, I would just like to say how delighted I am to join with all of my colleagues honoring the centennial of the birth of Marian Anderson. During the long journey of her life, as has been mentioned and despite her unique achievements, Marian Anderson nevertheless encountered bigotry throughout her career. She met it all with unparalleled dignity, quietly refusing to back down from her rights, to forsake her own standard of politeness or to hold any grudges.

On one of the most of time hating people, she succinctly explained. As you remember, President Clinton urged in his State of the Union Address this year that Americans must continuously fight bigotry and intolerance. To follow the example set by Marian Anderson, I would like to close this special order this afternoon by quoting what she saw was the mission of her life, and I quote: "To leave behind me the kind of impression that will make it easier for those who follow."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GURDARD), for today, on account of illness.

Mr. WATTS of Oklahoma (at the request of Mr. ARMSTRONG), for today and yesterday, on account of illness.

Mr. SCHIFF (at the request of Mr. ARMSTRONG), for today and the balance of the week, on account of medical reasons.

Mr. PORTER (at the request of Mr. ARMSTRONG), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. BRADY, for 5 minutes, today.

Mr. Goss, for 5 minutes each day, today and on April 10.

Mr. BONO, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on April 15 and 16.

Mr. PAUL, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

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

Mr. DREIER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. STEARNS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH.

Mr. McGovern.

Mr. Hamilton.

Mr. Pickett.

Mrs. Maloney of New York.

Mr. Stark.

Mr. Katko.

Ms. Kaptur.

Mrs. Mee of Florida.

Mr. Pomeroy.

Mr. Lipinski.
ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o’clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, April 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2664. A letter from the Acting Secretary of Defense, involving the provision of “Moving Toward a Lead-Safe America: A Report to the Congress of the United States”, pursuant to Public Law 102–550, section 1063(b) (106 Stat. 2627); to the Committee on Banking and Financial Services.

2665. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on legislative authorization and appropriations for the Federal Reserve System, pursuant to Public Law 104–8, section 18(c) (108 Stat. 240); to the Committee on Banking and Financial Services.


2668. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 97–A, which relates to the Department of the Navy’s request for foreign military financing for the Department of the Army; to the Committee on Commerce.

2669. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Streamlined Research and Development Clause Lists [DFARS Case 96–D028] received April 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2670. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled “Retirement of Regular Commissioned Officers at Age 62, Exception for Deputy Chief and Chief of Chaplains”; to the Committee on National Security.

2671. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the final report on the armament of the 55th Medical Command will be available no later than June, 1997; to the Committee on National Security.

2672. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled “Moving Toward a Lead-Safe America: A Report to the Congress of the United States”, pursuant to Public Law 102–550, section 1063(b) (106 Stat. 2627); to the Committee on Banking and Financial Services.

2673. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on legislative authorization and appropriations for the Federal Reserve System, pursuant to Public Law 104–8, section 18(c) (108 Stat. 240); to the Committee on Banking and Financial Services.

2674. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on legislative authorization and appropriations for the Federal Reserve System, pursuant to Public Law 104–8, section 18(c) (108 Stat. 240); to the Committee on Banking and Financial Services.


2676. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 97–A, which relates to the Department of the Navy’s request for foreign military financing for the Department of the Army; to the Committee on Commerce.

2677. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Streamlined Research and Development Clause Lists [DFARS Case 96–D028] received April 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2678. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled “Retirement of Regular Commissioned Officers at Age 62, Exception for Deputy Chief and Chief of Chaplains”; to the Committee on National Security.

2679. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the final report on the armament of the 55th Medical Command will be available no later than June, 1997; to the Committee on National Security.

2680. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled “Moving Toward a Lead-Safe America: A Report to the Congress of the United States”, pursuant to Public Law 102–550, section 1063(b) (106 Stat. 2627); to the Committee on Banking and Financial Services.

2681. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on legislative authorization and appropriations for the Federal Reserve System, pursuant to Public Law 104–8, section 18(c) (108 Stat. 240); to the Committee on Banking and Financial Services.

2682. A letter from the Director, Office of Personnel Management, transmitting notification that OPM has approved proposals for five personnel management demonstration projects for the Department of the Army, submitted by the Department of Defense, pursuant to Public Law 103–337, section 342(b) (108 Stat. 2722); to the Committee on Government Reform and Oversight.

2683. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the Bureau of Justice Assistance report entitled, “Fiscal Year 1996 Annual Report to Congress,” pursuant to 42 U.S.C. 3786; to the Committee on the Judiciary.

2684. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the Bureau of Justice Assistance report entitled, “Fiscal Year 1996 Annual Report to Congress,” pursuant to 42 U.S.C. 3786; to the Committee on the Judiciary.


2689. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation entitled the “National Science Foundation Authorization Act for Fiscal Years 1998 and 1999,” pursuant to 31 U.S.C. 1110; to the Committee on Science.

2690. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the annual report on the Prospective Payment Assessment Commission, pursuant to 42 U.S.C. 1395ww(e)(8)(G)(i); to the Committee on Ways and Means.

2691. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the “Maritime Administration Authorization Act for Fiscal Years 1998 and 1999,” pursuant to 31 U.S.C. 1110; jointly, to the Committees on National Security and Transportation and Infrastructure.

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. STUMPH: Committee on Veterans’ Affairs. H. R. 1092. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the U.S. Court of Veterans Appeals and the National Cemetery System, and for other purposes. (March 21, 1997); to the Committee on Veterans Affairs.

Mr. PIFANGL: Committee on Veterans’ Affairs. H. Res. 78. A resolution providing for the printing and reference to the proper calendar, as follows:

Calendar, as follows:

Calendar, as follows:
PUBLIC BILLS AND RESOLUTIONS

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

- By Mr. HYDE (for himself, Mr. COBLE, Mr. CANADY of Florida, Mr. BONO, Mr. BRYANT, and Mr. GOODLATTE):
- By Mr. MILLER of California, Mr. FALONE, Mr. YATES, Mr. KEN- NEDY of Rhode Island, Mr. BROWN of California, Mr. EVANS, Mr. LANTOS, Mr. DELLUMS, Mr. DELAHUNT, Ms. WOOLSEY, and Mr. TOWNS):

H. R. 1299. A bill to amend the Marine Mammal Protection Act of 1972 to lift the trade embargo on whale products harvested in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Merchant Marine and Fisheries.

- By Mr. UPTON (for himself, Mr. WAX- MAN, Mr. MURTHA, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ACKERMAN, Mr. BALDASSARE, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. CAPPELL, Mr. CAPRIO, Mr. CARDIN, Mr. CARSON, Mr. CHAMBLISS, Ms. CLAYTON, Mr. CONDON, Mr. COYNE, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELLUMS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FJAZZ of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FRANKS of California, Mr. FRANKEN of Minnesota, Mr. FROST, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GILMAN, Mr. GONZALES, Mr. GUTIERREZ, Mr. HASTINGS of California, Mr. HILLIARD, Mr. HINCHIE, Mr. HORN, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KENYON of Connecticut, Mr. KLAG, Mr. KOLBE, Mr. LAMPSON, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. LOWEY, Mr. MALONEY of New York, Mr. MARTINEZ, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. McDADE, Ms. MCKINNEY, Ms. MEEK of Florida, Mr. MENENDEZ, Mr. MURDOCH, Ms. MINK of Hawaii, Ms. MOLINARI, Ms. MERRILLA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBREGON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCARELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. PRUIN, Mr. RAMSTAD, Mr. ROTHI- MAN, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SCHIFF, Mr. SERRANO, Mr. SHADDEG, Mr. SHAYS, Mr. SKAGGS, Mr. SMIEK, Mr. TAUSCHER, Mr. THOMPSON, Mrs. THURMAN, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. VENTO, Mr. WISE, Mr. YATES, Mr. ZELIFER, Mr. HEFLY, and Ms. WOOLSEY):

H. R. 1280. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson’s disease; to the Committee on Commerce.

- By Mr. NUSSE (for himself and Mr. MINGE):

H. R. 1261. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm income from self-employment income that is subject to Federal income tax if the taxpayer enters into a lease agreement relating to such income; to the Committee on Ways and Means.

- By Mr. OXLEY (for himself, Mr. BLILY, Mr. MANTON, Mr. DINGELL, and Mr. MARKEY):

H. R. 1260. A bill to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce.

- By Mr. PALLONE (for himself, Mrs. ROUKEMA, Ms. ESHOO, Ms. PELOSI, and Mr. MCDERMOTT):

H. R. 1262. A bill to amend the Public Health Service Act to provide access to health care insurance coverage for children and to amend the Internal Revenue Code of 1966 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with such smoke-free health care initiatives; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker for consideration of such provisions as fall within the jurisdiction of the committee concerned.

- By Mr. SCHUMER:

H. R. 1264. A bill to amend title 18, United States Code, to prohibit gun running, and provide mandatory minimum penalties for gun running related to gun running by a Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

- By Mr. SOLOMON:

H. R. 1265. A bill to assure appropriate disincentives to the illegal use of marijuana in those States where the use of marijuana for medicinal purposes to the prohibition against the use of marijuana by denying Federal benefits to persons convicted of certain marijuana offenses; to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

- By Mr. STEARNS:

H. R. 1266. A bill to amend the Internal Revenue Code of 1966 to index the basis of certain assets for purposes of determining gain, to provide for the establishment of American Savings Accounts and to impose the increase enacted in 1993 in taxes on Social Security benefits; to the Committee on Ways and Means.

- By Mr. YOUNG of Alaska:

H. R. 1267. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain expenses incurred by whaling captains in support of Native Alaskan subsistence whaling; to the Committee on Ways and Means.

- By Mr. SMITH of New Jersey (for himself, Mr. PORTER, Mr. WOLF, Mr. SALMON, Mr. CHRISTENSEN, Mr. HOYER, Mr. MARKZY, and Mr. CARDIN):

H. Con. Res. 39. Concurrent resolution concerning the return or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions, to the Committee on International Relations.

- By Mr. MICA:

H. Res. 108. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

- By Mr. PITTS (for himself, Mr. RICKS, Mr. TUTTLE, Mr. PAUL, Mr. HERGER, Mr. SESSIONS, Mr. SHADDEG, and Mr. QUINN):

H. Res. 109. Resolution expressing the sense of the House of Representatives that American families deserve tax relief; to the Committee on Ways and Means.

- By Mr. DEAL of Georgia, Mr. PAPPAS, Mr. CHRISTENSEN, Mr. WEXLER, Mr. FRELINGHUYSEN, Mr. NETHERCUTT, Mr. ROYCE, Mr. LEACH, Mr. THORNBERY, Mr. BARNEY of Michigan, Mr. MCGHIN, Mr. DICK- EY, Mr. PAUL, Mr. BAKER, Mr. CAMP, Mr. LAUTOURETTE, and Mr. PAXON:

H. R. 45. Mr. BONIOR:

H. Res. 100. Resolution expressing the sense of the House of Representatives that American families deserve tax relief; to the Committee on Ways and Means.
The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Graecious Father, thank You for this time of prayer in which we can wake up to reality, see things as they really are, and be totally honest with You. Grant us a healthy blend of realism and vision. We tire of the fake and the false. We become fatigued fighting pretense that polishes problems and evades Your judgment. The spin runs thin; the damage control delays exposure of truth. Distinctions between the real and the illusion become blurred.

Lord, it is in this kind of world that You have called us to serve and give leadership. Bless the Senators as they seek and then speak Your truth. May the quality of the life of this Senate be distinguished by an integrity in which words are used to motivate and not manipulate, where debate is an arena for communication and not competition. You are Sovereign of this land, and we accept our accountability to You for how we relate to one another in the relationships we share as we work together. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. CAMPBELL. Mr. President, on behalf of the leader, today the Senate will be in a period of morning business until the hour of 1 p.m. to accommodate a number of Senators who have requested time to speak. By consent, at 1 p.m. the Senate will begin consideration of S. 104, the Nuclear Policy Act. The leader hopes the Senate will be able to make substantial progress on this important legislation during today’s session. Rollcall votes are therefore possible throughout the day, and the Senate may be in session into the evening if necessary. As always, any votes are scheduled. He also reminds all Members that we are now beginning a lengthy period of legislative session prior to the next scheduled recess, and he also asks for the cooperation of all of our colleagues as we attempt to move forward and complete action on a number of important issues during this period.

Mr. President, I also ask for about 10 minutes for a statement on a bill I am introducing, if I may.

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

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 528 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER (Mr. ROBERTS). Who seeks time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

MEASURE PLACED ON CALENDAR

Mr. THOMAS. Mr. President, a little housekeeping. First, I understand that there is a bill due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will report. The legislative clerk read as follows: A bill (S. 522) to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes.

Mr. THOMAS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar under rule XIV.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS and Mr. KEMPTHORNE pertaining to the introduction of S. 532 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. The following Member will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

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TRIBUTE TO GEORGE DURENBERGER

Mr. GRAMS. Mr. President, on March 20, my dear friend and former colleague, Senator Dave Durenberger, lost his father, George Durenberger, at the age of 90.

But, because the Senate was just beginning its recess at that time, I did
not have the opportunity to pay respect to my friend and the much-celebrated life of his father. It is for this purpose that I rise today. It has been said that, "the worst sin against our fellow creatures is not to hate them but to be indifferent to them; that is the essence of inhumanity." George Durenberger, the parent, the teacher, the coach, must have been acutely aware of this because there was not indifference in him. He saw worth in every person he met and rewarded them with a first chance, a second, and a third.

In short, George Durenberger never gave up on anyone. Beyond all his other contributions, George Durenberger will be most remembered for his abiding faith in people. According to newspaper accounts, George Durenberger was one of the "best known and most well-liked men in Central Minnesota." By the same accounts, "Big George" as he was often called, was "a legend."

"Then we met 'Big George'. And we looked up to him—both literally and figuratively."

George Durenberger lifted spirits, recalled another St. John's alumus, "I always left feeling better about myself." George Durenberger "was the first person I met as a student at St. John's in 1924," remembered Fred Hughes, a St. Cloud attorney and former University of Minnesota Regent. "And to this day, he remains the best."

And, consider what the Hill newspaper's Al Eisele, who attended St. John's, had to say. Mr. Eisele said, "George Durenberger was as much a part of the modern history of St. John's University as the Benedictine monks who founded it 150 years ago."

"Durenberger, a physically imposing man with a booming voice and outgoing personality," as described by Eisele, "helped shape the lives of thousands of young men." As athletic director, Durenberger was such a forceful man, noted Eisele, that he even got the monks to exercise. In closing, Eisele remarked that Durenberger and his wife Isabelle were "surrogate parents to many *** and an inspiration to all."

George Durenberger never left St. John's until he died. He loved the institution and the people and memories that came with it. However, this love was not connected to stubborn consistency but to consecration. George Durenberger, said one friend, "was driven by a vision of a 'better city,'" something akin to the city referred to in the book of Hebrews. Another book in Scriptures, Proverbs, states, "Train up a child in the way he should go: and when he is old, he will not depart from it." According to George Durenberger's eldest son, my friend and former colleague, "All my desire for public service and for making the world a better place than I found it, came from him." That was Dave Durenberger.

In this way, and in so many others, George Durenberger made a very profound and lasting contribution to the world. All he withheld from the world was indifference. Mr. President, I offer George Durenberger's wife, Isabelle; his daughters, Constance and Mary; his sons, George Mark and Thomas; his nine grandchildren and two great grandchildren; and most especially I offer his eldest son, my dear friend, David Durenberger, my most heartfelt sympathy. Thank you very much, Mr. President. I yield back the remaining part of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
is that in an area where there has not been an effort to inject competition, where there has not been an effort to drive out waste, you have wasteful, inefficient fee-for-service health care being offered, and it is being used, essentially, as a way to subsidize reimbursement for the HMO's, the health maintenance organizations.

I brought a couple of charts to the floor today. The first is one that shows that many, many of our counties across this country that have tried to hold down costs are reimbursed for health maintenance organizations, or the competitive part of the Medicare system, in a way that is below the national average. Certainly, Mr. President, you and others like myself who represent rural areas see how critical this issue is because our providers have difficulty providing the defined benefits under Medicare, let alone some of the extras such as reduced drugs, eyeglasses and hearing aids that are available on a high-cost basis.

For example, as my next chart illustrates, in 1997, one of the very high-cost reimbursement areas was in Florida, in Dade City, FL, with $748 a month. And the reimbursement rate there, in Portland, OR, we have the highest concentration of HMO's in the country, that senior who lives in Dade City, FL, or in Portland, OR, who would have received $221 per month. What happens is a senior who lives in Dade City, FL, or in Portland, OR, we have the highest concentration of HMO's in the country, whereas in areas where there has not been an effort to inject competition, a patient's bill of rights—what that means is that many seniors in rural parts of our country because of the reimbursement issue is a logistical step because it flows from what needs to be done with the reimbursement formula. By getting good data and more logical data about the various counties, the Health Care Financing Administration will be in a position to provide information available to older people and their families across this country about how to make better choices with respect to their health care. Today, what we have is a situation where many older people get no choices at all. We see that in many rural parts of our country because of the reimbursement formula. The reimbursement formula is so low that many plans won't come in, so seniors in those areas get few choices. In the high-cost areas, the General Accounting Office has put out a mishmash of information which makes it impossible to choose between the various services that are available to them, and that is absolutely key because in those high-cost areas we have exactly the places where it is most important to get competition.

Yesterday, I brought to the floor—I am going to blow it up in the days ahead so that it's possible for the Senate and the House to see it in more detail. An example of what it is like for an older person in Los Angeles to try to navigate through the various health choices available to her. In fact, it takes one full day in a picture that the General Accounting Office took, just to put the various pieces of information that that senior would have to wade through. So I want to see us now have the Federal Government look to what the private sector is doing to empower seniors and their families to get understandable, clear information about Medicare so that they can make appropriate choices. This involves details on the way different Medicare choices and competitive plans work, data on the experience of seniors with similar health and income backgrounds, the methods and the decision steps used by plans to pay participating practitioners and health care facilities and providers. And, Mr. President, certainly, this body should understand that this is doable because this is largely the kind of information that is available to Members of the Senate and other Federal employees who participate in the Federal employee health plans.

So in ensuring that seniors can receive a full list of plans available to them, enrollment fairs are an approach that has been looked at in the past. There may be other things we can do that, such as publishing appropriate performance data on plans. These kinds of steps are approaches that the Federal Government has pursued and have related to Senators and members of the Federal workforce. It seems to me that there is no reason to further delay making this kind of information available to those who depend on Medicare. Older people ought to be in a position to enroll and disenroll from a plan at any time.

Certainly, this kind of approach will encourage competition. Perhaps at some point there ought to be incentives to try to keep people in plans that are cost effective, and I think that the Federal Government can look to this kind of approach. But, certainly, significant rights of older people to enroll and disenroll in plans is critical.

So these kinds of rights, like appeal rights when you have been denied benefits, a good grievance procedure—in effect, a patients' bill of rights—is what is fundamental to making sure that older people are in a position to get the kind of information they need in order to make informed choices about their health care and, at the same time, inject competition into this system.

We have made many of these decisions already as it relates to Federal employees, but Senator Dole made them as it relates to the private sector and, in fact, we have even made them in areas that have parallels to this program—for example, in the Medigap
The Medicare program is the 38 million beneficiaries now dependent on this health care system as an essential social lifeline. Any changes we make to Medicare must, first and foremost, consider the likely effects those reforms will have on these beneficiaries, many of whom are frail, infirm, and low-income.

As I've said every day on the floor of the Senate this week, I'm going to be talking today about the choices and access to care that we have, but who in too many parts of the country have no choices and poor access to health care.

I'm also going to be talking about the window of opportunity we have in this Congress to enact significant changes in the program to cure the half-trillion-dollar shortfall we can expect in this program by the end of the coming decade, and to bring new choices, new access and new efficiencies necessary to save Medicare for not just the next 5 years, but into 2010, 2020, and 2030.

As I said yesterday, Medicare is a 1965-model tin-Lizzy health care program showing little resemblance to the rest of American health care. Various out-dated, out-moded and bureaucratic features of Medicare practically encourage practitioners in the greater part of the Medicare system to drive up unnecessary care and resulting over-billing—actions which over-charge the Government for that beneficiary and change beneficiaries on good health care.

Beginning in the last decade, the Government's partial solution to this was to institute coordinated care in Medicare. We encouraged health insurers to design plans that managed service Medicare beneficiaries received, and we offered encouragement to beneficiaries to participate in the form of lower out-of-pocket costs and, we anticipated, a broader package of goods and services.

And we would determine how each plan, in each city, would be paid for each beneficiary in the plan according to an arcane formula called the average adjusted per capita cost—or the AAPCC.

Now, before your eyes glaze over, let me give you a very simplistic idea of how the local AAPCC payment rate is determined, and how this formulation really penalizes beneficiaries living in places where medical costs are relatively low.

The AAPCC is an any given county is formulated on the cost of providing medicine, per beneficiary, in the most costly portion of Medicare—the traditional fee-for-service plans that were necessary for those days where medical care plans all.

This is the portion of the program where beneficiary can elect to see just about any doctor they want, whenever they want, and the individual care providers in those situations can be reimbursed for just about any services they deem necessary for that service. No questions asked. No oversight.

This may sound like a pretty good deal for the beneficiaries. But it doesn't always mean they get the care they need or require. For example, there's nothing to stop an individual provider in fee-for-service for ordering up 10 or 12 tests for a beneficiary, when only 3 or 4 really are required.

This is one of the reasons why fee-for-service Medicare is growing at a much more rapid rate than the rest of the program—and it's one of the reasons we find ourselves in such a deep financial hole.

It's also clear that the rapid growth of fee-for-service Medicare seems endemic to certain large metropolitan regions of the country.

As my colleagues may be able to see, the areas in red and orange represent areas where the payments are above the average.

And just for the record, the variation is huge. The 1997 high-reimbursement county is Richmond County, up in New York, at $767 per month, per beneficiary, while the lowest paid county was over here in Arthur County, Nebraska, at $221 per month.

I'd ask my colleagues Bob Kerrey and Chuck Hagel whether they think a typical 72-year-old Nebraskan is that much healthier than a typical New Yorker of the same age? Medicare seems to think so, and I think they're wrong.

And unfortunately for folks in Nebraska and other low pay states—my home State of Oregon is certainly one of them—the difference is that they get a much thinner Medicare benefit package in coordinated care plans, if they have access to such plans at all because their monthly reimbursement rate is so abysmally low.

Let's talk about some examples of how this hurts beneficiaries in cost-efficient counties where the reimbursement rate is particularly screwy.

In Mankato, MN, where the average payment is $300 per month, beneficiaries in coordinated plans get their basic managed care coverage under Medicare rules—but nothing else. No discounts on prescription drug purchases, no additional preventative care, no hearing aid discounts, no coverage for eyeglasses.

In Portland, OR, my home town, the rate is a little better at $387 per month, but that's still well below the $467 national average. That means the best additional benefit received by these folks, who have the highest managed care penetration rate in the country at 82 percent, is a 30 percent discount on prescriptions up to a $50 maximum.

Now, let's go up to the high end of this wacky AAPCC payment system. In Miami, FL, where the payment rate is all the way up to $788 per month, seniors in these programs get unlimited prescription drug reimbursements, a $700 credit for hearing aids, and dental coverage—all add-ons that are virtually unheard of in most of the rest of the country.

Mr. President, I wish I could say that this is the kind of cost-accounting that's going to add stability and integrity to the Medicare program into the
next century. Unfortunately, all this payment formula accomplishes is:
First, huge overpayments in some counties, with resulting extravagant profits to insurance companies, and second, payments to other counties which do too little, which result in neither no coordinated care offers to beneficiaries in those communities or bare-bones plans for that millions of beneficiaries to incur higher out-of-pocket costs purely as a matter of geographic accident.

I believe we must transform Medicare from an aging dinosaur insurance program into a comprehensive seniors health care system while maintaining our historic commitment to a basic package of benefits for every beneficiary, no matter their health or income status.

But that transformation necessarily will involve providing seniors with many more choices with regard to their health plan selection.

The current formula used for paying Medicare in rural counties and in other places where communities have worked hard to reduce general health care costs is precisely antagonistic to that purpose.

This system denies folks choice because it necessarily results in poor quality health plans, high out-of-pocket expenses, or no managed care choices—or a combination of all three—for vast numbers of beneficiaries.

And again, an accident of geography seems to be the deciding factor in the current state of affairs.

I believe Medicare reform has to include remedies for these problems.

This is not just a matter of increasing the benefit package for folks in low-pay counties. More fundamentally, this is an issue of providing more choices, to encouraging the entry of more plans, into large areas of this country where communities have worked hard to reduce general health care costs is precisely antagonistic to that purpose.

I believe reimbursement reform include several important features:

A new minimum payment floor that brings all counties up to 80 percent of the national average, immediately.

A new annualized reimbursement increase shifts adjustments away from localized fee-for-service medicine costs, and toward actual cost increases in coordinated care.

A systematic imposition of financial controls reimbursement growth in high-reimbursement counties in order to squeeze out that which no longer makes sense to institutions.

Mr. President, reforming Medicare isn't just about reforming payment systems however. It's also about helping beneficiaries to become smarter shoppers in a new Medicare environment that we hope will offer many of them many more choices and options for care.

Therefore, it is critical that we change the program in that will empower seniors to make the appropriate choices.

At the bottom, this means developing and executing a much better system of informing beneficiaries about their rights in managed care, and about the most important provisions of the health plans available to them. This information must be given to seniors as much as the law can use—data that is in clear and accurate layman's language, and which conforms to standardized reporting practices so that consumers can compare one plan against another in a traditional kitchen-table-assessment.

Indeed, these tools if we had them would be useful, today, with 80,000 beneficiaries per month choosing to leave fee-for-service Medicare for Medicare managed care organizations.

According to Stanley Jones, chairman of the National Institute of Medicine's committee on choice and managed care:

"Many elderly are making these new choices without enough information to judge which one is best for them, what the plans they choose will actually cover, or how the plan will operate."

Jones said that many seniors misunderstand the basic structure of HMO payment and care practices. He criticized Medicare managers for providing beneficiaries with inaccurate information which is about differences in available health plans that "appears primitive" compared with what's available from private purchasers.

Mr. President, last year I asked the General Accounting Office to look into this problem, and the GAO auditors came to similar conclusions:

Though Medicare is the nation's largest purchaser of managed care services, it lags behind other large purchasers in providing beneficiaries with information. The Health Care Financing Administration (HCFA) has responsibility for protecting beneficiaries' rights and obtaining and disseminating information from Medicare HMOs to beneficiaries. HCFA has not yet, however, provided information to beneficiaries on individual HMOs. It has announced several efforts to develop HMO quality indicators. However, HCFA has, however, the capability to provide Medicare beneficiaries useful, comparative information now, using the administrative data it already collects.

The kind of data HCFA collects, now, of use to beneficiaries includes performance indicators such as: first, annual disenrollment rates, second, cancellation rates, third, so-called rapid disenrollment rates—the percentage of enrollees who disenroll within 12 months of signing up, fourth, rate of return to fee-for-service Medicare from the plan, and fifth, disenrollment tied specifically to sales agent abuses involving, among other things, marketed and which enrollees about what a plan may cover.

I think we can go beyond these quality indicators. The Federal Employees Health Benefits Program (FEHBP), for example, includes a graded system of reports on the quality of key services in federal employee health plans. There is no reason why Medicare beneficiaries, who must make these decisions on their own without benefit of employers or corporate benefit managers, shouldn't have at least the kind of qualitative analysis available to members of Congress who are covered by FEHBP plans.

Mr. President, I am heartened by the announcement earlier this year by HCFA Administrator Bruce Vladeck that the program would begin offering beneficiaries some qualitative information on managed care plans through the Internet. I think that's great for seniors that use the Internet in their homes or have access to that technology somewhere else.

I think it's clear, however, that we need to step up efforts going beyond the limited information that eventually would be made available at a HCFA website.

It's the bare minimum of information that seniors need in a revamped Medicare program which empowers them to make appropriate choices:

Details on the way different Medicare choices and plans work.

Data on the experience of seniors of similar health and income background in those plans.

The methods and the decision steps used by plans to pay participating practitioners and health care facilities and service providers.

And here are the steps we need to take to insure seniors receive that information and the other tools they need to prevail in an increasingly more complex and choice-intensive Medicare marketplace:

First, Medicare managers must ensure that every senior, in every county, receive a full list of plans available to him with a description of what each plan offers. These submissions must be written in a way that allows a consumer to make easy comparisons between plans.

Second, HCFA should require an annual "enrollment fairs," giving seniors a chance to review all plan materials at least once a year in order to determine if alternative Medicare offerings might be more suitable to the individual enrollee.

Second, Medicare must collect, evaluate, and publish appropriate performance data on every plan. Using independent quality review organizations like the National Council of Quality Assessment, Medicare must devise and publish qualitative analysis—consumer report cards—on each Medicare plan, further enabling seniors to make appropriate choices among offerings.

Third, consumers must be allowed to enroll and disenroll from plans at any time during their first 12 months in a plan. After the first year of enrollment, disenrollment from a plan in a new plan would be limited to a first opportunity after six months in the second year.
We would make it somewhat tougher to disenroll after the first year because we would expect plans to make investments of preventative health services for new enrollees in the initial few months of their enrollment.

Fourth, enrollees need a patient bill of rights that by Federal statute protects certain baseline issues fundamental to their good health. At the top of this list would be a Federal statute absolutely protecting the free and unfettered communication between patient and doctor on that enrollee’s health condition and any appropriate services and procedures necessary to treat the patient.

Fifth, beneficiaries a certain and sure grievance and appeals process, and the information they need to use it. Medicare must streamline the current process, allowing beneficiaries to by-pass certain bureaucratic roadblocks like the prepayment system—most especially those that force time-delaying procedural exercises when the outcomes already are known. On an initial enrollment, and at any time a beneficiary changes plans, an explanation of new or amended appeals procedures must be part of the enrollment exercise.

And as with Medigap insurance, HCFA should hire and train ombudsmen and trouble-shooters tell beneficiaries both understand provisions in plans, generally, and appeals and grievance procedures specifically.

Sixth, every Medicare risk provider should offer at least one plan in his portfolio that includes a point-of-service provision, so that those seniors who would try plans if they could keep going to a particular practitioner would be allowed to do so.

Mr. President, I have spent quite a number of years talking with seniors about their health care. Before I was elected to the House of Representatives in 1980, I was cochairman of the Oregon Gray Panthers. I know that seniors are deeply suspicious of any changes to Medicare, and many of them view the current debate over the shape and direction of the program with a good deal of alarm.

But many more who I’ve talked to recognize the need for changes and, indeed, want to see this debate begin.

And on the basis of those conversations I am convinced that seniors will feel a lot better about anything we do if we give them more decision-making power in their health care they receive through the program.

Fundamental to that is making sure they have the information and tools to make the right decision, at the front end, and to protect themselves in the case of disputed decisions while they are enrolled in plans. These changes would go a long way toward providing seniors with that kind of empowerment, and in the long run strengthening and improving Medicare as a critical government program.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.
I think we need a victim's rights amendment to our Constitution. Over the last 40 years liberal judges have turned our Constitution into the "Criminal Protection Act." The purpose of the last 40 years is to make sure that we are not overcome by what we see. I think we need to start on legal reform, and I think we do need to do it soon.

The first thing that will be said is, "If you start it, the President will veto it." Well, let him veto it. I think the American people need to know where the President stands. So if he wants to veto it, let him do it. If the President says that the regular people of this country—or if he chooses sides with the Ivy League lawyers that never get a murder case that they couldn't appeal, it is time to bring the practicality and the common sense of the American people into the legal system and talk about the rights of the average American.

It is time we put an end to it. I intend to introduce legislation that will do so.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER (Mr. AL-KARD). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to start by using my own 5 minutes and at the end of that time go into leader time. If the Presiding Officer will allow me to do that, I will be grateful for that.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CONRAD. I thank the Chair.

THE DISASTER IN NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise again today to report to my colleagues on the developing disaster in the State of North Dakota. As I reported to my colleagues yesterday, we were hit last weekend with the most powerful winter storm in over 50 years. We are a State that is accustomed to tough storms. But, frankly, we have never seen one quite like this. Mr. President, this storm came on top of the worst flooding threat in 150 years. So we have a double whammy of a powerful winter storm, dumping record amounts of snowfall, in addition to an underlying threat of a powerful flood. Indeed, before this storm hit North Dakota, we were faced with a record snowfall in the State of North Dakota, over 100 inches of snow, before we got dumped on with another anywhere from 17 to 24 inches in the eastern part of our State.

As the paper of my hometown reported, "A Doozy of a Record"—record snowfall they are talking about. It is maybe hard to see on the chart here. But if you take the major shopping center, these are cars, or I guess more accurately they are the tops of cars. That is how deep the snow was in my hometown.

That is not the only place that has been hit. It is across the State of North Dakota. This is from the largest city in our State, Fargo, ND. The headline there is "The Worst of Two Seasons." They are talking about the blizzard on top of the flood.

Mr. President, this is a truly staggering set of circumstances that the people of my State are having to cope with. Just this morning I was called by the head of the Corps of Engineers for our district, who informed me that although all of the predictions were dire, they have now become even worse.

As of this morning the National Weather Service is telling us that the forecasted crest, instead of being 37½ feet in the city of Fargo, our major town in North Dakota, it has now been raised to 40½ feet. Already we are facing with the worst flood in 150 years. We were told this morning that this is the 500-year flood level. Of course, the dikes were built to accommodate the earlier projections at 37½ feet. So the dikes were built. Now we are told the forecasted crest is 39 to 39½ feet.

Mr. President, this could be a calamitous situation. They are telling us that the crest will be reached late tomorrow or perhaps early Friday.

I have talked to the Corps of Engineers. They are working feverishly to add to the dikes that have already been constructed not only in Fargo but right up the Red River Valley—in Harrietville, ND—to try in a race against the clock to build these dikes high enough to protect the people and the property that is around this river.

Mr. President, this is the most heavily populated part of my State. The disaster that is unfolding is truly staggering in proportion.

Early Saturday, 80,000 people were without power, with wind chills of 40 below zero. Can you imagine being an elderly person in a home being faced with the most powerful winter storm in 50 years without heat? That is what is happening in my State. Although great progress is being made because of a really heroic effort by people to respond, still today 20,000 people are without power and without heat, most of them since Saturday.

Today temperatures outside are hovering near zero in North Dakota, and even more threatening, temperatures inside homes that are without heat ranging between 30 and 40 degrees. Not only is the human condition being put under great stress but also livestock has been put under grave stress in our State. Thousands of cattle are dead.

I was told yesterday of a ranching family that brought 10 of their calves into their home to try to give them protection, and allow them to live. All of them froze to death. I was told because the wind was so ferocious that it blew the snow up into their nostrils and they suffocated. They can't get to many cattle to feed them because of the snowdrifts that are everywhere.

Mr. President, I thought I would share with my colleagues just some of the individual stories that tell the depths of this tragedy.

A young man froze to death in his pickup when it became stranded only 1 mile from the small town of Lankin, ND. One family that is stranded in its farmhouse due to overland flooding is burning its fence posts to keep warm. The water around their house was iced over, so neither emergency vehicles nor boats were able to rescue them. Another family was forced to snap logs that drifted by in flood waters to heat their home.

The Turtle Mountain band of Chipewa has snowdrifts of up to 15 feet. Can you imagine a snowdrift of 15 feet that is blocking transportation? In fact, emergency crews needed 4 hours to get to a man who had a heart attack. Anconsin from Wilton, ND, went on the radio in search of hip-length waders so that he could wade out to rescue 120 sheep that are caught up in the flood waters.

An elderly couple was trapped inside their home due to a 6-inch layer of ice that had formed over their doors and windows; trapped in their own home because ice had formed around the doors and windows and they could not get out. An emergency rescue team was sent in to rescue them.

The PRESIDING OFFICER. The Senator's 5 minutes are up.

Mr. CONRAD. I thank the Chair for informing me. If we could now go on with leader time, I would appreciate that.

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. CONRAD. Mr. President, a family in northeastern North Dakota—two parents and their 7-year-old—has been without power since Saturday with snowdrifts trapping them in their home. They had to sleep huddled in the hallway to keep warm.

Seventy-five people have been stuck in the basement of the Hebron city hall because their cars were pulled off of the major highway going by as that road became impassable. Those 75 people have been stuck there since Saturday.

Officials in Cass County, the most populous county of our State, are having difficulty responding to emergency calls because the weather surrounding many homes is frozen. So they can't get there by wheel vehicles and they can't get there by boat. There is no
way to get to people in order to extricate them.

Mr. President, there has been a tremendous response, not only by volunteers in our State but also by the agencies attempting to cope with this disaster.

I want to thank the President for responding so quickly in declaring our State a Presidentially declared disaster. This is our second Presidentially declared disaster of this year. We are only in the June month of this year. We already had a Presidentially declared disaster because of the record amounts of snowfall. Now on top of that we are anticipating a record flood.

These are truly difficult times for our State. Many homes are still without power. We need generators and fuel to heat homes, make certain that essential services are up and operating. My State needs special heavy equipment to clear snow and ice from roads to allow for emergency access.

This is a storm that is unlike any we have seen because it happened with a freezing rain and then snowfall, and so the snowpack that is there is like concrete. That is what the people who are out there trying to fight this mess are telling us. They have never seen a snowpack like this. We had rain on top of snow, it froze, and it is like concrete trying to break through these incredible snowdrifts.

I am very pleased to recognize FEMA and the capable administrator there, James Lee Witt, who is coming to my State tomorrow. FEMA has responded marvelously to the needs in North Dakota. I also wish to thank the Corps of Engineers that is involved in a really heroic effort. Some of these people have been working around the clock with no sleep for days attempting to build these dikes higher as the flood crest forecasts keep increasing.

I just want to say on behalf of the people of North Dakota how much we appreciate the extraordinary response of the Corps of Engineers and of the Federal Emergency Management Agency.

I would also like to thank the president of Manitoba Hydro, Bob Brennan. We were alerted by The Governor; they were having trouble getting people across our border. We got the Immigration and Naturalization Service to provide an immediate 2-week waiver on all of their requirements at the border. We talked to Manitoba Hydro and they committed to sending 100 people to our State to help rebuild the transmission facilities. Now, that is real neighborhood, and we appreciate very much that our neighbor to the north has responded in this most generous way of sending 100 people to help us rebuild the transmission facilities in our State.

I would also like to thank the Internal Revenue Service. This is something we really have lived with this year that they would practice forbearance on our individual income tax payers in the State of North Dakota by allowing them to file by May 30 without late payment penalties. They will be asked to pay interest on the money during the period that they would have paid, but they are being given until May 30. If they file and if they pay by that date, they will not be hit by any late-payment penalties. I am told that they are doing this standard to every State and every county that receives a Presidentially declared disaster in the face of what is happening in many parts of the country.

We struggle to find good news in all of this, hopeful news. But I can tell you there is good news and there is hopeful news, and that is the spirit of the people. In North Dakota, we say we have a yes, we can attitude, and that is exactly what we have seen in coping with these disasters. As one emergency official said to me, Senator, I have seen blizzards; I have seen floods; I have seen power outages, but I have never seen all three together at the same time.

That is what we are coping with in North Dakota. I must say that can-do spirit has served us well. Not only do North Dakotans show that spirit, but I must say these Federal agencies that have come to help are also showing that spirit, and we deeply appreciate it.

I thank the Chair and yield back the remainder of my time.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I thank the Chair.

DISASTER RELIEF FOR MINNESOTA

Mr. WELLSTONE. Mr. President, the President has now declared a major disaster in my home State, Minnesota, and ordered Federal aid to supplement State and local recovery efforts in areas hard hit by severe flooding, severe winter storms, snow melt, high winds, rain and ice. And this all continues. The declaration will make funds available for grants, disaster housing and low-interest loans to cover uninsured damaged property and other aid to help residents, businesses and local governments cope with ongoing storm and flood damage.

I am pleased by the swift action taken by the emergency management division of the Department of Public Safety in Minnesota, Jim Franklin and his hard-working staff, very hard-working staff are to be commended for their efforts. I am very pleased with the action taken by the Federal Government as well.

I think James Lee Witt is one of the greatest employments ever made by any President. He has been so responsive to all of us in this country when citizens in our States are faced with these very difficult and painful crises. I do not think crisis is an exaggeration.

I am also really pleased with the way in which SBA, the Small Business Administration, has been so responsive.

Today, I will be asking for one million in additional energy assistance, the LIHEAP program, to help families who will soon be returning to their homes only to find their heating systems have been damaged. These are in parts of the country where many of them elderly, many of them families with children, who, because of the severe cold we have had all winter, have already had a very difficult time paying their heating bills. This aid is desperately needed. Many waterways in our State are already at record water levels. The Minnesota River is threatening to totally overrun many cities along its border. Record flood conditions are being predicted along the Red River, which is expected to crest within the next few days.

Along the Red River there are still ice and snowpacks which will be melting in the coming days and weeks, further threatening communities already under siege in northwestern Minnesota, and record conditions will build along the Mississippi River as well, cresting any day now.

Some communities have already been hit and are under water and ice. In the town of Ada, nearly all the 1,000 residents have been forced to evacuate, including residents of a nursing home who had to be rescued by the National Guard. And, thank you, National Guard, for all of your fine work. Many of these people had little or no time to pack their belongings before fleeing. And when they return, little will likely be salvageable.

In Appleton, ice floe broke through the levee, and the river now has surged 21.5 feet in one-half hour, forcing many volunteers to fight the flow of surging water and further prevent housing damage. The Pomme de Terre River—let me repeat that—has surged 21.5 feet in just one-half hour.

The record flooding and cold temperatures have had a major impact on Minnesota. There have been widespread power outages throughout parts of the State, and with the flooding and the cold, emergency repair crews are unable to get to the affected areas. Many farms are having trouble farming, and it is going to be a very, very difficult spring planting season.

I am very pleased, again, that FEMA Director James Lee Witt has done so much and will be coming to Minnesota to see firsthand the devastation. I believe he will be coming to South Dakota and North Dakota as well. As a Senator from Minnesota, I express my sympathy to Senators from the Dakotas. Of course, we will all work together.

I have been touched by the sense of community among many people in Minnesota. Many folks do not care who they are working next to as long as
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they are working for their communities. People are working tirelessly, around the clock, to hold back the river. Neighbors are standing shoulder to shoulder, sandbagging. Volunteers are tirelessly serving sandwiches and hot drinks.

When I was in Montevideo last week, it was just amazing. People who live on the high ground, they don’t ever have to worry about the flood; they are out there, I mean really working to the point of exhaustion, sandbagging for other students. Say to the pages, have volunteered their time, and they are doing a great job. That is the good news. The good news is the goodness of people in Minnesota. The good news is all the ways in which people are working together—I might add, to my colleagues, Democrats, Republicans, and others. The good news is the voluntarism of young people. The bad news is that in all too many communities, it really looks like a war zone.

The weeks and months ahead will include many more hours of hard work, cleanup, removal of sandbags, restoration of buildings, and ensuring that water supplies are not contaminated. People may not get the support of their neighbors, they need the support that only the Federal Government can provide.

It is interesting. Colleagues, Republicans and Democrats from other States, who 10 or 15 years ago have been here in the Senate, have come to the floor and spoken about what citizens in their States have been confronted with. I think all of us are sympathetic and all of us try to provide the support.

I thank President Clinton for his very prompt response. I thank my colleagues in advance for the support I know they will give. I thank colleagues who have come up to me in the last couple of days and have asked me, how are you doing? What can we do to help? I am really proud—it is not a politician speaking—I am just really proud of people in Minnesota. I wish people did not have to go through this. I am emotional about it. I am really proud of people in Minnesota. I wish people did not have to go through this. I think it is wrong. The public should know what is in the cigarettes. We work hard and invest a lot of resources to stop our kids from doing things like eating lead-based paint or drinking water with lead. We should not let them smoke it.

This bill would require tobacco companies to disclose the ingredients, including the carcinogens, that exist in cigarettes. Cigarettes are the only consumable product in America today, the only ingredients, whose ingredients, are not disclosed. All kinds of food products list all of the ingredients very specifically. I think it is wrong. The public should know what is in the cigarettes. We work hard and invest a lot of resources to stop our kids from doing things like eating lead-based paint or drinking water with lead. We should not let them smoke it.

I want to particularly focus on the issue, now, of tobacco advertising and direct it towards the industry’s use of Joe Camel. As you know, the Federal Trade Commission has jurisdiction over the fairness and truthfulness of advertising. Today, I am sending a letter to the Chairman of the FTC, Robert Pitofsky, encouraging the Commission to bring such a case against R.J. Reynolds for unfair advertising because of its portrayal of Joe Camel in its advertising campaign. I am joined by Senators Durbin, Kennedy, Harkin, Wellstone, Wyden and Murray.

I ask unanimous consent the letter be printed in the RECORD.

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


Hon. Robert Pitofsky,
Chairman Federal Trade Commission,
Washington, DC.

DEAR CHAIRMAN PITOFSKY: We are writing to you today to encourage you to reopen an unfair advertising case against the R. J. Reynolds Tobacco Company for misleading advertising of cigarettes to children. The company’s Joe Camel campaign is an outrageous attempt to attract children to their product—a product that is illegal for children to purchase.

Numerous new facts have been uncovered about the tobacco industry’s marketing efforts since the Commission’s 1994 decision not to bring such a case against R.J. Reynolds Tobacco Company for marketing cigarettes to children. The company’s Joe Camel campaign is an outrageous attempt to attract children to their product—a product that is illegal for children to purchase.

In addition, the Food and Drug Administration has collected R.J. Reynolds documents that evidence a company policy to appeal to “palmers” and “learners” ages 14 to 18. A 1993 company study indicated that 86% of children age 10 to 17 recognized the image of Joe Camel, and 96% of those children knew that Joe Camel sold cigarettes. Since Joe Camel was introduced, Camel brand’s youth market share has jumped from less than 3 percent to 10 percent.

For these reasons, we believe it is time for the FTC to step in to protect our nation’s children from a product that kills one-third of its users. While tobacco companies have a right to advertise their product to adults, the peddling of illegal drugs to children cannot be tolerated.

Sincerely,

[Signatures]

Mr. Lautenberg. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

THE FTC CASE AGAINST JOE CAMEL

Mr. Lautenberg. Mr. President, yesterday I introduced the Tobacco Disclosure and Warning Act. This bill will require tobacco companies to disclose the ingredients, including the carcinogens, that exist in cigarettes. Cigarettes are the only consumable product in America today, the only ingredients, whose ingredients, are not disclosed. All kinds of food products list all of the ingredients very specifically. I think it is wrong. The public should know what is in the cigarettes. We work hard and invest a lot of resources to stop our kids from doing things like eating lead-based paint or drinking water with lead. We should not let them smoke it.

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[Signatures]
by accident. The truth is that R.J. Reynolds is marketing its deadly product to children.

In preparation for its rule designed to decrease teenage smoking, the Food and Drug Administration collected documents that show that R.J. Reynolds targeted what it calls presmokers, identifying them as young as 14. A 1993 R.J. Reynolds document boasted that 86 percent of children aged 10 to 17 recognize the image of Joe Camel and 95 percent of them knew Joe Camel sold cigarettes.

The most telling statistic is that since Joe Camel was introduced, Camel’s share of the youth cigarette market has jumped from 3 percent to as high as 16 percent. Despite this criticism, R.J. Reynolds recently decided to engage in even more egregious behavior. It is now targeting kids based not only on age but race as well.

Mr. President, despite the rising rates of teenage smoking overall, African-American children have bucked the trend. How has the tobacco industry responded? It seems that R.J. Reynolds has decided that since its current marketing tactics aren’t working, it will target specific groups of children, particularly African-American children. Not only have they targeted those children, but it is promoting a line of camels even more deadly than its standard cigarettes.

Recently, R.J. Reynolds introduced a product called Camel Menthol. Menthols are a particularly dangerous type of cigarette. The menthol cools the smoke so that it can be inhaled deeper into the lungs. Unfortunately, menthol is very popular in the African-American adult community. Critics are now arguing that this line of Camel Mentholis is designed specifically to appeal to African-American teens. In fact, it has been shown that R.J. Reynolds has revamped the Joe Camel image for Camel Menthol products. Analysts say it is more appealing to African-American teenagers.

I consider R.J. Reynolds’ corporate behavior inappropriate, and I hope that the FTC will take steps to end this advertising aimed at our kids, or any advertising aimed at our kids, because no parent, no guardian in good conscience could say to a child, “Listen, here’s some lead, here’s some benzene, here’s some arsenic, here’s some chromium. If you feel like having a little bit of it, take it.” Your conscience would never permit it, and the law would probably incapacitate you for endangering the health of a child. But here we have this advertising of a product that carries all of these elements in them.

I have asked in this bill that was introduced yesterday to make sure all 43 carcinogens that are used in tobacco products are clearly identified and that people are conscious of the fact that smoking may taste good, but once they try it, they live with it for as short a period as their life will be.

THE LIFE OF TIM HAGAN
Mr. BOND. Mr. President, today in my hometown of Mexico, MO, a very dear lifelong friend, Tim Hagan, will be buried. Lowell Lambert “Tim” Hagan, III, owner of Hagan Clothing Co., died Sunday after a long battle with cancer, which will make his family and all of us who were privileged to be counted among his friends.

Tim was a tremendous businessman and community leader. Born and raised in Mexico, MO, Tim developed a lifelong retailing aptitude. He successfully ran the family clothing business, and was involved in numerous community organizations, including the Rotary Club, the Mexico Chamber of Commerce and the Mexico Country Club. Out of compassion for those less fortunate, he was the former president of the Audrain County Cerebral Palsy Society, and for 6 years was chairman of the Missouri National Multiple Sclerosis Hope Chapter.

Because of his understanding of the daily challenges small business owners face, Tim was chosen to be part of the Missouri delegation for the White House Small Business in 1995. That conference was one of the most successful in history, in that some of the ideas generated by Tim and others to create small business jobs and opportunities have been acted on by Congress and many others are now being discussed.

Tim also felt that the education of our children and youth was particularly important to securing a good future, and was instrumental in bringing the Technical College to Mexico. That contribution will benefit the youth of Audrain County for years to come. His presence and spirit in the community will also continue to be felt for many years in that his own son, John, will continue to head the fourth generation family business.

Tim shared with his friends a love of his Irish ancestry, though his love was more frequently and forcefully exhibited upon Notre Dame’s football team. Even in the last days of his illness, he and I engaged in many spirited, but good natured political debates.

Our culture is quick to glorify the here and now, the “flash in the pan” celebrity, the “carpet” of the day. By that measure, Tim Hagan stood apart. While he was known in the community as a “feisty Irishman” with unfailing energy, he was also a builder. He spent his entire life making life better for his family, his congregation, his church, and his community. His love for others knew no racial or social boundaries. We will miss him terribly.

I ask unanimous consent that an editorial by Tim A. May in yesterday’s Mexico Ledger be printed in the RECORD.

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

[From the Mexico Ledger, Apr. 8, 1997]

MEMORIES OF A COURAGEOUS MAN

One measure of a man’s life is how much he’s missed once he is gone. The death of Tim Hagan Sunday has left a void in this community as immense as the spirit with which he moved through this world.

Tim excelled as a husband, father and business man, but somehow that was expected. Those who had the pleasure of his acquaintance knew he was incapable of offering anything less than the best.

The love and volunteerism Tim touched many lives and those of us who knew him will always treasure our favorite memories.

As for me, I will remember Tim’s friendship, his humor, his generosity, his gift for lightening the burdens of others.

But all of us can share the memory of Tim’s determination. He battled cancer since 1990. The faith, conviction and love for family he demonstrated during that fight should serve as an inspiration. Even on the most trying of days, his attitude remained positive, his smile present.

His courage to the end provided the best testimony to the man, his spirit and the life he spent among us.

He died as he lived—a feisty Irishman. Goodbye, my friend. I will miss you.

RETIREMENT OF DR. JOHN B. BEGLEY
Mr. FORD. Mr. President, I come to the Senate floor today to pay tribute to a man who simply could not have worked any harder on behalf of the Kentucky college he has represented for the past 20 years.

A native of Harrodsburg, KY, Dr. John Begley returned to Kentucky in 1977 as head of Lindsey Wilson College in Columbia. It’s in Columbia that Dr. Begley has served in many capacities, including as chairman of the College’s Board of Trustees from June 1993 to June 1997.

Dr. Begley has served as the college’s president for the past 20 years. During his time as president, his leadership has helped Lindsey Wilson College grow from a small liberal arts college to a comprehensive university. Under his leadership, the college has increased its enrollment, improved its academic programs, and expanded its facilities.

Dr. Begley has been a strong advocate for higher education in Kentucky and has worked tirelessly to secure funding for the college. His leadership has helped Lindsey Wilson College become one of the fastest-growing liberal arts colleges in Kentucky.

Dr. Begley has been a leader in the community, serving on numerous boards and commissions. He has been a strong advocate for education and has worked to improve the quality of life in Kentucky.

Dr. Begley has been a credit to Lindsey Wilson College and to the state of Kentucky. He has been a dedicated and devoted leader, and he will be missed by everyone who knew him.

I urge all Kentuckians to join me in thanking Dr. Begley for his years of service to Lindsey Wilson College and to Kentucky. Let us all wish him well in his retirement and thank him for all he has done for our state.
In an area of the State struggling for economic advancement, John made sure that the college met the unique needs of Appalachian families. That meant making sure the college was readily accessible to area residents looking for the resources they needed to better their lives. With eight satellite branches, south central Kentuckians of all ages and from all walks of life can take advantage of the educational and job training opportunities at Lindsey.

In promoting academic excellence and steady financial growth, John always looked toward improving the quality of student life. One way he did that was through athletics. With 14 athletic teams and a men's soccer team that has won back to back NAIA national championships—the first Kentucky college to do so in 45 years—the college has struck an important balance between excellence in academics and student life.

Clearly, John's successes came with the help of hundreds of hard working colleagues, a community responsive to the college's needs, and a student body that took pride in their college's successes. It is no doubt that John's leadership pulled those forces together and created something really wonderful—something all Kentuckians can look on with pride.

Mr. President, I know I am not alone in wanting to thank John for leaving the college not only with a firm foundation from which to keep building, but a standard of excellence that will serve generations of students and faculty for years to come.

THE MINNESOTA FLOODS OF 1997

Mr. GRAMM. Mr. President, I just want to take a few minutes today to discuss the devastating floods that are paralyzing much of my home State of Minnesota. Most of the Nation knows we are experiencing some of the worst flooding in our history this week, and due to the severe snowfall of this past winter, we had expected to surpass that of the disastrous 1993 floods.

Not only are Minnesotans fighting against the rising floodwaters, but they are doing it in the wake of a blizzard that brought snow, ice, and bitterly cold temperatures to our State this weekend, as well. It has truly been an ordeal—my heart goes out to those who are working desperately to save their homes and land, and my thanks go to the thousands of Minnesotans who have stepped forward this week to help their friends, families, and neighbors. It is reassuring to know that our communities share a collective heart, and can be counted upon to come together in times of need.

Now that President Clinton has approved our request that Minnesota be declared a disaster area, Federal money for flood victims is available in 21 Minnesota counties. That will enable cleanup efforts to get underway, and help families and individuals whose homes and property have been damaged or destroyed.

As of this past Monday, Minnesota Gov. Arne Carlson had activated more than 1,000 of the state's 11,000 National Guard troops to assist with sandbagging, emergency evacuation, and other flood-related duties. The Guard has been tireless in their desire to help and we thank them for their service.

The disastrous floods have severely disrupted the lives of many, many Minnesotans, whose primary concern now is to ensure that their families and communities are prepared with adequate food and shelter. That being the case, I have requested that Commissioner Richardson of the Internal Revenue Service extend the tax filing deadline for those taxpayers living within the disaster area. Considering the many challenges Minnesotans will face in the next few weeks, cleaning up and rebuilding their lives and communities, extending the April 15 deadline is crucial. I hope Commissioner Richardson will act immediately to grant the extension.

Mr. President, we are used to harsh winters in Minnesota, but even we Minnesotans have never seen anything like this. Earlier this winter, heavy snows resulted in a Presidential disaster declaration for 35 Minnesota counties. That rapidly melting snow has now caused extensive flooding on virtually every river and tributary in the State. This past weekend, the situation was compounded when Minnesota was hit by a combination ice storm and blizzard. Freezing rain and snow downed countless utility lines in northwestern Minnesota, leaving more than 50,000 residents without power. Some power has been restored, but it is estimated that other areas may be without power for another 7 days before repairs can be completed. The weekend storm, along with the severe snows of this past winter, will make flooding this spring some of the worst in our history.

For communities along the Minnesota and Mississippi Rivers east and south of Montevideo and south of Anoka, which includes the Twin Cities metro area, the worst flooding is on the way and record and near-record crests are expected there. The same is true along the north-flowing Red River along the Minnesota-North Dakota border. In Ada, in the State's northwestern corner, three-quarters of the town's 1,700 residents have been evacuated from their homes.

The flooding has been an exhausting nightmare for those who are in it, and agonizing for the rest of the Nation to watch. Yet, we have been inspired once again by the people of Minnesota, who have rallied together for their communities as they always do when tragedy strikes.

Young and old are working side by side to save their communities, filling sandbags, feeding and those who have lost their homes and finding them shelter, and making sure the volunteers are well cared for. I read the comments of Marvin Patten of Granite Falls, who does not have flood insurance and whose living room is flooded under 18 inches of water. He said, "At first I sat and cried, but after a few days you realize that we will manage."

Shortly after the mayor of Granite Falls pleaded for sandbagging volunteers, he told a reporter that everybody in town showed up. I just like that. Amazing. I am stupefied."

I want to take this opportunity to thank God for the mercy he has granted and the blessings he has bestowed upon our families and communities. It is within His strength that we find our own.

Mr. President, I heard the remarks of my colleague from Minnesota earlier this afternoon, and I appreciate his words and his efforts on behalf of the people of our State.

We stand together with our colleagues from North and South Dakota, who are facing devastation in their States equal to our own. When disaster strikes, we are not Republicans or democrats. We are representatives of the people, and we do whatever we must to protect our citizens when their lives, homes, and property are threatened.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 8, 1997, the Federal debt stood at $5,384,125,088,631.94. (Five trillion, three hundred eighty-four billion, four billion, four billion, eighty-eight trillion, sixty-one billion, ninety-four cents) during the past fiscal year, ending the close of business yesterday, Tuesday, April 8, 1997. (One trillion, sixty-one billion, ninety-four cents) during the past fiscal year.

The very bad debt boxscore for the close of business yesterday, Tuesday, April 8, 1997, is as follows:

- Ten years ago, April 8, 1987, the Federal debt stood at $5,134,644,000,000. (Five trillion, one hundred thirty-four billion, four hundred forty million)
- Five years ago, April 8, 1992, the Federal debt stood at $3,893,440,000,000. (Five trillion, one hundred thirty-four billion, four hundred forty million)
- One year ago, April 8, 1996, the Federal debt stood at $3,934,125,000,000. (Three trillion, eight hundred ninety-three billion, four hundred forty million)
- Five years ago, April 8, 1992, the Federal debt stood at $3,893,440,000,000. (Three trillion, eight hundred ninety-three billion, four hundred forty million)
- Ten years ago, April 8, 1987, the Federal debt stood at $2,288,725,000,000. (Two trillion, two hundred eighty-eight billion, seven hundred twenty-five million)
- Fifteen years ago, April 8, 1982, the Federal debt stood at $1,061,093,000,000. (One trillion, sixty-one billion, ninety-three million) which reflects a debt increase of more than $4 trillion ($4,323,032,088,631.94) (Four trillion, three hundred twenty-three billion, eight hundred eighty-eight billion, sixty-three million, ninety-four cents) during the past 15 years.
COMMENDING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. THOMPSON. Mr. President, today I want to recognize the achievement and success of the University of Tennessee's Women's Basketball Team in winning the NCAA championship in the Women's Basketball Championship.

Under the outstanding leadership of coach Pat Summit, the Lady Volunteers have taken home the championship trophy 2 years in a row. These are the first back-to-back championships in 13 years, and we couldn't be any prouder back home in Tennessee.

Throughout the season, the Lady Volunteers had their share both of tough games and exciting wins. But they proved their talent and skill in the end with their victory in the NCAA tournament.

Women's basketball has become a tradition in Tennessee, and those of us who are fans have grown accustomed to great performances on the court. Over the years, the University of Tennessee's Women's Basketball program has attracted some of the most outstanding scholar-athletes in the nation, and in doing so it provides one of the most notable examples of sports excellence and academic superiority to be found anywhere.

Coach Pat Summit and her tremendous staff deserve special credit. With this victory, Pat takes the fifth NCAA title of her career, placing her behind only the great John Wooden in the championship tally. Pat has achieved a real milestone in winning 5 trophies in just 11 seasons. She's been in charge of the team for 22 years now, starting when she was a graduate student, and only 1 year older than some of her players. Today, the program she worked to build and maintain has helped set the standard for many other successful athletic efforts in other universities, and women's college basketball is a national phenomenon.

In a word, Pat is a trailblazer. She has helped raise the profile of the exciting sport of women's college basketball, and she's created a lot of new fans.

This championship season at UT will be remembered for a lot of things, but most notably I believe we'll look back at the heart and the determination that led these women through to victory. The University of Tennessee fans and UT alumni who live across the country and around the world are proud of this exceptional achievement.

When the UT Women cut down the nets in Cincinnati, they took home the memory of a hard-fought victory across a dramatic 5-month season. In a team loaded up with talent, the members came together for the effort it took to bring home the trophy. With a record of 29 wins and 10 losses, the Tennessee Lady Vols came through in the clinch. They surprised the experts who counted them out. In the end, they won the final game 68-59, leading for the entire first half in the game against Old Dominion and keeping up the pressure in the second half.

All the loyal fans of the University of Tennessee and all those who enjoy women's basketball have had the privilege of enjoying this fantastic season in a string of fantastic seasons. And with the young team and the new recruits, there's sure to be more excitement on the way in the coming years.

What a great achievement this is by an outstanding group of athletes and coaches. Congratulations to the University of Tennessee Lady Vols—the 1997 NCAA champions.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I also ask unanimous consent that morning business be extended for an additional 30 minutes.

The PRESIDING OFFICER. Is there objection to extending morning business?

Hearing none, without objection, it is so ordered.

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

Mr. DORGAN. I thank the Senator.

The PARISING OFFICER (Mr. Thomas). Without objection, it is so ordered.

The bill clerk proceeded to call the roll.
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farmer in Sterling, the technician in Denver, and the accountant in Grand Junction who picks up the bill. I have learned from the past, and I do not want my children and grandchildren to suffer through another corporate bailout.

Who gets these loans? Coca-Cola, Du Pont, Union Carbide, McDonald’s, and even two banks, Chase Manhattan and Citicorp. These, and many other large companies with OPIC loans, are not cash-starved, but companies with strong bottom lines. I do not believe the Federal Government should be in the business of business, and I do believe these companies can stay strong and survive without OPIC. As in life, if the risk is too high, then maybe you should look elsewhere.

What do OPIC loans buy? We, the taxpayers, have developed a soft drink bottling company in Poland and Ghana, a travel agency in Armenia, a magazine in Russia, a lumber mill in Lithuania, a cable television in Argentina, a hamburger bun bakery and phone book directories in Brazil.

Now, there may be some worthwhile projects and successes funded by OPIC, but, as most believe, there need to be risk soft-working tax-

payer money on these ventures. Plus, this is a subsidy that does not get built into the cost of a product which may compete against American products that are not subsidized.

Also, proponents of OPIC believe that if OPIC does not provide this insurance, then companies will not enter these risky markets. There are certainly private alternatives to OPIC’s activities and one is starting investment funds for developing countries. Today, there are hundreds of private developing country investment funds. Portfolio money is flowing into all parts of the developing world. If interested, read the recent study on the New York Stock Exchange. Even the proponents cannot deny the existence of those private alternatives or that they may be available at lower cost. However, it seems they know a good deal when they see one. With OPIC selling the full faith and credit of the U.S. taxpayer, foreign governments would be less likely to stick them with the bill.

Again, here lies the problem. These subsidized loans to promote trade and investment distort the marketplace, pushing out private investment, and does not allow it to grow.

This leads to the question, “Is this the appropriate role for Government?” What we are doing with OPIC is investing money in countries involving risky business deals. We are trying to help other countries’ government-run corporations make the transition to the private sector. To do that, we run a Government corporation. Thus, we are trying to end other countries’ government subsidies by running Government subsidies right here in Washington. This is not moving the power away from Washington, but right into the heart of DC.

I am not the only one saying that it is time for OPIC to go. In the other body, Representatives Andreas, Ka-sich, Sanders, Royce, Condit, Duncan, Fazio, Peterson, Madrazo, Jackson, Pascrell, and Dickey have introduced H.R. 387 eliminating OPIC.

Also, the National Taxpayers Union says few other Federal programs combine such undesirable elements as corporate welfare, wasteful spending, unnecessary foreign aid, mismanagement and risk to the American taxpayers as the Overseas Private Investment Corporation.

Milton Friedman, one of the leading experts of economics from the Chicago School of Economics, said he does not see any redeeming aspects in the existence of OPIC. It is special interest legis-

lation of the worst kind.

This leads me to another important reason OPIC should be eliminated. It seems to me that OPIC may be used as a political slush fund. Whether this is a perception or truth, I believe it is time to end this perception of im-

propriety.

Mr. President, I ask unanimous consent to have printed in the Record a story from the Boston Globe dated Sunday, March 30, 1997.

There being no objection, the mate-

rial was ordered to be printed in the Record, as follows:

[From the Boston Globe, Mar. 30, 1997]

TRADE TRIP FIRMS NETTED $5.5K IN AID DONATED $2.3M TO DEMOCRATS

(Washington.—Businesses that gave Demo-

cratic Party committees more than $2.3 mil-

lion and won coveted seats on US trade mis-

sions during President Clinton’s first term secured nearly $5.5 billion to support their foreign business operations from a federal investment agency.

In all, 27 corporations that sent executives on trade trips with the late Commerce Secre-

tary Ronald H. Brown obtained part of a multibillion-dollar commitment in federally guaranteed assistance from the Overseas Pri-

teve Investment Corp., according to a Globe analysis of fund-raising records, trip man-

ifests, and aces.

All but three of the 27 OPIC recipients don-

ated to Democratic Party committees, and most of them gave between $50,000 and $358,000 during Brown’s first term.

While the Globe reported last month that Brown’s trade trips were a fund-raising bo-

nanza for the Democratic Party, what has previously gone unnoticed is the massive amount of OPIC support given to companies that traveled with Brown and donated money to the Democrats.

OPIC provided low-interest and political risk insurance that many US businesses consider essential to expanding into unstable or de-

veloping democracies. The Clinton adminis-

tration, however, has been criticized much of the effort, relied heavily on the federally funded corporation to boost US exports and
to create jobs through private investment abroad.

No one has alleged that government offi-

cials arranged the OPIC support in exchange for political donations, which would violate federal law. But federal and congressional in-

vestigators are examining whether Demo-

cratic Party leaders pursued a reelection strat-

ey in part through such things as seats on Brown’s missions to major business donors, many of whom stood to gain from government actions.

Many of the businesses that sent execu-

tives on Brown’s missions gave to the Repub-

cian Party, though generally less than they contributed to Democrats. Brown’s legis-

lates for campaign finance reform said regard-

less of the Democrats’ campaign strat-

ey, the OPIC support that went to major do-

nors on Brown’s missions created the percep-

tion that corporate givers got what they wanted.

The average company contribution to Democratic committees from OPIC recipi-

ents on Brown’s trips was nearly $95,000. The average support from the agency for the 27 recipients was about $200 million per com-
paign cycle.

Bill Hogan, director of investigative projects for the Center for Public Integrity, said there were three ways to look at the Brown trips, agency assistance, and dona-

tions to Democratic committees.

“One is that it was a happy accident,” Hogan said. “Another is that the donations were unbelievable and the third is that the companies would have gotten the assistance anyway, and they just made nice, spontaneous thank-you gifts to the party.”

OPIC spokeswoman Allison May Rosen said agency officials “may not have known” that companies applying for assistance had contributed to Democratic committees. Also, the National Taxpayers Union believes the OPIC support that went to major donor companies on Brown’s missions gave to the Repub-

lican Party, though generally less than they contributed to Democrats. Brown’s legis-

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paign cycle.
on emerging markets, and OPIC financing, which deals with investments in developing markets.”

But Dooley said Commerce officials exerted no influence on the OPIC staff on behalf of trade mission participants or Democratic donors. “Absolutely none,” he said.

OPIC, which federal funding is under fire from some lawmakers who consider it “corporate welfare,” provides insurance and loan guarantees generally not available in the commercial market because of risks involved. Corporate recipients pay high insurance premiums and substantial loan interest, which has helped OPIC turn a profit every year since it was founded in 1970.

The agency received $104 million in federal funds last year and returned $209 million to the Treasury.

Companies that went on Brown’s trade missions received nearly 14 percent of OPIC’s total financial commitment of $40.6 billion from 1993 to 1996, which included $34.5 billion in political risk insurance and $6.1 billion in financing.

The businesses on Brown’s missions received about $3.5 billion in risk insurance and $2 billion in financing.

Among the companies that traveled with Brown, OPIC supported projects ranging from Pepsi Cola bottling in Poland to rocket engine development in Russia to cellular phone systems in Argentina, Hungary, India, and Nicaragua.

The only Massachusetts company among the OPIC recipients was State Street Bank and Trust Co., which sent an executive to a trade summit with Brown in Amman, Jordan, in 1995. State Street gave $20,500 to the Democratic Senatorial Campaign Committee in 1995 and $30,000 to the Democratic National Committee in 1996.

OPIC, in fiscal 1996, provided State Street a $54 million insurance policy on the company’s investment in a Brazil manufacturing project.

Kari Murphy, a spokeswoman for State Street, said the company had complied with its policy of taking “an active role in the governmental process as a good corporate citizen.” She said that includes obeying “the letter and spirit of all campaign finance and contribution laws.”

As for the Brown mission, which preceded State Street’s OPIC assistance, Murphy said, “Neither then nor later did State Street or any of our officers seek favorable treatment from public officials or government agencies or make any political contributions in connection with the trip.”

Of the other companies represented on Brown’s missions, OPIC gave the bulk of its support—$1.6 billion—to Citicorp of New York and its subsidiaries. Citicorp received financing or political risk insurance for projects in 23 countries during Clinton’s first term.

Citicorp was among 15 of the 27 OPIC recipients on Brown’s trips that had received support from the agency before Clinton took office. And not all were major Democratic supporters.

Among them was Anderman/Smith Overseas Inc., a Denver-based oil company that received $40 million in political risk insurance from OPIC in 1992 to develop a giant oil field in Russia’s western Siberia.

In 1994, when an Anderman/Smith executive joined Brown on a prized trade mission to Russia, OPIC also provided the company with a $40 million loan guarantee.

Yet Anderman/Smith was a small player in Democratic fundraising, with total contributions of $5,250 coming from an executive’s family. “We wanted to succeed on our own merits,” said James Webb, the company’s chief financial officer.

Webb praised OPIC as competent and professional, saying the agency “looked into every nook and cranny” of his company’s finances. “We certainly didn’t get any special treatment,” Webb said.

The biggest giver to the Democrats among the companies on Brown’s missions was Entergy Power Development Co. of New Orleans. After donating only $20,000 to Democratic national committees in 1991 and 1992, Entergy’s giving soared to $337,613 during Clinton’s first term.

Entergy’s chairman, Edwin L. Lemberger, traveled with Brown to China in 1994 to close a deal to build a $1 billion power plant there with the Lippo Group of Indonesia. Lippo’s ties to former members of the Clinton administration are under investigation by the FBI.

The Entergy-Lippo deal fell through, since OPIC, which does not do business in China, was not involved in the project.

However, Entergy received $165 million of insurance coverage from OPIC in 1996 for a hydroelectric power project in Peru.

An Entergy spokesman did not return a phone call.

Several other federal agencies, including the Export-Import Bank, the US Agency for International Development, and the US Trade and Development Agency, also provided assistance to businesses that gave to the Democratic Party and sent executives on trade missions.

Administration officials said politics played no role in any funding decision. But campaign reform advocates were skeptical.

“In too many cases,” said Ellen Miller of the advocacy group Public Campaign, “it looks as if those who had the opportunity to reap those kinds of rewards were those who invested first in the Democratic Party.”

**FOREIGN TRADE, US AID**

Twenty-seven companies that obtained coveted slots on trade missions with the late Commerce Secretary Ronald H. Brown during President Clinton’s first term received support for foreign projects from the Overseas Private Investment Corp., a federal agency. All but three of the companies donated to the Democratic Party in the same period.

Mr. ALLARD. The headline from above the fold says, "Trade-trip firms netted $5.5 billion in aid." Donated $2.3 million to Democrats. It goes on to state that 22 corporations that sent executives on trade trips with late Commerce Secretary Ron Brown received part of a multibillion-dollar commitment in OPIC loans and guarantees. All but 3 of the 22 OPIC recipients donated to Democratic Party committees, and most of them gave $50,000 to $385,000 during the President's first term. As mentioned in the story, it is very difficult to ascertain whether the OPIC loan influenced giving to the party, or if the donation influenced who received the OPIC assistance, or if there was any impropriety at all.

To me, it does not matter. Since the awarding of OPIC assistance is entirely discretionary by the administration in power, it invites and welcomes possible abuse as described in the Boston Globe. OPIC should not exist in the first place, and even the perception that it could be used as a slush fund, whether Republican or Democrats, makes its elimination even more important.

With this bill, some proponents of OPIC will describe me as antibusiness or anti-trade. I guess to them, getting the Government out of the business of business is antibusiness. I must say that I believe this is a probusiness, anti-big Government proposal.

I am a free trader. I am a supporter of the GATT and NAFTA, and believe that free trade is the best way to raise the living standards for all Americans. We need to support policies that reduce trade barriers. OPIC does not reduce trade barriers for all companies to compete in the marketplace. It is an income transfer program from U.S. taxpayers to a selected group of businesses, who may have donated or will feel obligated to give to a political party. These subsidies may increase exports for a few selected companies that have the political influence to secure these loans, but it does little to expand the overall economic growth of this country. OPIC loans protect inefficiency and reduce total economic activity, shifting economic resources from taxpayers and unsubsidized businesses to politically connected businesses. Free trade is about getting the Government out of the private sector. The Federal Government can advocate U.S. business and trade without supporting politically connected businesses. Let us push for open markets, not for open political purse.

Last, as we are attempting to balance the budget by the year 2002 and reduce Government spending, we must begin to eliminate giveaway programs and corporate welfare. Eliminating OPIC will save $107 million this year and $296 million over the next 5 years. This does not include the money saved if any of OPIC loans or guarantees go bad and have to be bailed out by the taxpayers. We must get all spending under control and all parts of the budget must sacrifice. Balancing our budget will do more to increase economic and job growth than any OPIC loan can offer.

Mr. President, this effort is supported by individuals on both the left and the right of the political spectrum. With all the talk by liberals and conservatives about eliminating corporate welfare, I believe it is time we begin to do what we say and it ought to start here with OPIC. OPIC should not exist under a Republican or Democrat President or Congress.

I thank you for this time and I ask all my colleagues to support S. 519 and this effort to eliminate the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The Senator from North Dakota.

TRAGIC WEATHER CONDITIONS

Mr. DORGAN. Mr. President, a couple of my colleagues this morning have spoken, as I did yesterday, about the devastating blizzards and floods that have confronted people in North and South Dakota and the Minnesota region in recent days. I suppose only those who have been there can fully understand the dimension of the tragedy. It is, indeed, a tragedy.

North Dakota has had the toughest winter that it has ever had, with five and six major blizzards, closing down virtually all roads, including the interstate highways, causing serious problems. On top of that, with the expected floods that would come as a result of the record amount of snowfall from these previous blizzards, last week
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something called the grandfather of all blizzards came to North Dakota.

Leon Osborne, who works at the University of North Dakota and is someone who runs a weather service that I think is tops in our region, described this as the worst in 50 years in North Dakota and the worst in 50 years in our State. This blizzard came on top of all of the other blizzards and on top of the flooding that was already beginning in our State. The snowfall last weekend ranged anywhere from 12 inches to 48 inches to 60 inches of snowfall with winds 40 and 50 miles an hour in some parts of North Dakota. The picture of North Dakotans trying to fill sandbags in the middle of a snow blizzard is quite extraordinary. The Dakotans have had a very, very difficult time coping with these problems. Last Tuesday we had a meeting with President Clinton and the head of FEMA, the Federal Emergency Management Agency, and the Secretary of Agriculture, and the Secretary of Transportation, and the Secretary of Commerce. My understanding is that the Vice President will also visit Minnesota and South Dakota and Minnesota the day after tomorrow.

I intend to travel with the senior officials as they go to North Dakota, as do my colleagues, and we will be a part of a group that attempts to make certain that all of the resources of the Federal Government are available at this time when it is needed in North Dakota and in our region to help people who are trying to dig out from this blizzard and trying to cope with massive flooding.

The newspaper headlines tell it better than I can. This one describes it pretty well. "Down. But Not Out." North Dakota has been a tough time. They have suffered through a good many weather-related events in years past, but this was about as tough as it gets. State Paralyzed by Blizzard. The newspaper headlines describe all of the myriad events that have occurred. "Area Residents Hang Tough Despite Flooding." "Search for Heat and Power Endangers Lives; With Power Lines Down, Crews Struggle To Restore Power To Thousands of Homes." It has been a very, very tough time.

The stories of the folks who have had to endure this are really quite remarkable. We have men and women who are trying to try to try to try to restore power to a State in which the ranchers and citizens are out without power. Some are still without power. Men and women, linemen and others working for utility companies, electric co-ops and others are out in tough circumstances trying to restore power. North Dakota. They are doing an extraordinary job for our State.

Livestock losses are going to be very substantial in North Dakota. The threat to human life has been substantial. Fortunately, we have not had many deaths in North Dakota, but it has been a very challenging time. We are told that in some areas, one half of the young calves being born—and this is calving season for ranchers—one half of the calves are dying as they are born.

They are being found on the ground in circumstances where the ranchers simply could not save them. One rancher, in fact, left eight five or seven of his calves into the home to try to save their lives. All of them died. Also, 300 milk cows were killed when a dairy barn collapsed under the weight of the snow. There are stories about cows and calves with a full 1-inch thick coat of ice on them as a result of the blizzard, rain, and the snow.

Farmers and ranchers have attempted, especially for the young and the vulnerable calves, to use air dryers to try to try to try to remove that ice from the coats of the cattle. If the power fails, so you cannot use air dryers, and the calves die. Those are just some of the stories of people who have been confronted with this challenge.

There was a story, in fact, yesterday about two fellows leaving a North Dakota community and were caught by this blizzard with whiteout conditions and they became stuck, could not move, could not see. They saw a building just faintly, just a few yards away, dark. So they tried to build a building, which turned out to be a small bar on the edge of this town. So they broke into the bar and then used the telephone to call the wife of one of the two men who had broken into the bar and had the wife call the bar owner.

Remember, this is a whiteout blizzard, with no traffic available to move, and they are stuck and caught. The bar owner called the bar where the two fellows had broken in to seek shelter and said, "Well, I'll do whatever is there. There is frozen chili in the freezer." The folks were stuck there, I guess for a day and a half in the place. I suppose there are worse places to be stuck. If you are in the middle of a blizzard, it is a story that is replicated all across our State of neighbors helping neighbors, especially now confronting digging out from a blizzard and confronting the raging flood that will come.

The flood is going to be a very significant problem. Part of it has already hit. I want to tell my colleagues about the Red River—which, incidentally, is the only river in America that runs north. I believe. Because it runs north, it is running into an area up north that has not yet thawed. And the result is the water cannot flow easily because it is flowing toward ice. So it starts down south in our State and floods there first and then the flood exacerbates as it goes north.

In Wahpeton, flood stage is 10 feet, the current height of the river is 16 feet and is predicted to go to 18 1/2 feet. In Fargo, ND, the flood stage on the Red River is 17 feet, the river is at 33 feet and expected to go to 37 1/2 feet. In Grand Forks, flood stage is 28 feet, and it is expected to crest at 49 feet. That is the Red River. The Sheyenne River is the same story. At West Fargo, the Sheyenne flood stage is 16 feet, and the current height is 23 feet. In Abercorn, the Wild Rice River flood stage is 10 feet and the current height is 24 feet.

So we face enormous challenges now as we confront digging out from the blizzard that represented the worst blizzard in 50 years and as we anticipate the continuation of a flood. This will be the worst flood that we will have had in a century.

Mr. President, today is Wednesday, and I indicated we met with the President on Tuesday. President Clinton indicated to us that the head of FEMA, the Federal Emergency Management Agency, would come to North Dakota. He indicated he would invite a Cabinet Secretary, too, to come, and a senior team of administration officials will visit our region. I am also told that Vice President Gore will visit North Dakota, South Dakota, South Dakota, and Minnesota on Friday, the day after tomorrow, and I expect that the congressional delegation, myself included, will join him in that visit.

I appreciate very much the attention of the agencies and the administration in understanding the difficulty we face, understanding the gravity of the situation that yet exists in North Dakota with power lines down, with thousands of North Dakotans still without power after many, many days. I believe that we will appreciate very much in North Dakota the visit from the Vice President and from the head of FEMA and Cabinet officials who come to view firsthand what could be done on behalf of the Federal Government to make all of the resources of the Federal Government available to North Dakotans as they work together and fight together to confront these challenges.

Mr. President, my colleagues and I will be working in the coming days of the supplemental appropriations bill, which we hope will include the kind of resources that are necessary for all of the agencies to respond to this problem. Mr. President, there are not many States in our country in which interstate highways are closed or will be closed. Yet this morning Interstate 29 has one lane closed, and it is expected that Interstate 29 will be closed completely in North Dakota. In fact, a dike will be built across the interstate when it is closed, and it will be closed for some time. Interstate 94, a major artery east and west in our State, is now surrounded by lakes of water on both sides, and some predict that we will probably not escape having that interstate closed as well. But it is a very difficult circumstance, with road crews and others struggling in a crisis situation to meet the needs of people who have been confronted by this blizzard and these floods.

Many are finding that just the infrastructure things we normally take for
granted are now shut off, and it makes dealing with all of this much, much more difficult. I suppose electricity is the thing that most of us almost always take for granted every day. I have talked to several North Dakotans in the last hours, and they reiterated that it is not a foregone take for granted, but the loss of electricity, especially in the circumstance in North Dakota, with record low temperatures this morning, dating back to the 1890's, has been a very difficult circumstance for families struggling to keep warm and struggling to confront these elements.

So, Mr. President, Senator CONRAD, myself, and Senator WELLSTONE, who spoke earlier, and others, intend to go to North Dakota with the senior Federal team, either tomorrow or Friday, and do everything we possibly can to try to bring some help to some folks who are now trying to help themselves dig out and prepare for floods. We hope that when all of this is done—and it is going to be some while—that the record will show that everybody rushed to the folks in this region who have been hurt, the North Dakotans and South Dakotans and Minnesotans, and everybody did everything humanly possible to make life better, and extended a helping hand to try to get them through these challenges.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY ACT AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 104, which the clerk will report.

The assistant legislative clerk read as follows:


The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(1) whose reservation is surrounded by or borders an affected unit of local government, or

(2) whose federally defined possessory or usage rights to other lands outside of the reservation's land which the processing out of con-gressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository in the Interior, finds, upon the petition of the appropriate governmental officials of the tribe, that such

Amendments to read as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the 'Nuclear Waste Policy Act of 1997'.

(b) Table of Contents.—

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

'TITLE I—OBLIGATIONS


'TITLE II—INTEGRATED MANAGEMENT SYSTEM

Sec. 201. Intermodal Transfer.

Sec. 202. Transportation planning.

Sec. 203. Transportation requirements.

Sec. 204. Interim storage.

Sec. 205. Permanent repository.

Sec. 206. Land withdrawal.

'TITLE III—LOCAL RELATIONS

Sec. 301. Financial Assistance.

Sec. 302. On-Site Representative.

Sec. 303. Acceptance of Benefits.

Sec. 304. Restrictions on Use of Funds.

Sec. 305. Land Conveyances.

'TITLE IV—FUNDING AND ORGANIZATION

Sec. 401. Program Funding.


Sec. 403. Federal contribution.

'TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 501. Compliance with other laws.


Sec. 503. Licensing of facility expansions and transshipments.

Sec. 504. Siting a second repository.

Sec. 505. Financial arrangements for low-level radioactive waste site closure.

Sec. 506. Nuclear Regulatory Commission by-passing authority.

Sec. 507. Emplacement schedule.

Sec. 508. Transfer of Title.

Sec. 509. Decommissioning Pilot Program.

Sec. 510. Water Rights.

'TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

Sec. 601. Definitions.


Sec. 603. Functions.

Sec. 604. Investigatory powers.

Sec. 605. Compensation of members.

Sec. 606. Staff.

Sec. 607. Support services.

Sec. 608. Report.

Sec. 609. Authorization of appropriations.

Sec. 610. Termination of the board.

'TITLE VII—MANAGEMENT REFORM

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Sec. 810. Authorization of appropriations.

Sec. 811. Reorganization of agencies.

Sec. 812. Authorization of appropriations.

Sec. 813. Reorganization of agencies.

Sec. 814. Authorization of appropriations.

Sec. 815. Reorganization of agencies.

Sec. 816. Authorization of appropriations.

Sec. 817. Reorganization of agencies.

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“(B) other highly radioactive material that
the Commission, consistent with existing law,
determines by rule requires permanent isolation,
which includes any low-level radioac-
tive waste, and processed or unprocessed con-
centrations of radio-
nuclides that exceed the limits established by
the Commission for class C radioactive waste,
as defined by section 61.55 of title 10, Code
of Federal Regulations, as in effect on
January 26, 1983.

“(15) FEDERAL AGENCY.—The term ‘Federal
agency’ means any Executive agency, as
defined in section 255 of title 5, United States
Code.

“(16) INDIAN TRIBE.—The term ‘Indian tribe’
means any Indian tribe, band, nation, or
other organized group or community of
Indians recognized as eligible for the services
provided to Indians by the Secretary of the
Interior because of their status as Indians in-
cluding any Alaska Native village, as defined
in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

“(17) INTEGRATED MANAGEMENT SYSTEM.—
The term ‘integrated management system’
means the system developed by the Sec-
retary for the acceptance, transportation,
storage, and disposal of spent nuclear fuel
and high-level radioactive waste under title II
of this Act.

“(18) INTERIM STORAGE FACILITY.—The term
‘interim storage facility’ means a facility de-
signed and constructed for the receipt, han-
dling, possession, safeguarding, and storage of
spent nuclear fuel and high-level radioac-
tive waste in accordance with title II of this
Act.

“(19) INTERIOR STORAGE FACILITY SITE.—The
term ‘interior storage facility site’ means the
specific site within Area 25 of the Nevada Test
Site selected by the Secretary, or a site
acquired and reserved in accordance with
this Act for the location of the interior
storage facility.

“(20) LOW-LEVEL RADIOACTIVE WASTE.—
The term ‘low-level radioactive waste’ means
radioactive material that—

(A) is not spent nuclear fuel, high-level
radioactive waste, transuranic waste, or by-
product material as defined in section 11e.
(2) of the Atomic Energy Act of 1954 (42 U.S.C.
2014(e). (2)); and

“(B) the Commission, consistent with exist-
ing law, classifies as low-level radioactive
waste.

“(22) NUCLEAR WASTE FUND.—The terms
‘Nuclear Waste Fund’ and ‘waste fund’ mean
the nuclear waste fund established in the
United States Treasury pursuant to the date of
enactment of this Act under section 302(c) of

“(23) OFFICE.—The term ‘Office’ means the
Office of Civilian Radioactive Waste Manage-
ment of the Department of Energy, as in
effect prior to the date of enactment of this
Act under the provisions of the Nuclear Waste

“(24) PROGRAM APPROACH.—The term ‘pro-
gram approach’ means the civilian Radioac-
tive Waste Management Program Plan,
dated May 6, 1996, as modified by this Act,
and as amended from time to time by the
Secretary in accordance with this Act.

“(25) REPOSITORY.—The term ‘repository’
means a system designed and constructed under
this Act for the geologic disposal of
spent nuclear fuel and high-level radioac-
tive waste, including both surface and sub-
surface areas at which spent nuclear fuel and
radioactive waste are handled, processed, han-
dled, possession, safeguarding, and stor-
age are conducted.

“TITLE I—OBLIGATIONS

“SECTION 101. OBLIGATIONS OF THE SECRETARY
OF ENERGY.

“(a) DISPOSAL.—The Secretary shall de-
develop and operate and manage an integrated
management system for the storage and permanent dis-
posal of spent nuclear fuel and high-level radio-
active waste.

“(b) INTERIM STORAGE.—The Secretary
shall store spent nuclear fuel and high-level radioac-
tive waste from facilities designated by contract holders
for interim storage facility pursuant to section 204 in accordance
with the transportation schedule, beginning not later than November 30, 1999.

“(c) TRANSIT.—The Secretary shall
coordinate with the Interstate Commerce Commis-
sion to, the City of Caliente, Nevada, parcels of
land and right-of-way within Lincoln County, Nevada, as required to facilitate
transportation of spent nuclear fuel and high-level radioac-
tive waste.

“(d) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to
transportation of the integrated management system.

“(e) REPLACEMENTS.—The Secretary shall acquire and develop systems sufficient to
maintain the capability to operate an integrated management system.

“(f) IMPROVEMENTS.—The Secretary shall
procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste
accepted by the Secretary from facilities designated by contract holders and
among facilities and systems purchased by contract holders prior to the effective date of this Act.

“(g) LIABILITY.—Subject to subsection (f),
nothing in this Act shall be construed to
subject the United States to financial liabil-
ity for the Secretary’s failure to meet any
deadline for the acceptance or disposal of
spent nuclear fuel or high-level radioactive
waste for storage or disposal under this
Act.

“TITLE II—INTEGRATED MANAGEMENT
SYSTEM

“SECTION 201. INTERMODAL TRANSFER

“(a) ACCESS.—The Secretary shall utilize
heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the
mainline rail line at Caliente, Neva-
da for the interim storage facility.

“(b) LIABILITY.—Subject to subsection (f),
nothing in this Act shall be construed to
subject the United States to financial liabil-
ity for the Secretary’s failure to meet any
deadline for the acceptance or disposal of
spent nuclear fuel or high-level radioactive
waste.

“(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to
transportation of the integrated management system.

“(d) REPLACEMENTS.—The Secretary shall acquire and develop systems sufficient to
maintain the capability to transport spent nuclear fuel and high-level radioactive waste.

“(e) IMPROVEMENTS.—The Secretary shall
procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste
accepted by the Secretary from facilities designated by contract holders and
among facilities and systems purchased by contract holders prior to the effective date of this Act.

“(f) LIABILITY.—Subject to subsection (f),
nothing in this Act shall be construed to
subject the United States to financial liabil-
ity for the Secretary’s failure to meet any
deadline for the acceptance or disposal of
spent nuclear fuel or high-level radioactive
waste.

“(g) LOCAL GOVERNMENT INVOLVEMENT.—
The Commission shall enter into a Memoran-
dum of Understanding with the City of Caliente and Lincoln County, Nevada, to pro-
vide assistance to the Secretary regarding intermodal transfer and to facilitate on-site
transportation. Reasonable expenses of such
representation shall be paid by the Secre-
try.
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"(h) BENEFITS AGREEMENT."

"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the City of Caliente and Lincoln County, Nevada concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and the parties to the agreement determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of the City of Caliente and Lincoln County, Nevada.

"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the consent of the City of Caliente and Lincoln County, Nevada.

"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

"(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT."

"(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County are entitled under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE
[Amounts in millions]

Event Payment

(1) Annual payments prior to first receipt of spent fuel
(2) Annual payments beginning upon first spent fuel receipt
(3) Payment upon closure of the intermodal transfer facility

"(2) DEFINITIONS.—For purposes of this section, the term:

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operation in accordance with section (g).

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the agreement and there after on the anniversary date of such such payment.

Annual payments after the first spent fuel receipt under closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to ½ of such annual payment under paragraph (1)(A) for each full month less than the 6 month period elapsed since the last annual payment under paragraph (1)(A).

"(5) RESTRICTIONS.—The Secretary may not restrict the payments for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

"(j) INITIAL LAND CONVEYANCES.

"(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty years after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (1)(B) shall be conveyed, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to transportation routing plans, transportation contracts, transportation in accordance with Section 401(c)(2) of this Act except in packages that have been certified for such purposes by the Commission.

"(2) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and private organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste and emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with section (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in section (b).

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999; and

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation planning and strategy directed at ensuring that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall address and implement, as necessary, transportation planning and strategy, transportation contracts, transportation training in accordance with Section 401(c)(2) of this Act except in packages that have been certified for such purposes by the Commission.

"(c) TRANSPORTATION READINESS.—The Secretary shall provide technical assistance and funds to States, units of local government, and private organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste and emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with section (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in section (b).

"(d) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation planning and strategy directed at ensuring that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall address and implement, as necessary, transportation planning and strategy, transportation contracts, transportation training in accordance with Section 401(c)(2) of this Act except in packages that have been certified for such purposes by the Commission.

"(e) TRANSPORTATION READINESS.—The Secretary shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999; and

"(f) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation planning and strategy directed at ensuring that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall address and implement, as necessary, transportation planning and strategy, transportation contracts, transportation training in accordance with Section 401(c)(2) of this Act except in packages that have been certified for such purposes by the Commission.
and modify, as necessary, the Secretary’s transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of such nuclear fuel and high-level radioactive waste to the interim storage facility by not later than November 30, 1999.

(2) MATTERS TO BE ADDRESSED.—Among other things, the schedule and process under paragraph (1) shall provide a schedule and process for addressing and implementing, as necessary—

(A) training plans;

(B) transportation contracting plans;

(C) transportation training in accordance with section 202;

(D) public education regarding transportation of spent nuclear fuel and high level radioactive waste; and

(E) transportation tracking programs.

(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

(A) be fully integrated with State, and tribal government notification, inspection, and emergency response plans along the preferred shipping routes or State-designated alternative routes identified under subsection (d); and

(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary demonstrates that a specific principle or procedure is inconsistent with a provision of this Act).

(d) Safe Shipping Routes and Modes.—

(1) IN GENERAL.—The Secretary shall evaluate the suitability of the proposed shipping routes and shipping modes from each shipping origin to the interim storage facility or repository compared with the safety of alternative modes and routes.

(2) CONSIDERATIONS.—The evaluation under paragraph (1) shall be conducted in a manner consistent with information contained in the Secretary of Transportation under authority of chapter 51 of title 49, United States Code, and the Nuclear Regulatory Commission under authority of the Nuclear Energy Act of 1954 (42 U.S.C. 2011 et seq.), as applicable.

(3) DESIGNATION OF PREFERRED SHIPPING ROUTE AND MODE.—Following the evaluation under paragraph (2), the Secretary shall designate preferred shipping routes and modes from each civilian nuclear power reactor and Department of Energy facility that stores spent nuclear fuel or other high-level defense waste.

(4) SELECTION OF PRIMARY SHIPPING ROUTE.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limiting shipment size.

(5) USE OF PRIMARY SHIPPING ROUTE AND MODE.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from another reactor or Department of Energy facility.

(6) TRAINING AND TECHNICAL ASSISTANCE.—Following selection of the primary shipping route or mode, the Secretary shall focus training and technical assistance under section 203(c) on those routes.

(7) PREFERRED RAIL ROUTES.—

(A) REGULATION.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel or high-level radioactive waste to a rail site.

(B) INTERIM PROVISION.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 1997 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

(8) SEC. 203. TRANSPORTATION REQUIREMENTS.

(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—

(A) STATE AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials on appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion any funds that the Secretary provides to the State for technical assistance and funding.

(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste in emergency response or post-emergency response with respect to such transportation.

(2) TRAINING.—Training under this section—

(i) shall be conducted by the Department of Energy personnel trained in emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 2 years prior to any shipment; Provided, However, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance and funds have not been made available due to (1) an emergency, including the sudden and unforeseen closure of a highway or railroad line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or (2) the refusal to accept technical assistance by a State or Indian tribe, or (3) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

(B) In the event the Secretary is required to transport spent fuel or other high-level radioactive waste through a jurisdiction prior to 2 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel and Indian tribes shall escort each shipment.

(c) GRANTS.—

(A) IN GENERAL.—To implement this section, grants shall be made under section 401(c)(2).

(B) GRANTS FOR DEVELOPMENT PLANS.—

(i) IN GENERAL.—The Secretary shall make a grant of at least $200,000 to each State through the jurisdiction of which each federally recognized Indian tribe through the reservation lands of which a shipment of spent nuclear fuel or high-level radioactive waste will be made under this Act except in packages that have been certified for such purposes by the Commission.

(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

(d) GRANTS FOR IMPLEMENTATION OF PLANS.

(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed and are implementing plans under this Act under subparagraph (B).

The Secretary, in submitting annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy’s annual budget request, the Secretary shall report to Congress on—

(i) the funds requested by states and federally recognized Indian tribes to implement this section;

(ii) the amount requested by the President for implementation; and

(iii) the rationale for any discrepancies between the amounts requested by the President and federally recognized Indian tribes and the amounts requested by the President.

(e) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

(i) 25 percent shall be allocated by the Secretary to ensure minimal funding and program capability levels in a part of any State or Indian tribe based on plans developed under subparagraph (B); and

(ii) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

(f) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be
provided for shipments to an interim storage facility or repository, regardless of whether the interim storage facility or repository is operated by a private entity or by the Department of Energy.

(d) **Public Education.**—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose territory an interim storage facility site is to be transported substantial amounts of spent nuclear fuel or high-level radioactive waste.

(e) **Compliance With Transportation Regulations.**—Transportation of spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1997, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. 5224.

(f) **Employee Protection.**—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste, under contract to the Secretary pursuant to this Act, shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 30105.

(g) **Training Standard.**—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing the training requirements necessary to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(2) If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that such regulation is not promulgated by the Commission, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing the training requirements necessary to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

(3) The training standards required to be promulgated under paragraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

(A) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their responsibilities, as managers of nuclear fuel and high-level radioactive waste;

(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the transportation of spent nuclear fuel and high-level radioactive waste.

(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

SEC. 204. **Interim Storage.**

(a) **Authorization.**—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission’s regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary for the purposes of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

(b) **Schedule.**—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility site by November 30, 1999, except that—

(A) The Secretary shall not begin any construction-related activities at the interim storage facility site before December 31, 1998.

(B) The Secretary shall cease all activities (except construction-related activities at the Yucca Mountain site if the President does not designate the site as a repository) at the designated site by June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

(i) the preliminary design concept for the critical elements of the repository and waste package;

(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository and geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act;

(iii) an estimate of the costs to construct and operate the repository in accordance with the design concept;

(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

(D) Within 18 months of a determination by the President that the Yucca Mountain site is suitable for development as a repository, the President shall designate a site for the construction of an interim storage facility. The President shall notify the Congress of the President’s decision for construction of a repository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 1, 2005, the license for the second phase interim storage facility shall authorize a storage capacity of 40,000 MTU. If the Secretary fails to submit the license for the second phase in order to commence operations no later than November 30, 1999, the Secretary shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders’ spent nuclear fuel and facilities, and to facilitate the Secretary’s ability to meet the Secretary’s obligations under this Act.

(2) The Secretary shall notify the Commission of the date on which the application for the license for the first phase of the interim storage facility is submitted to the Commission in two phases in order to commence operations no later than November 30, 1999.

(3) **Second Phase.**—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the General Policy and Licensing Plan so requested in the license application. The license issued for the first phase of the interim storage facility shall authorize a storage capacity of not more than 15,000 MTU. The Commission shall issue a license, by decision granting or denying the application for the first phase license no later than 16 months from the date of the submission of the application for such license.

(b) **Schedule.**—(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999.

(2) **First Phase.**—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase interim storage facility shall authorize a storage capacity of 40,000 MTU. If the Secretary fails to submit the license for the second phase in order to commence operations no later than November 30, 1999, the license for the second phase interim storage facility shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase interim storage facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable in the normal terms upon application of the Secretary.

(2) The Secretary shall consent to an amendment to the contracts to provide for removal and transportation of transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems in an integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders’ storage or transport systems or to seek additional regulatory approvals in order to use such systems.

(3) **Additional Authority.**—
"(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1997 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase. The Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment.

The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1997 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations.

"(3) EMLACEMENT OF FUEL AND WASTE.—

Subject to paragraph (i), the Secretary has achieved in each year in which the actual emplacement rate is greater than the acceptance rate and the acceptance rate is greater than the emplacement rate, in an amount not less than 25 percent of the total quantity of spent nuclear fuel accepted in any one year from the categories of radioactive materials described in subparagraphs (B) and (C).

(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1997;

(B) spent nuclear fuel from foreign reactors, as necessary to promote security.

(C) spent nuclear fuel, including spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1997, as set forth in the Secretary’s annual capacity report dated March 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the [annual actual] emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1997;

(B) spent nuclear fuel from foreign re­actors, as necessary to promote nonproliferation objectives; and

(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities: Provided, however, That the Secretary shall not emplace less than 5 percent of the total quantity of spent fuel accepted in any one year from the categories of radioactive materials described in subparagraphs (B) and (C).

(4) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

(I) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary’s and the President’s activities pursuant to paragraph (2) of this section are limited to, the selection of a site for the interim storage facility, assessments, determinations and designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (2) of this section, and facility security. The Secretary shall prepare and make available a license application and supporting documentation for purposes of judicial review. The Secretary shall not commence site preparation or commence construction of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility, prior to the date of enactment of the Nuclear Waste Policy Act of 1997.

(II) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

Following the date of enactment of the Nuclear Waste Policy Act of 1997, the Commission shall, by rule, establish criteria for the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility; and

(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the Secretary’s criteria for such site characteristics, and

(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a final environmental impact statement.

(III) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

(i) the need for the interim storage facility, including any individual component thereof;

(ii) the time of the initial availability of the interim storage facility;

(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility; and

(iv) any alternative site of the facility as designated by the Secretary in accordance with subsection (a) or (g).

(IV) USE OF EMPLACEMENT CRITERIA.—

(A) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(B) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(C) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(D) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(E) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(F) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(G) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(H) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(I) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(J) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(K) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(L) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(M) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(N) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(O) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(P) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(Q) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(R) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(S) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(T) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(U) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(V) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(W) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(X) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(Y) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(Z) in conformity with the Secretary’s application for a license, established in subsection (e)(3) (A) through (C) at the interim storage facility.

(II) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without regard to any requirement, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued thereunder, except to the extent that such procedures are in effect on the date of enactment.

SEC. 205. PERMANENT REPOSITORY. (a) REPOSITORY CHARACTERIZATION.—

The Commission’s regulations promulgated by the Secretary, published at 10 CFR part 99 are not annulled and revoked and the Secretary shall make no assumptions or decisions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

(b) SITE CHARACTERIZATION ACTIVITIES.—

The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary’s program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraphs (a) and (b).

(c) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1997; upon determining that the Secretary has achieved the milestones outlined in the Secretary’s annual capacity report dated March 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the [annual actual] emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following active waste of domestic origin from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1997, as set forth in the Secretary’s annual capacity report dated March 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the [annual actual] emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1997;

(B) spent nuclear fuel from foreign reactors, as necessary to promote nonproliferation objectives; and

(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities: Provided, however, That the Secretary shall not emplace less than 5 percent of the total quantity of spent fuel accepted in any one year from the categories of radioactive materials described in subparagraphs (B) and (C).

(II) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

(A) CONSTRUCTION AUTHORIZATION.—The Commission shall grant or amend any license to operate an active waste repository to the extent necessary to store spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant or amend any license to operate an active waste repository to the extent necessary to store spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Secretary shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in
the repository if the Commission determines that the repository has been constructed and will operate—

(A) in conformity with the Secretary’s application for authority to construct the repository, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(3) CLOSURE.—After expending spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission’s regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(A) in conformity with the Secretary’s application to amend the license, the provisions of this Act, and the regulations of the Commission;

(B) without unreasonable risk to the health and safety of the public; and

(C) consistent with the common defense and security.

(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity having the potential of breaching the repository closure that poses an unreasonable risk of—

(A) breaching the repository’s engineered or geologic barriers; or

(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission’s regulations shall provide for the modification of the repository licensing procedure, as appropriate in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

(d) REPOSITORY LICENSING STANDARDS.—The Environmental Protection Agency, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard. The standards established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission’s repository licensing determinations for the protection of the public shall be based solely on a finding that the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of this Act and the Administrator’s radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protecting the public from releases of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall establish reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

(3) FACTORS.—For purposes of making the finding in paragraph (2)—

(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

(B) the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons in the vicinity of the site. Extreme in social behavior, eating habits, or other relevant practices or characteristics shall not be considered;

(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary’s post-closure actions at the Yucca Mountain site, in accordance with subsection (b), shall be sufficient to—

(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository’s engineered or geologic barriers; and

(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository, updating at 10,000 years after the commencement of operation of the repository.

(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Commission shall constitute an environmental impact statement on the construction and operation of repository in the Commission with the license application and shall supplement such environmental impact statement as appropriate.

(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

(3) ADOPTION BY COMMISSION.—The Secretary’s environmental impact statement and any supplements thereto shall, to the extent practicable, by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, it shall also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required.

(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

SEC. 206. LAND WITHDRAWAL.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the Federal mining laws.

(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility and the Yucca Mountain site managed by the Secretary of the interior or any other Federal officer is transferred to the Secretary.

(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

(b) LAND DESCRIPTION.—

(1) BOUNDARIES.—The boundaries depicted on the map entitled “Interim Storage Facility Site Withdrawal Map,” dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

(2) NOTIFICATION OF BOUNDARIES.—The boundaries depicted on the map entitled ‘ ‘Yucca Mountain Site Withdrawal Map,’ dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the interior, the Governor of Nevada, and the Archivist of the United States.

(4) NOTICE AND MAPS.—Concurrent with the Secretary’s application to the Commission for authority to construct the repository, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the interior, the Governor of Nevada, and the Archivist of the United States.

(5) CONSTRUCTION.—The maps and legal description of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as regards all Federal, State, and local land laws, and shall be reserved for the use of the Secretary for the construction of a repository.
and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the Authorized Maps.

"TITLE III—LOCAL RELATIONS"

"SEC. 303. FINANCIAL ASSISTANCE.

(a) Grants.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts and to develop an integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

(2) to develop a request for impact assistance under subsection (c);

(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

(b) Salary and Travel Expenses.—Any salary or travel expense that would ordinarily be paid to any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

(c) Financial and Technical Assistance.—

(1) Assistance Requests.—The Secretary is authorized to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

(2) Report.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a request that includes the purposes of such assistance.

(d) Other Assistance.—

(1) Taxable Amounts.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

(2) Termination.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

(3) Assistance to Indian Tribes and Units of Local Government.—

(A) Period.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

(B) Activities.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

The Secretary shall be the on-site representative of the affected unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act and shall have the authority to designate an on-site representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ASSISTANCE REQUESTS.

(a) Consent.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(b) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, or estoppel by the State to oppose the siting in Nevada of an interim storage facility or repository pre¬mised upon or related to the acceptance or use of benefits under this title.

(c) Liability.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada pre¬mised upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

None of the funding provided under this title may—

(1) directly or indirectly to influence legis¬lative action on any matter pending before Congress or a State legislature or for any legislative action on any matter pending before any administrative agency or before any court; and

(2) for litigation purposes; and

(3) to support multistate efforts or other coalition-building efforts that are inconsistent with the purposes of this Act.

"SEC. 305. LAND CONVEYANCES.

(a) Conveyances of Public Lands.—One hundred and twenty days after enactment of this Act, all rights, title, and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Ne¬vada, unless the county notifies the Secre¬tary of the Interior or the head of such other appropriate agency that the Secretary shall consent to an agreement or laws to the contrary notwith¬standing.

(b) Conveyance of Public Lands.—

(1) Directly or indirectly to influence legis¬lative action on any matter pending before Congress or a State legislature or for any legislative action on any matter pending before any administrative agency or before any court; and

(2) for litigation purposes; and

(3) to support multistate efforts or other coalition-building efforts that are inconsistent with the purposes of this Act.

(c) Authorization of Secretary.—The Secretary of the Interior shall provide written notice to the County of Nye, Nevada, that the Secretary shall consent to an agreement or laws to the contrary notwithstanding.

"SEC. 306. PROGRAM FUNDING.

(a) Authorization of Secretary.—In the perform¬ance of the Secretary's functions under this title, the Secretary is authorized to enter into contracts with any person who gen¬erates or holds title to spent nuclear fuel or high-level radioactive waste and who is not within the United States at the time the Secretary pays for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). As provided in paragraph (3), such annual amounts shall be paid to the United States Secretary of Energy and shall be available for use by the Secretary pursuant to this section until expended.

"SEC. 401. PROGRAM FUNDING.

(a) For electricity generated by civilian nuclear power reactors and sold between January 1, 1982, and September 30, 2002, the annual fee for each civilian nuclear power reactor, except that the aggregate amount of fees collected during each fiscal year shall not exceed 1.0 mill per kilowatt-hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be equal to 1.0 mill per kilowatt-hour generated and sold.

(b) Special Conveyances.—Notwithstanding any other provision of this Act, the Secretary may correct clerical and typographical errors in the maps and legal descriptions to the contrary notwithstanding.

(c) Election of Title Transfer.—On the request of the County of Nye, Nevada, the Secretary of the Interior shall provide written notice to the County of Nye, Nevada, that the Secretary shall consent to an agreement or laws to the contrary notwithstanding.

"TITLE IV—FUNDING AND ORGANIZATION"

"SEC. 402. PROGRAM FUNDING.

(a) Authorization of Secretary.—In the perform¬ance of the Secretary's functions under this title, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste and who is not within the United States at the time the Secretary pays for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). As provided in paragraph (3), such annual amounts shall be paid to the United States Secretary of Energy and shall be available for use by the Secretary pursuant to this section until expended.

"SEC. 403. PROGRAM FUNDING.

(a) For electricity generated by civilian nuclear power reactors and sold between January 1, 1982, and September 30, 2002, the annual fee for each civilian nuclear power reactor, except that the aggregate amount of fees collected during each fiscal year shall not exceed 1.0 mill per kilowatt-hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees assessed pursuant to paragraph (A) is less than the
to ensure full cost recovery. The Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

"C. RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(B) NUCLEAR WASTE FUND.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any onetime fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 shall be due immediately upon their realization.

"(C) E XEMPTION.ÐReceipts, proceeds, and recoveries realized from subsections (a), and (b) shall be deposited in the Nuclear Waste Fund immediately upon their realization.

"(D) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

"(2) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.

"(C) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may invest such amounts, or any portion of such amounts, as the Secretary determines to be appropriate, in obligations of the United States.
under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

**SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.**

(1) **Jurisdiction of the United States Courts of Appeals.**—

(1) **Original and exclusive jurisdiction.**—With respect to any decision of the Secretary, the President, or the Commission under this Act; and

(2) **alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;**

(3) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(4) **alleging any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.**

(2) **Venue.**—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

(3) **Deadline for commencing action.**—A civil action for judicial review described under subsection (a)(1) may be brought no later than 60 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 90 days after the date such acquired actual or constructive knowledge of such decision, action, or failure to act.

(4) **Application of other law.**—The provisions relating to a adjudicatory hearing shall apply only with respect to any such action.

**SEC. 503. LICENSING OF FACILITY EXPANSIONS OR MODIFICATIONS.**

(1) **Oral argument.**—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, to construct a new spent nuclear fuel reactor, to receive spent nuclear fuel, to expand the capacity of the fuel storage racks, to add fuel rods, to add or change the use of the capacity fuel storage racks, fuel rod compaction, and other activities at such site, the Commission shall designate any disputed fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) **Determination.**—In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such dispute, and in the case of a regulatory action, the reason why an extrajudicial hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any issue relating to the design, construction, operation, or implementation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor at such site for which construction permit has been granted at such site, unless the Commission determines that such issue substantially affects the design, construction, operation, or implementation for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless the Commission determines that such issue substantially affects the design, construction, operation, or implementation for which such license application, authorization, or amendment is being considered.

(3) **Application.**—The provisions of paragraph (2) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) **Construction.**—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to construct an on-site spent fuel storage facility at a civilian nuclear power reactor if the spent fuel storage facility is not available such bonding, surety, or other financial arrangement as may be necessary to ensure that any necessary long-term maintenance or monitoring of such site will be carried out by the person having title and custody for such site following license termination.

**SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.**

(1) **Financial arrangements.**—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), financial arrangements as the Commission shall deem necessary or desirable to ensure in the case of any license for the disposal of low-level radioactive waste that an adequate financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission concerning the decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste disposal. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any site described in paragraph (1), prior to issuance of licenses for low-level radioactive waste disposal or, in the case of sites described in paragraph (2), prior to termination of such licenses.

(2) **Bonding, surety, or other financial arrangements.**—If the Commission determines that any long-term financial arrangements or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license or licenses involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring of such site will be carried out by the person having title and custody for such site following license termination.

**SEC. 506. TITLE AND CUSTODY.**

(1) **Authority of Secretary.**—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal. The Commission shall—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a); and

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

(2) **Protection.**—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.
"(c) Special Sites.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary shall, upon request of the owner of the site involved, assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of regulatory training programs; requirements governing operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee training programs.

"SEC. 507. EMPLOYMENT SCHEDULE.

"(a) The employment schedule shall be implemented in accordance with the following:

"(1) compensation priorities ranking shall be determined by the Department’s annual ‘Acceptance Priority Ranking’ report.

"(2) the spent nuclear fuel placement rate shall be no less than the following:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>MTU</th>
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<tbody>
<tr>
<td>2000</td>
<td>1,000 MTU</td>
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<tr>
<td>2001</td>
<td>1,500 MTU</td>
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<tr>
<td>2002</td>
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<tr>
<td>2003</td>
<td>1,500 MTU</td>
</tr>
<tr>
<td>2004</td>
<td>3,000 MTU</td>
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"(b) If the Secretary is not able to begin employment by November 30, 1997, the Secretary shall:

"(1) delay the placement of spent nuclear fuel from the date of completion of the Nuclear Waste Delay Act of 1997.

"(2) The Board shall limit its evaluations to the technical and scientific validity of activities undertaken directly by the Secretary after December 22, 1987.

"(3) site characterization activities; and

"(4) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel.

"SEC. 604. INVESTIGATORY POWERS.

"(a) Hearings.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and make such inquiry of the Board under this title.

"(b) Availability of Drafts.—Subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

"(c) Compensation of Members.—If the member of the Board is paid the expenses authorized for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) In General.—Each member of the Board shall be paid the expenses authorized for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) Travel Expenses.—In addition to the expenses authorized for the work of the Board, each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the
same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

SEC. 606. STAFF.

(a) CLERICAL STAFF.  At any time, the Chairman, at his discretion, may appoint clerical staff and may fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

(b) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of title 3, relating to classification and General Schedule pay rates.

(c) PROFESSIONAL STAFF.  At any time, the Chairman, at his discretion, may appoint professional staff members and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 3 of title 3, relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

SEC. 607. SUPPORT SERVICES.

(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the function of the Board.

(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency, such personnel and services as may be necessary to enable it to carry out this title.

(d) MAILS.—The Board may use the United States mails in the same manner and under such conditions as other departments and agencies of the United States.

(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

SEC. 608. REPORT.

The Board shall report not less than two times per year to Congress and the Secretary its findings, conclusions, and recommendations.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

(b) Notwithstanding section 401(d), and subject to section 401(e), there are authorized to be appropriated for expenditures from amounts in the Nuclear Waste Management Account in addition to any other amounts available for that account, such sums as may be necessary to carry out the provisions of this title.

SEC. 630. TERMINATION OF THE BOARD.

The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

SEC. 701. MANAGEMENT REFORM

(A) IN GENERAL.—The Secretary is directed to take such actions as may be necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

(B) AUDITS.  (1) STAFF.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited annually by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. Such audits shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1997.

(C) COMPTROLLER GENERAL.—The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

(D) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit.

(E) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

(F) VALUE ENGINEERING.  The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

(G) SITE CHARACTERIZATION.  The Secretary shall employ, on an ongoing basis, integrated performance modeling to identify appropriate strategies for remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

SEC. 702. REPORT.

(A) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

(1) an evaluation of the Secretary’s progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste at the first acceptance schedule; and

(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts.

(B) ANNUAL REPORTS.  (1) IN GENERAL.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in the report. The annual reports shall be brief and shall notify the Congress of—

(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

(C) EFFECTIVE DATE.  This Act shall become effective one day after enactment.

Mr. MURKOWSKI. Mr. President, this begins our third day of debate on S. 104, the nuclear waste repository legislation, which has been introduced by myself and Senator CRAIG and a number of other colleagues. But this may not be a very exciting topic, Mr. President, but it is an important issue and it is an important responsibility for this body.

What we have is a situation where, as the charts will show, at some 80 sites in 41 States this waste has been accumulating. The Federal Government agreed in 1982 to accept this waste by 1998. Well, 1998 is next year. Now, the site that has been suggested as being the best for the waste is out in the Nevada desert at the Nevada test site.

Again, to refresh the memories of my colleagues, this is what the site looks like. It was used for over 50 years for more than 800 nuclear weapons tests. It is typically one of the more remote areas in the United States, but it is unique inasmuch as it has been a selected test site.

Now, why this site? That is a legitimate question, and I know my colleagues from Nevada are very concerned about it being designated in their State. I am sympathetic to that. But the reality is that it has to be put somewhere, Mr. President. In the debate yesterday, my colleagues from Nevada affirmed that during the development of our nuclear program, it was necessary to do our patriotic duty to designate an area out in the Nevada desert, and you might say their State. I am sympathetic to that.

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in the debate yesterday, the Senators from Nevada indicated there was no rational, technical, or scientific reason for placing a spent fuel storage facility in Nevada. Well, I don’t know any other place in the country where we test nuclear bombs.

Now, it’s also important to note that the Department of Energy spent over a billion dollars studying other potential sites before narrowing the list to three sites, including Yucca Mountain. Congress selected Yucca Mountain in 1997. It indicated that it had a unique geology, and it tied in the reality that the Nevada test site had been used to explode nuclear weapons for 50 years. In other words, it said that from a geological point of view, it meets our expectations. Secondly, it is an area that has been used, and, therefore, it should be sufficient for this type of permanent repository.

As we look at this test site, we should recognize that the last weapon was exploded underground there in 1991. Underground tests are still being performed with nuclear materials being exploded with conventional explosives, as I understand it, from time to time—all with the wholehearted support, I might add, of the Nevada delegation. In fact, not too long ago, one of the Nevada Senators supported storing spent fuel at the site.

I have a copy of a resolution that reappeared from the Nevada assembly; it’s joint resolution No. 15. That is a copy of the resolution, Mr. President, dated February 26, 1975. I am not going to read the whole resolution, but I think it is important to recognize this:

Whereas, the people of southern Nevada have confidence in the safety record of the Nevada test site and in the ability of the staff to site to and maintain safety in handling of nuclear materials.

And also:

Whereas, nuclear waste disposal can be carried out at the Nevada test site with minimal capital investment relative to other locations.

That is from the copy of the resolution that we have on the chart behind me.

Therefore, be it resolved by the assembly and the State of Nevada jointly that the legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada test site for the disposal of nuclear waste.

Now, Mr. President, that was indicative of the attitude prevailing on February 26, 1975. The resolution was passed. It passed the Nevada Senate by a 12-6 vote, aided by the vote of one of our colleagues here in the Senate from Nevada, and it was signed by the Governor of Nevada, Mike O’Callaghan.

Well, I ask, Mr. President: What has changed? That test site hasn’t changed. It is still there. It still has a trained work force, still has an infrastructure for dealing with nuclear materials. The geology, the site certainly hasn’t changed. Obviously, at least one of the Nevada Senators thought it was the best place to store nuclear waste in 1975, or he would not have supported this resolution. In my opinion, when you are all through with going through the areas in the rest of the States, it is still the best place.

Where are we today? Well, we are still on our way—business as usual around the Senate, putting off decisions. We began this debate in the 104th Congress with the consideration of S. 1271. The Nevada Senators objected saying that the bill would gut environmental laws, allow unsafe transportation, and endanger the health and safety of Americans. We had objections from the administration saying that we were choosing Nevada as the site prior to the determination that the Yucca Mountain site would be viable as a permanent repository.

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

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

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI]

proposes an amendment numbered 26

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

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

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. HOLLINGS, proposes an amendment numbered 27.

On page 28, line 16, after “Washington” insert the following: The Savannah River Site and Barnwell County in the State of South Carolina,“.

Mr. HOLLINGS. Mr. President, I rise today in support of the amendment offered by myself and the senior Senator from South Carolina, Senator THURMOND.

We all know the score, the chairman of the Energy and Natural Resources Committee has outlined the state of nuclear policy where we are aware of the need to move this bill forward.

Currently, DOE is contractually bound to begin receiving spent commercial nuclear fuel in 1998. Under the Nuclear Policy Act, DOE was directed to identify, construct, and operate an underground repository to dispose of the Nation’s commercial nuclear fuel.

Identifying such a site proved difficult, so in 1997 Congress intervened and directed DOE to study or characterize only one site, Yucca Mountain, NV. Since 1997 DOE has been studying the Yucca Mountain site to determine if it is a suitable site for the permanent repository. This characterization was to be completed and, if the site was suitable, a permanent facility was to be constructed by 1998.

I don’t need to point out how far this process has fallen. If it was on schedule then we would not be debating this bill today. It is now 1997, and DOE has not finished its site characterization work. In fact they tell me, if there is no further delay and the site checks out, then the permanent repository will not be ready until 2010 at the earliest.

Obviously that causes a problem since last year a Federal court held that DOE does have an obligation to dispose of the waste by the 1998 deadline, so where does the waste go in 1998? Well, to Senator MURKOWSKI’s credit, he is trying to answer that question. That solution is to construct a temporary storage facility at the Yucca Mountain. If the site is suitable for the permanent repository, the Yucca Mountain site would be viable as a permanent repository.

The Senator from Alaska has tried to accommodate a bunch of competing interests, and, hoping to avoid a veto by the White House, he has provided a means by which he, the President can agree an alternative site. If the Yucca Mountain site is deemed unsuitable, it is this provision, allowing the President to designate an alternative temporary storage site, that brings me...
here today. My friends from Oregon, Senators Wyden and Smith, both of whom are on the Energy Committee, offered a provision at markup to ensure that the DOE’s Hanford Site be excluded as a possible alternative temporary storage site.

As many of my colleagues know, the DOE’s Savannah River Site is located in my State, and I am here today to explain why, like the Hanford Site, it is not a suitable site for a temporary facility. As a result of the precedent set by the lack of SRS’s disadvantages, they will agree. SRS is not the place for this spent fuel.

The amendment before us simply codifies that position. It simply states that the Savannah River Site and Barnwell County South Carolina, like Hanford, cannot be identified by the President as an alternative temporary storage site.

I am not going to spend time arguing why Yucca Mountain is the best site for this facility. The chairman of the Energy Committee has done a fine job of that. What I will do is tell you why SRS is not the site.

SRS is a 1,300-acre reservation located in South Carolina and abutting Georgia. It is 12 miles southwest of Augusta, GA, and 10 miles south of Aiken, SC. This is a highly populated area which has been and continues to grow rapidly. I have heard people argue that the Savannah River Site is some rural out-of-the-way place. Well, that is just not the case. The population within a 50-mile radius of SRS numbers about 615,000. This obviously encompasses all of Augusta, GA, and, in fact, the combined population is more that 400,000 people, plus a number of smaller communities that are too numerous to mention.

What is more astounding is that the population living within a 100-mile radius of the site numbers 2.6 million people. This includes a number of larger cities including the capital of South Carolina, Columbia, Charleston, SC, Hilton Head, SC, Savannah GA, and Augusta, GA. In fact, there are private homes located on private lands located within 200 feet of the site.

To say this is a far and out-of-the-way place is just not the case. Putting additional nuclear waste in such a highly populated area is crazy.

In addition, as I understand the scientists, their most constant fear is that nuclear material is exposed to water and leaches into surface or subsurface areas that this water carries the contamination off-site. Therefore it is critical that this nuclear material be kept dry and away from the corrosive effects of water.

Well, for anyone who has visited the Savannah River site, or, for that matter the lowcountry of South Carolina, they know that in reality it is all wetlands or as some say, a swamp. In fact, the Savannah River site is literally surrounded by water. There are extensive water resources on, under, and adjacent to the site.

The Savannah River, which marks the border of the States of South Carolina and Georgia also marks the 20-mile western boundary of the site and six major streams flow through the site and into the river.

It is this river, the Savannah, which supplies drinking water for Beaufort, SC, Savannah, GA, and Jasper Counties in South Carolina and the town of Port Wentworth, GA. In addition, it runs directly through the city of Savannah, GA, downstream and supports an active commercial and sport fishing industry.

Studies indicate that portions of the site are within the 100-year flood plain, and although this information is not available, I would not be surprised to find that the entire site is within the 500-year flood plain.

Under the surface there are several aquifer systems. The largest of which is the Cretaceous or Tuscaloosa Aquifer. It is a huge aquifer stretching all across the Southeast. In general, the groundwater on the site flows into one of the numerous streams or swamps on the site and into the Savannah River which is, as I mentioned earlier, the source of drinking water for numerous cities and towns downstream.

The water not making its way to the river is absorbed into the ground and eventually makes it to the groundwater. The level of this groundwater, like its flow, varies but in some places it is literally within inches of the surface. The rate of flow for this groundwater varies; it travels as fast as several hundred meters a year. So it is not hard to imagine a scenario, and we have had cases, where nuclear contaminants have reached the groundwater and quickly moved off site.

It is interesting to note, but not surprising, that virtually every county in South Carolina and Georgia has some number of households getting their drinking water directly from these subsurface aquifers. In fact, over 50 percent of the households in two counties that abut the site draw their drinking water from wells.

Obviously, with the abundant wetlands, rivers, streams, and, an abundance of precipitation, averaging over 44 inches per year, the Savannah River site is not the place for this spent fuel—if you want to keep it dry.

There are numerous other reasons to eliminate the Savannah River Site site. Not the least of which is that South Carolina and the Savannah River site are already doing their share to safely store nuclear waste. In fact, foreign research reactor fuel shipped from all over the world passes right by my front door as it is being shipped to Charleston and then up to the Savannah River site. In addition, the site is constantly receiving waste from the nation’s nuclear defense facilities and domestic research reactors. We have all the waste we can handle.

Trust me; I have visited the site repeatedly over my career, and I am aware of the cleanup job we face down there. We have spent years getting a waste processing facility up and running, and we are now really beginning to clean up the 33 million gallons of liquid high-level nuclear waste on site. That does not include all the other forms of waste: low-level, transuranic, and hazardous. There is more waste to a site which has its hands full cleaning up the mess caused by 40 years of nuclear weapons production is not the solution.

It is clear given the dense population of the area and its geography that it is not the best site for any waste. Our goal should be to ensure that the Savannah River site is cleaned up and that its waste is stabilized and moved off-site. The site is not suitable to receive additional waste. This amendment simply ensures that the Savannah River site is not overrun with waste and that it continues without interruption the cleanup and stabilization of its existing contamination.

I urge my colleagues to adopt the amendment. I yield the floor.

Mr. President, I urge adoption of the amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Nevada.

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

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

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

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

The remarks of Mr. BINGAMAN pertaining to the introduction of S. 532 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.
Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for up to 20 minutes, followed by Senator REID and Senator BRYAN for up to 10 minutes each, and further, that debate only be in order at this time.

Mr. REID addressed the Chair.

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

Mr. REID. Mr. President, reserving the right to object, if I understand the unanimous consent request, the manager of the bill will speak for 20 minutes, the Senators from Nevada will speak for 10 minutes each, and there will be no further debate on this bill tonight.

Mr. MURKOWSKI. It wasn't my intent necessarily to eliminate debate from any other Senator who may come down. I have no objection if that is the proposal from the other side.

Mr. REID. I want no further debate tonight.

Mr. MURKOWSKI. Then I would agree. If we may withhold that for a moment, let me check with the Cloakroom. I want to make sure we don't have anyone else.

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

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

Mr. MURKOWSKI. Mr. President, I advise my colleagues from Nevada that I agree to their alteration to the agreement which would limit debate to 20 minutes on this side and 10 minutes each, with the understanding that there be no further debate at this time.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, we began this debate with the consideration of Senate bill 1271. The Senators from Nevada, of course, objected, saying the bill would gut environmental laws, saying it would allow unsafe transportation and endanger the health and safety of Americans.

We had objections from the administration. They opposed choosing Nevada as the interim site prior to a determination that Yucca Mountain would be viable as a permanent repository. To address these concerns and others, we have attempted to adjust our bill. We began with Senate bill 1271, then a new bill, Senate bill 1936, and again with an amendment in the form of a committee substitute to Senate bill 1936. With each new version of the bill, we attempted to strengthen the public health and environmental safeguards as well as meet the criteria of Members who were concerned about these items.

First, in order to address the administration's concern, we made it clear that no construction of an interim facility would take place at the Nevada test site until Yucca Mountain was determined to be technically viable as a permanent repository. So let me make that clear. No construction would be initiated without the viability being determined.

We have extended the time period in order to accommodate the reality that nothing moves very fast when you are addressing nuclear waste.

With respect to concerns over radiation protection standards, we began with a 100-millirem standard which could not be reviewed by any Federal agency. The bill before us today allows the EPA to establish a standard if it determines one is necessary. So we have tightened up on the radiation standards.

With respect to the NEPA requirements, our latest version requires the Department of Energy and the NRC to fulfill the requirements of NEPA in conjunction with the operation of both an interim storage facility and a repository. Our first bill did not contain that requirement. So, again, we tightened it up with regard to NEPA requirements.

With respect to concern about transportation safety, we have accepted transportation language offered by Senator MOSELEY-BRAUN of Illinois, Senator WYDEN, and others.

With respect to the preemption of other laws, we proposed language consistent with the preemption authority found in the existing Hazardous Material Transportation Act. Indeed, I think we have substantially changes in the bill. What is before us today is far different than what we originally introduced as Senate bill 1271 in the 104th Congress.

Despite all of the changes we have made, the opponents of this bill continue to object to the bill as if no changes were made. We have heard it referred to as "Mobile Chernobyl," "emasculating NEPA laws" and "running roughshod over all environmental laws."

The emotional rhetoric that has been used fails to recognize the changes we have made in this bill and the charges that we have refuted.

The suggestion has been made that the transportation is unsafe. We have shown how we have safely been moving fuel around for many years. I have some charts behind me to show that. Not only have we moved fuel, but fuel has been moved overseas.

Here is a chart showing specifically where fuel which is coming to the United States from other countries: Australia; it is coming from Turkey, Iran, Pakistan, and Canada. How does it get here?

It moves. It is transported. And it is transported safely. The French, the Japanese, and the Swedes are moving spent nuclear fuel. Spent nuclear fuel is coming from Japan, going to France for reprocessing, being taken back to Japan, being put back in reactors. They have what they call reprocessing. They don't bury their waste. They put it back in the reactors and burn it. It combats proliferation. I am not here to argue the merits of that. I am simply showing that this waste does move, and it moves in transportation casks.

We have heard it argued that transportation casks are unsafe. But we have shown that the transportation casks are not endangered significant exposure to crashes, and can survive fires. We have shown the casks have been tested by a locomotive hitting them at the 90 miles an hour, or crash into a brick wall at 90 miles per hour, submerged in water, that have been in fire. These casks are safe, and they are designed to survive any type of real world accident. We have the technology to do that.

I also want to show a chart relative to the movement of waste throughout the United States, which I think is significant inasmuch as it reflects on the reality that we move a tremendous amount of waste throughout the United States.

But here we are. In the years 1979 to 1995, there were 2,400 shipments across the United States through every State except Florida and South Dakota. I don't know how we missed those. But there were the other states. So we have moved them safely. We have shown that our national labs have certified that the casks can survive any real world crash.

We have heard statements that radiation protection standards are unsafe. We have shown how our standard is more protective than the current EPA guidance that allows five times as much. We allow EPA to tighten the standards further, if need be.

It has been said on the other side that the Nuclear Waste Technical Review Board says there is no compelling technical or safety reasons to move fuel through a central location.

We have shown that a more complete reading of the Technical Review Board's testimony—and their report—indicates there is a need for interim storage, and there is a need for Yucca if Yucca is determined to be a suitable site for the permanent repository. The other side has indicated we can delay this action until August 1998, at a time when a viability determination is made with respect to Yucca.

We have shown that delay is what has gotten us into this situation in the first place.

There is a court case which has already determined that the Federal Government is liable because of its delay and its inability to accept the waste.

Eight months from now, when the Government is in breach of contract,
then the courts are going to consider the damage that we face. We as legislators have a responsibility to protect the taxpayers. With each delay, the damage is going to mount. With each delay, the liability to the taxpayer increases. With each delay, there will be a pressure to yield to further delays. The call for delay is really a siren’s song. It is a trap. It is further delays. The call for delay is there will be a pressure to yield to even delay, the damage is going to mount.

The damage that we face. Then the courts are going to consider S2896 will go on; it must go on. This provision in our substitute makes it clear that it has to go on.

Mr. President, I am going to need about 3 more minutes here with no objection from my colleagues from Nevada or Arizona. I would ask that they be extended 3 more minutes as well.

Mr. REID. Whatever the Senator needs, we will extend the time. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank my friend. Let me begin again.

The administration’s position states that S. 104 would “effectively replace EPA’s authority to set acceptable release standards.” Our amendment, as I indicated earlier, places the EPA in a key role developing risk-based standards for the repository consistent with the recommendations of the National Academy of Sciences.

The administration position states that S. 104 would “weaken existing environmental standards by preempting all Federal, State and local laws inconsistent with the environmental requirements of this bill and the Atomic Energy Act.”

Our amendment completely changes section 501 of the bill. There will be full application of Federal laws except where the local jurisdiction attempts to unreasonably stand in the way of the Federal mandate.

The administration’s position further states that S. 104 “would undermine the ongoing work at the permanent disposal site by siphoning away resources for the construction and operation of a central storage facility and the ongoing work at the permanent repository.”

That is simply not true. Our amendment establishes a user fee which was specifically added to provide sufficient funds for the administration to operate a central storage facility and continued work at Yucca Mountain. Finally, the administration’s position states that “it would undermine...
the credibility of the Nation’s nuclear waste disposal program by designating a site for an interim storage facility before viability has been assessed.”

As I have said earlier, that is simply not true. Our bill specifically conditions that Yucca Mountain be deemed to be an adequate site and if that is not true. The rationale for that is obvious. Without closing the loop, we have left a loophole, and we would not see a satisfactory determination by the parties who have the responsibility. And the Congress and the Senate certainly share in that.

So with that concluding remark, I yield and encourage the Chair to grant an equal amount of time to my good friends from Nevada.

I thank the Chair.

**THE PRESIDING OFFICER.** The Senator from Nevada.

**Mr. REID.** Mr. President, will the Chair advise the Senator from Nevada how much time the Senator from Alaska consumed?

**THE PRESIDING OFFICER.** The Senator consumed 25 minutes.

**Mr. REID.** Will the Chair advise the Senator when they will be up?

**THE PRESIDING OFFICER.** Yes, sir. If you will proceed, I will be happy to do that.

**Mr. REID.** Mr. President, I do not mean in any way to denigrate pigs. I am not concerned, they do not look too bad. But no matter how you dress up a pig, formal clothes or dress, it still looks like a pig. And this legislation, no matter how you dress it up, still appears to be a law that is not good. We are trying to interchange the word “viability” with “suitability.” They are two totally different concepts with two totally different meanings.

As defined by the Department of Energy, viability is simply a finding that to that point in time, no disqualifying characteristic has been found. It simply means to this point we have not yet found anything wrong. It does not mean that the site will be suitable. Subsequent to viability, there is significant additional technical study to be pursued in the context of a repository design. The site could still be found unsuitable for an extended period later, while they find out if it is suitable. So an assessment of viability does not mean much.

This distinction between viability and suitability has been repeatedly pointed out to the Congress. It is a shame that in this debate, this year, we are now trying to satisfy the element of suitability by using the word “viability.” This distinction was emphasized by the bills that past Director of DOE’s Office of Civilian Radioactive Waste Management, who cannot be considered someone who is opposed to the nuclear industry. He simply said the finding of suitability is much different than the finding of viability.

The distinction was emphasized in S. 104 testimony by the Chairman of the Nuclear Waste Technical Review Board. He said repeatedly, as did the former Chairman of the Office of Radioactive Waste Management, “Do not confuse viability with suitability. Suitability is the final step before license applications can be pursued. No consensus has been reached that site would be approved before that suitability decision has been made.” This is very clear. So, in this debate let us not confuse suitability with viability.

There have been constant statements made on this Senate floor during the past few days that nuclear waste transportation is just fine, they do it other places. How many times have we heard statements, people saying we transport nuclear waste all over? Let me read from a letter written to my colleague, Senator Richard Bryan, on March 28, 1997. This is not something that took place in ancient history. This is a brandnew letter. Let me read it:

**DEAR SENATOR BRYAN:** As the Senate prepares for a vote on S. 104, I thought you might find my recent experience with real-world transportation of radioactive waste in Germany, of Germany, of Germany.

In early March, I was part of an international team which monitored the transport of six CASTOR casks of high-level atomic waste from southern Germany to the small northern farming community of Gorleben, a distance of about 300 miles. My experiences are chronicled in the enclosed issue of the Nuclear Monitor. But I want to add just a few points.

Too often, I feel like many of your Senate colleagues believe nuclear waste transportation is just another routine industrial endeavor and that, if they vote for a bill like S. 104, this transport will just be carried out with few problems.

The reality in Germany is quite different. The CASTOR shipments were met with protest every mile of the way. The shipments were front page news in every German newspaper the entire week I was in the country. Near Gorleben, a farming area and home of the “Interim” waste storage facility, opposition to the transport is “Interim” facility is very nearly unanimous. In some towns nearby, I could find not a single house or farm that did not display anti-CASOR, anti-Gorleben, and anti-German signs. Farmers barricaded roads, and dug holes under them so the 100-ton CASTOR casks could not travel across them. Schoolchildren were forcibly removed from their schools, so police could use them as staging areas. The CASTOR transports had changed a quiet, conservative region of Germany into a bastion of protest and assertiveness in German society only now being recognized by the German Parliament, which has begun hearings on the issue.

The transport of these six casks required 30,000 police and 100 million. More than 170 people were injured during demonstrations, more than 500 arrested. Even the police have called for an end to the shipments; they no longer consider the transport of CASTOR casks to be acceptable. Nor do the German public. The police could travel across them.

We found that irreconcilable. We feel that in order to bring this to a conclusion, we have to structure the amendments in such a way as to determine, indeed, that if Yucca Mountain is not deemed to be an adequate site by the President, then it is not necessary. If the President finds it necessary as a consequence of Yucca not being deemed an adequate site, the responsibility is the President’s, with the approval of Congress, but if all proposed to duck responsibility, then clearly it comes back to the Nevada test site in default. And the rationale for that is obvious. Without closing the loop, we have left a loophole, and we would not see a satisfactory determination by the parties who have the responsibility. And the Congress and the Senate certainly share in that.
Eight casks, of 420, have been shipped to Gorleben. Total cost to the German government has been about $150 million. Each shipment the protests and anger increase, instead of dying down.

Perhaps obviously, while watching the casks lumber down the highway toward Gorleben, at about 2 miles per hour (it took them 30 days to move the 24 miles), surrounded by police and protesters, I reflected on what this might mean to our own radioactive waste programs. We're not trying to move six casks, or eight, or even 420. Under S. 104, we could be moving as many as 70,000 casks—not six in one year, but six every day. And we wouldn't be moving them 20 miles, or even hundreds and thousands of miles at a time.

I frankly don't know if we will experience protests like those in Germany, though I suspect we will. But I do know we will experience the same type of anger expressed by the local farmers and townspeople, the same type of distrust of government and authority, and the same kinds of societal divisions.

And I have to ask myself, has anyone in the Senate actually thought about what these waste shipments could mean to themselves?

Nor, I am convinced, is the U.S. government as prepared as the German government to handle these shipments. Germany was able to move her traffic police, brought in from all across the country, along the transport route. Medical people and the Red Cross were well in evidence. The first line of emergency responders—obviously were present for every mile of the transport. And they were clearly well-trained, if sometimes visibly uncomfortable in their roles.

It will simply load up a huge cask of high-level atomic waste from a nuclear utility and send it onto an American highway or railway like a truck or boxcar carrying tanks of even gas or some other hazardous material. Radioactive waste shipments are qualitatively different and require much more thought, planning and contemplation than the U.S. Senate so far appears willing to provide.

In the end, it required establishment of a literal police state in the Wendland area of Germany, and very nearly a war zone, to complete this cask movement. I do not believe this would be a credible or accepted policy in the U.S.

With only eight of 420 casks shipped, Germany's Parliament is re-evaluating the entire program. Perhaps we can learn from them, and begin our re-evaluation before the shipments start.

I would be happy to further brief you or your colleagues on my experiences at your convenience.

It is signed by Michael Mariotte.

So, Mr. President, saying you can put these casks with no problem is carrying oranges or even gasoline or highway or railway like a truck or boxcar—just another empty promise. And I believe this would be a credible or accepted policy in the U.S.

They do not want to play by the rules. They want to have their own game where they set their own rules, as they are trying to do in S. 104, and they are trying to do it up by saying we have made the proper response—or, that they are only 80 yards apart. That is not true.

They know once waste is moved from its generator site to a centralized site, it will never be moved again. A suitably defined policy will permit designation of a site. And I believe this is a site.

So the only possible way to proceed, the only way to overcome the overwhelming opposition to centralized interim storage, is to designate an interim storage site at a place that has already been found suitable for permanently dispose of spent nuclear fuel. That is the only way to do it.

It is this inability to see that S. 104 is putting the horse behind the cart, that is, establishing an interim site before the permanent one, for instance, that is the blindness that compels me to believe S. 104 is really all about sabotaging this country's avowed policy to permanently dispose of nuclear waste.

The industry, with all their money and all their profits, want to change the system. They want to change the rules in the middle of the ball game. Everyone knows that Nevada is not happy with Yucca Mountain. But at least some rules have been established there. Why can't at least some say in what is going on there. And the reason the nuclear waste industry is willing to change—wants to change the rules in the middle of the game is they know that Yucca Mountain is being, at this stage, studied, analyzed, and characterized in a fair fashion.

Think about it. S. 104 would move nuclear waste to Nevada and store it there permanently at a site that has been found unsuitable for that purpose. What could be more outrageous than that?

Such a policy goes beyond stupidity, goes beyond unfairness. It would knowingly risk public health and safety by storing waste at a site that has been determined to be an unsafe site, and, by storing waste on an open, concrete pad, exposed—

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has used 11 minutes.

Mr. REID. I thank the Chair. By storing waste on an open, concrete pad, exposed to the weather and all manner of natural and accidental damage. That is wrong. Permanent storage, because that is what it would be, at a temporary site would be about the worst decision this Senate could make.

This legislation, this so-called substitute, is as bad as the original bill. I defy anyone to controvert what we have talked about today, about the problems they had in Germany. Eight casks out of 420, moved 300 miles, not thousands of miles like we are moving them here. They had to call out 30,000 police and army personnel to allow those to proceed, at a cost of $150 million. I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I thank the Chair. I yield myself such time as I may need.

Mr. President, I want to continue this discussion of my colleague. Each of us was thinking in the same frame of reference. He said no matter how much you dress up a pig it's still a pig. I learned as a youngster the old adage, you cannot make a silk purse out of a sow's ear. You cannot make a silk purse out of a sow's ear. And that is exactly what we have here.

We have not had an opportunity to review in detail all the asserted changes that the chairman of the committee intends, and we will have a chance to comment on that tomorrow. But central to this debate, the basic issue, the point at which all discussion begins, every thoughtful and analytical and policy frame of reference, is the question of whether or not we should place interim storage anywhere before a determination is made with respect to a permanent repository or dump. That is the legislation and the Chairman continues to oppose this legislation. Senator BINGAMAN opposes this legislation, why every environmental organization in America opposes this legislation. Because the basic flaw is this is unnecessary and unwise. We will have a chance to expand upon this tomorrow.

But you go back to the origin of this debate, 17 years ago, you scratch the surface and always the nuclear utility industry and its highly paid advocates have one mission and one mission only—remove the waste from the reactor site. That was the essence of the debate, as we have pointed out time and time again on the floor dating
back to 1980 when then the Holy Grail of the industry was an “away-from-reactor” storage program; the same basic concept, anywhere away from here, get it out, away from reactor storage. The Congress wisely rejected in 1980 that approach, just as they have rejected that approach consistently, year after year.

I want to refer to the Nuclear Waste Technical Review Board. We have talked about that a great deal. Much has been written and said, but the point that needs to be made is there is no urgent technical need for interim storage of spent fuel—none. Our colleague, the ranking member of the committee, last night, the senior Senator from Arkansas [Mr. Bumpers], went on at great length about: There is no necessity, no need to do so. Indeed, any thoughtful policy approach rejects that premise.

Again, in 1997, a reconstituted Nuclear Waste Technical Review Board reached this same conclusion. They talked about that a great deal. Much has been written about it, but the point that needs to be made is there is no urgent technical need for interim storage of spent fuel—none. Our colleague, the ranking member of the committee, last night, the senior Senator from Arkansas [Mr. Bumpers], went on at great length about: There is no necessity, no need to do so. Indeed, any thoughtful policy approach rejects that premise.

Let me say, for those who have followed this issue over the years, the only justification for siting it at the Nevada test site—and this was debated last year on the floor, to some extent—was the assumption, the predicate that Yucca Mountain would be the permanent repository. That was the only basis. How in the world can you place interim storage until you have a determination made as to whether the permanent facility, which is the whole predicate of the interim storage licensing determination, has been determined, and that has not occurred.

So this has nothing to do with science. Frequently, science is invoked to defend the course of action that our colleagues on the other side of this issue would urge upon the body. This has absolutely nothing to do with science; it has everything to do with nuclear politics as advocated by the nuclear power industry and their legion of lobbyists who line the highways and the corridors of this Chamber, as well as the other body.

A second point I think needs to be made here and was addressed, in part, by my senior colleague, and that is the transportation system should not be moving it at all until a decision is made, why place at risk the citizens of 43 States, 51 million people, along highway and rail corridors in America? Senator Reid is quite correct that Europe is often cited: “My gosh, they have their situation handled; why can't we do it here?” Believe me, once you start moving 85,000 metric tons of high-level nuclear waste, you are going to have communities, and rightly so, exercised concerns about the transport of those kinds of volumes.

The chairman of the committee says, “Well, we're shipping nuclear waste around now.” That is true to some extent, but the difference between 2,500 shipments and 17,000 shipments in which the 2,500 shipments have traveled 900 miles or less is a vastly different proposition in terms of magnitude of risk of shipping waste over thousands of miles. Remember, most of these reactors are in the East and the West, and the waste would be transported virtually from coast to coast, a very different proposition.

Something else that we have tried to make understandable in this debate to the opponents is the fact that the casks that would be used have not yet been designed, nor have they been manufactured. So we are talking about a totally different reconfigured cask that will take some time.

I invite my colleagues’ attention to the testimony of Dr. Jared Cohon, again, earlier this year when he indicated that it is not just a siting decision. He says:

But developing a storage facility—

And he is referring there, again, to interim storage.

So the notion that somehow instantaneously this problem is taken care of, just pass S. 104 and all of our problems go away.

I want to respond to one other issue briefly before concluding. The notion is somehow fostered here that if an interim storage facility is located at the Nevada test site, that rather than having 109 different reactor sites around the country where nuclear waste is stored, we will have only one. Mr. President, that is not correct. We will have 110, not 109.

Many people may not be familiar with the fact that immediately after a spent fuel cell assembly is removed from the reactor because it no longer has the efficiency necessary to generate electrical power, it is stored for many, many years in a spent-fuel pond or pool for it to cool off for a period of time. We are talking about reactors that are in operation and are licensed to operate until the period of 2033. So we are going to have nuclear waste stored at many sites around the country for many, many years, irrespective of S. 104.

So the notion that is held out of “pass this bill and we will have no nuclear waste other than at the site designated in this bill, the Nevada test site,” is certainly a false premise and, indeed, once the waste is removed, the reactor itself remains and is hazardous for an extended period of time.

There are many things we will be talking about in more detail during the course of the debate over the next few days. But no matter how they try to recast this as a different piece of legislation, this is basically the same basic piece of nuclear legislation, when you get to the very essence, the core of the legislation, its fatal and unperfectable flaw is that it calls for siting interim storage before the decision is made on the permanent facility, and no one in the scientific community is arguing for that proposition.

So this is nuclear politics, and we are simply responding to the bidding of the nuclear utility industry, which, for years and years, has urged the Congress, in one form or another, to remove the reactor waste, send it somewhere else, send it anywhere, but get it out from under us, and that is the objection that the policymakers, who have given this their thoughtful attention—the President of the United States and others—have said that is what is wrong with this legislation. It is what was wrong with the legislation in 1996, and that has not changed in the original form in which this bill was introduced, and based upon the discussion of the chairman of the committee, it has not changed in the substitute that is being proposed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent to file an amendment to the substitute.

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

CLOTURE MOTION

Mr. LOTT. Madam President, I send a cloture motion to the desk to the pending committee substitute, which has urged the quorum call be rescinded.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby
move to bring to a close debate on the substitute amendment to S. 104, the Nuclear Policy Act:

Mr. LOTT. Madam President, for the information of all Senators, this cloture vote would occur on Friday unless consent can be granted for a vote on Thursday. Those interested parties are in the process of negotiating a consent agreement that would call for the final passage of S. 104 by the close of business tomorrow. Needless to say, if that is agreed to, the cloture vote would not be necessary. I encourage our colleagues to continue to negotiate on this important legislation, and I hope that they will be able to reach an agreement shortly.

REPORT CONCERNING SCIENCE AND TECHNOLOGY POLICY—MESSAGE FROM THE PRESIDENT—PM 28

The Presiding Officer laid before the Senate the following message from the President of the United States, to the Congress of the United States:

WILLIAM J. CLINTON.

April 9, 1997.

MESSAGES FROM THE HOUSE

At 4:02 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 bills, in which it requests the concurrence of the Senate:

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following measures were read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself and Mr. CONRAD):

S. 526. A bill to require the display of the POW/MIA flag on various occasions and in various locations; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. GRAMS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

By Mr. KOHL:

S. 530. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WIDEN):

S. 531. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. KEMPThorne, Mr. Thomas, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. Kerrey, and Mr. Grassley):

S. 532. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURkowski (for himself and Mr. STEVENS):

S. 533. A bill to exempt persons engaged in the fishing industry from certain Federal antitrust laws; to the Committee on the Judiciary.

By Mr. DODD:

S. 534. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. MCCain (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. COCHRAN, Mr. BURNS, Mr. MOYNIHAN, Mr.
Mr. President, I ask unanimous consent that the bill be printed in the Congressional Record.

As you know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry the burden on sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another’s sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served and for that we might live in freedom.

We can do more to honor the memory of the POW’s and MIA’s who have served in our Nation’s wars.

Therefore, today I am introducing the National POW/MIA Recognition Act of 1997. This bill would authorize the POW/MIA flag to be displayed over military installations, post offices, and memorials around the Nation and other appropriate places of significance on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays.

A companion bill has been introduced in the House of Representatives by Congresswoman JANE HARMAN from California.

Congress has officially recognized the National League of Families POW/MIA flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten—and will not forget.

As you know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another’s sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served and for that we might live in freedom.

I just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW’s and MIA’s, so too will the display of their flag over military installations and other Government offices be a special reminder that we have not forgotten—and will not forget. Before this coming Memorial Day, I invite my Senate colleagues to please join me in passing this bill to display the POW/MIA flag on national days of celebration.

Mr. President, I ask unanimous consent that the bill be printed in the Record.
There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 528  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:

SECTION 1. SHORT TITLE.  
This Act may be cited as the "National POW/MIA Recognition Act of 1997".

SEC. 2. FINDINGS.  
Congress finds that—  
(1) the United States has fought in many wars, and thousands of Americans who served in those wars were captured or listed as missing or unaccounted for;  
(2) many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;  
(3) as a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag; and  
(4) the American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

SEC. 3. DEFINITION OF POW/MIA FLAG.  
In this Act, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized and designated by section 103 of Public Law 102-355 (104 Stat. 416).

SEC. 4. DISPLAY.  
The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies or offices of—  
(1) major military installations as designated by the Secretary of Defense;  
(2) Federal national cemeteries;  
(3) the national Korean War Veterans Memorial;  
(4) the national Vietnam Veterans Memorial;  
(5) the White House;  
(6) the official office of the—  
(A) Secretary of State;  
(B) Secretary of Defense;  
(C) Secretary of Veterans Affairs; and  
(D) Director of the Selective Service System; and  
(7) United States Postal Service post offices.

SEC. 5. REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.  

SEC. 6. REGULATIONS.  
Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in section 2 shall prescribe any regulation necessary to carry out the provisions of this Act.

By Mr. GRASSLEY (for himself and Mr. Grams):

S. 529  
An Act to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

THE FARM INDEPENDENCE ACT OF 1997  
Mr. GRASSLEY. Mr. President, I rise to introduce a bill on the Internal Revenue Code. From time to time we need to change the Internal Revenue Code, particularly when it deals with agriculture. However, there may be some people listening who do not understand agriculture. They may see these efforts as doing something special for farmers. I want to assure today that I am a person who comes from the school of thought that every penny of legal tax that is owed the Federal Government should be paid. But I think, also, we have a responsibility as Representatives of the people, to make sure that we balance taxpayers' compliance with taxpayers' rights.

The legislation I am introducing today is centered on a proposition that has been for 40 years. It proscribes that most farm landlords, just like small business people and other commercial landlords, should not have to pay self-employment tax on cash rent income. For 40 years the IRS has treated farmers and city people alike. But in 1995, there was an Arkansas Federal tax court case that said the IRS could take other expansive factors into consideration. As a result of that tax case, the IRS decided to issue a related technical advice memorandum. These are widely deemed to be IRS policy statements on the law. As a result, many farm landlords are now treated differently from commercial and other city landlords. Consequently, farmers and retired farmers now find themselves paying 15.3 percent self-employment tax on cash rent.

So, I say to the IRS, as I give an explanation this morning: Don't try to game the system. The law remains what people have counted on for 40 years. Unless there is an act of Congress, you ought to respect history before you change the rules. Obviously it has been the policy of the IRS that the taxpayer was right and the IRS was wrong, particularly since there now is a difference between the farm sector and the city sector.

The correct rationale is simple, the self employment tax applies to income from labor or employment. Income from cash rents represents the value of ownership or equity in land, not labor or employment. Therefore, the self employment tax does not ordinarily apply to income from cash rents.

So, along with Senator Grams of Minnesota, I am introducing this bill so farmers and retired farmers are not going to be encroached upon by the IRS and the Tax Court. As a result of this Arkansas Federal tax court case and the IRS technical advice memorandum, the IRS has thus, through this court case and broadened by its own pronouncements, it introduced a new barrier to the family farm. Our legislation would remove this new IRS barrier so that farm families and retired farmers can continue to operate.

Specifically, our legislation would clarify that when the IRS is applying the self-employment tax to the cash rent farm leases, it should limit its inquisition to the lease agreement. This is not an expansion of the law for the taxpayers. Rather, it is a narrowing of an IRS requirement set by the Internal Revenue Service. The tax law does not ordinarily require cash rent landlords in cities to pay the self-employment tax. Indeed, cash rent farm landlords are the only ones occasionally required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

However, the law originally imposed the tax on farm landlords only when their lease agreements with their rented farms are entered into by the operation of the farm and in the farming of the land.

Forty years later and we are here today, the IRS has expanded the application of the self-employment tax for farmland owners. Now the Tax Court and the IRS tell landlords in particular, for instance, the IRS could look beyond the lease agreement. On this very limited authority, the IRS has unilaterally expanded the one court case even further so it now approximates a national tax policy.

Our legislation clarifies that the IRS should examine only the lease agreement. Thus, it would preserve the pre-1996 status quo. We want to preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties within the cities. The 1957 tax law was designed to benefit retired farmers of that generation so that they would qualify for Social Security.

So, obviously, those persons of the 1950's have all since passed from the scene. Their children and grandchildren are now the victims of this IRS expansion of their old rule. Congress does not intend that farm owners be treated differently from other real estate owners, other than as they have been historically. We need the clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of old tax law. In other words, I see this legislation as removing this new IRS barrier to the family farm and the American dream.

I ask unanimous consent that the text of our bill be printed in the RECORD.

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

S. 529  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:

SECTION 1. SHORT TITLE.  
This Act may be cited as the "Farm Independence Act of 1997".
SEC. 2. LEASE AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking “an arrangement” and inserting “a lease agreement”.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking “an arrangement” and inserting “a lease agreement”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

Mr. GRAMS. Mr. President, I rise this morning in strong support of the Farm Independence Act of 1997 which my good friend, Senator GRASSLEY, and I introduce here today. This legislation is critical in protecting American farmers and ranchers from yet another IRS attack—the third this year—on the family farm.

I suspect when President Grover Cleveland remarked that, “just when you thought you were making ends meet, someone moves the ends,” the former President must have been thinking about the Internal Revenue Service.

This time, the IRS has issued a decision in one of its technical advice memoranda that, if fully enforced, will result in a 15.3-percent tax increase for thousands of farmers. Let me repeat that. A recent IRS decision could result in a 15.3-percent tax increase for thousands of farmers.

Essentially, if a producer incorporates—and many Minnesota producers, both small and large, do—and then rents his land to the farm corporation, the rental income the farmer receives is not only subject to income tax but to an additional 15.3-percent self-employment tax.

The purpose of the Grassley-Grams Farm Independence Act of 1997 is simple and it is straightforward. Our bill would prevent the IRS from imposing this 15.3-percent tax increase on our farmers and ranchers.

Mr. President, last Congress, we passed the most sweeping reforms in agricultural policy in 60 years and gave farmers the freedom to farm. At that time, we also promised farmers regulatory relief, improved research and risk management, free and fair trade, and—perhaps most importantly—we promised farmers tax relief.

Now, in many of us in Congress have made tax relief a top priority. I do so, in part, because it is a top priority for Minnesota farmers, and toward this end, I am an original cosponsor of a bill to repeal the estate tax, and I strongly support legislation to cut capital gains taxes.

But, unfortunately, we haven’t made much progress in convincing the President and some in Congress that this is not fat-cat legislation but absolutely necessary for the survival and success of the family farm.

But, even more frustrating than these obstacles to providing farmers with critical relief from the death tax and capital gains taxes are back-door attempts by the IRS to actually raise taxes on our farmers and ranchers.

First, came the alternative minimum tax which attacked cash-based accounting. Then came the recognition that income from culled cows—cows that don’t milk—is income that disqualifies low-income farmers from receiving the earned income tax credit. And, now, the IRS wants to exact a 15.3-percent tax increase on thousands of American farmers and ranchers.

Mr. President, I am 100 percent committed to providing Minnesota farmers with tax relief. I hope the President and others in Congress come around on this issue as well.

But, at a bare minimum, the President should send a signal to the IRS that these back-door attempts to raise revenues on the backs of the Nation’s farmers and ranchers is totally unacceptable.

I am convinced that a second gold age of agriculture is within reach in the final days of this year and also the whole of the next if only we in Government help—rather than hinder—our farmers’ and ranchers’ efforts.

So, Mr. President, I urge my colleagues to support the Farm Independence Act of 1997. I also commend the Senator from Iowa for his leadership on this issue.

By Mr. KOHL: S. 530. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

THE BANKRUPTCY ABUSE REFORM ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Bankruptcy Abuse Reform Act of 1997, legislation which addresses a serious problem that the American people cannot avoid in our bankruptcy laws. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. It passed the Senate last term when it was included into the Bankruptcy Technical Corrections Act (S. 1559), and I hope that we can all support this measure again this year.

The goal of our measure is simple but vitally important: to make sure that our Bankruptcy Code is more than just a beachball for crooked millionaire debtors who want to hide their assets.

Let me tell you why this legislation is critically needed. In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with the bankruptcy principle: few questions that debtors should be able to keep the roofs over their heads. But, in practice, this homestead exemption has become a source of abuse.

Under section 522 of the Code, a debtor may opt to exempt his home according to local, State, or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $150,000 of value in his house. The State exemptions vary tremendously: some States do not allow a debtor to exempt any of his home’s value, while eight States set no ceiling and allow an unlimited exemption. The vast majority of States have exemptions under $100,000.

My amendment under section 522 would cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the last few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the eight States that have unlimited exemptions—most often Florida or Texas—bought multimillion-dollar houses, and then lived like kings even after declaring bankruptcy.

This shameless manipulation of the Bankruptcy Code cheats creditors out of compensation and rewards only those who can game the system. Often, the creditor who is cheated is the American taxpayer. In recent years, S&L swindlers, insider trading convicts, and other shady characters have managed to protect their ill-gotten gains through this loophole.

The infamous S&L crook with more than $4 billion in claims against him bought a multimillion-dollar horse ranch in Florida. Another man who pled guilty to insider trading abuses lives in a 7,000-square-foot beachfront home worth $3.25 million—all tucked away from the $2.75 billion in suits against him. We read even now about the possibility that O.J. Simpson may seek to avoid the civil suit judgment against him buying a lavish home in Florida. A State with an unlimited exemption, and declaring bankruptcy to avoid paying his multimillion-dollar obligations. These deadbeats get wealthier while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

In addition, unlimited homestead exemptions have made it increasingly difficult for the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to go after S&L crooks. With the S&L crisis costing us billions of dollars and with a deficit that still remains unacceptably high, we owe it to the taxpayers to make it as hard as possible for those responsible for fraud to profit from their wrongs.

To address this, the President, the legislation that I have introduced today is simple, effective, and straightforward. It caps the homestead exemption at $100,000, which is close to the average price of an
American house. And it will protect middle class Americans while prevent-
ing the abuses that are making the American middle class question the in-
tegrity of our laws—the abuses the av-
erage American taxpayer is paying for out of pocket.

Indeed, it is even generous to debt-
ors. Other than the eight States that
have no limit to the homestead exemp-
tion, no State has a homestead exemp-
tion exceeding $100,000. In fact, 38 States have exemptions of $40,000 or
less. My own home State of Wisconsin
has a $40,000 exemption and that, in my
opinion, is more than sufficient.

Mr. President, this proposal is an ef-
fort to make our bankruptcy laws more
equitable. I urge my colleagues to sup-
port this important measure.

Mr. President, I ask unanimous con-
sent 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. 530

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled:

SEC. 1. TITLE.

This Act may be cited as the “Bankruptcy
Abuse Reform Act of 1997”.

SEC. 2. LIMITATION.

Section 522 of title 11, United States Code,
is amended—

(1) in subsection (b)(2)(A), by inserting “subject to subsection (n),” before “any prop-
erty”;

(2) by adding at the end the following new
subsection:

(n) As a result of electing under subsec-
tion (b)(2)(A) to exempt property under
State or local law, a debtor may not exempt
an aggregate interest that exceeds $100,000 in
value in—

(I) real or personal property that the
debtor or a dependent of the debtor uses as
a residence;

(II) a cooperative that owns property that
the debtor or a dependent of the debtor uses
as a residence; or

(III) a burial plot for the debtor or a depen-
dent of the debtor—:

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr.
FIEGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KOHL, Mr. LAUTEN-
BERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr.
TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 531: A bill to designate a portion of the
Arctic National Wildlife Refuge as
wilderness; to the Committee on Envi-
ronment and Public Works.

Arctic National Wildlife Refuge
Legislation

Mr. ROTH. Mr. President, I read re-
cently that “the best thing we have
learned from nearly five hundred years
of contact with the American wilder-
ness is restraint,” the need to stay our
hand and preserve our precious envi-
ronment and future resources rather
than destroy them for momentary

gain.

With this in mind, I offer legislation
today that designates the coastal plain
of Alaska as wilderness area. At the
moment this area is a national wildlife
refuge—one of our beautiful and last
frontiers. By changing its designation,
Mr. President, we can protect it for-
ever.

And I can’t stress how important this
is.

The Alaskan wilderness area is not
only a critical part of our Earth’s eco-
system—the last remaining region
where the complex spectrum of tundra
and subarctic ecosystems comes to-
gether—but it is a vital part of our na-
tional consciousness. It is a place we
can cherish and visit for our soul’s
good. It offers us a sense of well-being
and promises that not all dreams have
dreamt.

The Alaskan wilderness is a place of
outstanding wildlife, wilderness and
recreation, a land dotted by beautiful
forests, dramatic peaks and glaciers,
we are trying so protect. It is untamed—rich with caribou, polar
bear, grizzly, wolves, musk oxen, Dall
sheep, moose, and hundreds of thou-
sands of birds—snow geese, tundra
swans, black brant, and more. In all,
about 200 species use the coastal plain.

It is an area of intense wildlife activ-
ity. Animals give birth, nurse and feed
their young, and set about the critical
business of fueling up for winters of un-
speakable severity.

The fact is, Mr. President, there are
parts of this Earth where it is good
that man can come only as a visitor.
These are the pristine lands that be-
long to all of us. And perhaps most im-
portantly, these are the lands that be-
long to our future.

Considering the many reasons why
this bill is so important, I came across
the words of the great Western writer,
Wallace Stegner. Referring to the land
we are trying to protect, with this leg-
sislation, he wrote that it is “the most
splendid part of the American habitat;
it is also the most fragile.” And we
cannot enter “it carrying habits that
[some] are inappropriate and expectations
that [are] unsafe.”

The expectations for oil exploration in
this pristine region are excessive.
There is only a 1-in-5 chance of finding
any economically recoverable oil in the
refuge. And if oil is found, the daily
production of 400,000 barrels per day is
less than 0.7 percent of world produc-
tion—far too small to meet America’s
energy needs for more than a few
months.

In other words, Mr. President, there
is much more to lose than might ever
be gained by tearing this frontier
apart. Already, some 90 percent of Alas-
ka’s entire North Slope is open to oil
gas leasing and development. Let’s keep
this area as the jewel amid the
stones.

What this bill offers—and what we
need—is a brand of pragmatic environ-
mentalism, an environmental stewardship that protects our impor-
tant natural resources, while carefully and judiciously
weighing the short-term desires or our
country against its long-term needs.

Together, we need to embrace envi-
ronmental policies that are workable
and pragmatic, policies based on the
desire to make the world a better place
for us and for future generations. I be-
lieve a strong economy, liberty, and
peace are possible only when we have
a healthy planet—only when re-
sources are managed through wise
stewardship—only when an environ-
mental ethic thrives among nations—
and only when people have frontiers
that are untrammeled and able to host
their fondest dreams.

Mr. LIEBERMAN. Mr. President, I am
proud to join again with Senator ROTH in
this effort to designate the Arctic Na-
tional Wildlife Refuge as a
wilderness area.

This legislation would save the
American people the huge social and
environmental costs of unwise and un-
necessary development of one of na-
ture’s crown jewels. The Arctic Na-
tional Wildlife Refuge is the complete
Alaskan wilderness with elements of
each tundra ecosystem, the biologi-
cal heart of the North Slope of Alaska.
It is on a par with our other great na-
tional resources, including the Grand
Canyon, Yellowstone, Jackson Hole,
the Badlands, Glacier Bay, and Denali.
This is a unique piece of God’s Earth
that must be preserved for our entire
Nation for centuries to come.

Make no mistake, environmental im-
portant. The Arctic National Wildlife
Refuge, including muskoxen, snow
goose, Arctic foxes, Arctic grayling, and
Arctic char. It is the only natural area in
the United States with all three species
of North American bears—the black
caribou herd, the grizzly bear and the
polar bear. It is one of the most natural
areas in our Nation, untouched by de-
velopment, and the last of its kind.

Many environmental studies dem-
onstrate that the negative environ-
mental effects of the Arctic Refuge to development will be severe.
Biologists from Federal and State
agencies and universities have con-
cluded that oil development will harm
the calving of the caribou herd, and
decase its long term numbers very sig-
ificantly. The Office of Management
and Budget has stated that “explo-
rations became possible at a cost
effects that would harm wildlife for
decades.” Raymond Cameron, formerly
of the Alaska Department of Fish and
Game, documented that 19 percent
fewer calves are born to caribou cows on developed lands as opposed to undeveloped lands, with a 2-percent margin of error. His study also documented that caribou cows miss yearly calving at a 36-percent rate in developed areas, versus only 19 percent in undeveloped areas. Even small changes in habitat loss can lead to long-term population declines. A study by the State of Alaska showed that the Arctic caribou herd at Prudhoe Bay declined from 23,400 to 18,100—23 percent—since 1992. All the herds in Alaska that the U.S. Geological Survey reported that there is a 95-percent chance that only 148 million barrels of oil exist in the refuge. This would amount to a drop in the national oil bucket—an 8-day supply. Even if the USGS high estimate were correct, the refuge would hold at most a 290-day supply for the United States.

We can all hope for another strike like Prudhoe Bay. But the simple reality, based on the very best geological science and economics available today, is that alternative energy supplies, as well as the real energy savings from national energy conservation programs, are far more reliable, tangible, and less destructive energy sources than a wild gamble with the Alaskan wilderness.

The remaining 90 percent of the Alaskan North Slope is already open to oil and gas leasing. Is it too much to protect what we have left? Every reliable national poll conducted on this issue shows Americans of all political persuasions are against development in the refuge by a more than three to one margin. Let’s honor our history of conservation and protect the future for generations to come, by saving the Arctic National Wildlife Refuge.

By Mr. BAUCUS (for himself, Mr. KEMPThORNE, Mr. THOMAS, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. KERREY, and Mr. GRASSLEY):

S. 532. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION AUTHORIZATION AND REGULATORY STREAMLINING ACT

Mr. BAUCUS. Mr. President, I am pleased today to introduce the Surface Transportation Authorization and Regulatory Streamlining Act.

STARS 2000. I am joined in this effort by my colleagues on the Environment and Public Works Committee, Senators KEMPThORNE and THOMAS. And by Senators DORGAN, CONRAD, DASCHLE, JOHNSON, BURNS, CRAIG, ENZI, HARKIN, BINGAMAN, ROBERTS, and KERREY of Nebraska.

This bill reauthorizes this Nation’s surface transportation programs for the year 2000, and beyond. As most of my colleagues know, we must act soon to renew these programs since today’s law, the Intermodal Surface Transportation Efficiency Act, or ISTEA, will expire on September 30. STARS 2000 builds on the progress already made by ISTEA. But it also makes some important improvements. Let me focus on the three most significant aspects of the bill.

FUNDING LEVELS

First, the bill increases funding for our highway programs to $27 billion annually. As with ISTEA, critical highway projects are a part of our Nation’s economic growth and prosperity. The investments we make today in transportation will help keep us globally competitive well into the next century.

Further, these investments directly generate hundreds of thousands of jobs—in Montana, in Idaho, in Illinois, in every State. They also indirectly help sustain businesses and millions more jobs across the country. The funding in STARS 2000 will support all types of transportation projects. It will also enable States and local governments to make the investment decisions that best reflect their transportation priorities.

The funding level in STARS 2000 corresponds to the amount of money estimated to be in the highway trust fund over the next 6 years.

As my colleagues know, this is money already being collected from the tax on all fuels, and other fuels. My view is that we should spend it for the purpose for which it was collected.

Even with this increase, however, we will not eliminate the shortfall in meeting our transportation needs. The Department of Transportation estimates that over $50 billion would be needed each year in order to just maintain current highway and bridge conditions.

Yet, today annual spending by all levels of government is only $39 billion per year.

Our competitors know the advantage of a sound transportation system. That is why Japan invests over four times what we do in transportation as a percentage of GDP. The Europeans spend twice as much.

We cannot afford to squander this important competitive edge. While STARS 2000 is not the complete solution, it is a big step in the right direction.

STREAMLINING

Second, STARS 2000 dramatically streamlines and simplifies today’s transportation programs. It reduces administrate burdens on the States and the complexity of the programs by consolidating several funding categories and by allowing for greater flexibility in decisionmaking.

The bill has two key categories for funding: The National Highway System, which makes up 60 percent of the core program, and the Surface Transportation Program, which accounts for the remaining 40 percent.

The National Highway System carries the bulk of our recreational and commercial traffic. It consists of 160,000 miles of highways, including the entire 45,000 mile Interstate System.

These roads connect our cities and towns. Our farms to their markets. And our manufacturing facilities to our seaports. It just makes sense that the NHS should be a priority.

STARS 2000 devotes over $14 billion annually to these roads.

As with current law, the Surface Transportation Program remains the “catch-all” category of funds. States can shift funds among projects to best serve their transportation needs. STARS 2000 retains ISTEA’s programs and project eligibilities and includes over $9 billion annually for them.

FUNDING FORMULA

Third, STARS 2000 updates ISTEA’s funding formulas. One criticism of the current formulas is that they are based on outdated and unnecessary data.

This bill rectifies that problem by using up-to-date information.

The STARS formula also reflects the transportation needs of a State. We have included such factors as lane miles, vehicle miles traveled, and freeze-thaw cycles, to better account for the cost of maintaining and improving our highway system.

STARS 2000 also continues the commitment to the environment that began in ISTEA. It dedicates some $380 million annually to congestion mitigation and air quality projects.

Furthermore, it requires that these funds be spent on projects in areas that have not attained Federal transportation-related air quality standards.

Frankly, I had hoped to include more funding for these projects in this bill. But as this legislation progresses, I intend to work with my colleagues to see if we can’t be more generous here.

STARS 2000 also continues the transportation enhancement program. This is an innovative program that has given States the ability to invest in nontraditional highway projects such as bike paths, pedestrian walkways and historic preservation.

CONCLUSION

In conclusion, STARS 2000 is a good bill. But it also is one of several bills that our committee will consider in the coming weeks.

Under the leadership of our chairman, Senator CHAFEE and our subcommittee chairman, Senator WARNER, along with Senator MOYNIHAN, and others, I have no doubt that these various
proposals will be brought together to produce a fair bill.

A bill that will bring this Nation and its transportation system into the next century. Before yielding the floor, I wish to thank the primary cosponsors of this bill, Senators Kempthorne and Thomas, for their hard work in developing this legislation. I am also grateful for the help of our State transportation departments, particularly in Montana and Idaho, and their staff, in fashioning this bill.

STARS 2000 brings a new approach and some new ideas to our surface transportation policy. I commend it to my colleagues for their consideration.

Mr. President, I ask unanimous consent that a copy of the bill and a short summary of it be printed in the Record.

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

SEC. 401. Effective date; transition rules.
ness, and defense, and improve the personal
economic growth, international competitive-
tion systems contribute to the Nation's
finds and declares thatÐ

SEC. 2. POLICY.
serting the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.ÐThis Act may be cited as the "Surface Transportation Authorization and Regulatory Streamlining Act".

(b) TABLE OF CONTENTS.ÐThe table of contents of this Act is as follows:

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS
Sec. 1. Authorization of appropriations.
Sec. 2. Effective use of additional highway account revenue.
Sec. 3. Apportionment of program funds.
Sec. 4. Apportionment adjustment program.
Sec. 5. Program administration, research, and planning funds.
Sec. 6. Recreational trails.
Sec. 7. Rules for any limitations on obligations.

TITLE II—PROGRAM STREAMLINING
Sec. 1. Planning-based expenditures on projects of transportation infrastructure.
Sec. 2. National Highway System.
Sec. 3. Interstate maintenance activities.
Sec. 4. Surface transportation program amendments.
Sec. 5. Conforming amendments to discretionary programs.
Sec. 6. Cooperative Federal Lands Transportation Program.

TITLE III—REDUCTION OF REGULATION
Sec. 1. Periodic review of agency rules.
Sec. 2. Planning and programming.
Sec. 3. Maximum assistance at State option.

TITLE IV—EFFECTIVE DATE; TRANSITION RULES
Sec. 1. Effective date; transition rules.

SEC. 2. POLICY.
Section 101 of title 23, United States Code, is amended by adding at the end the following:

(b) DECLARATION OF POLICY.ÐCongress finds and declares that—

(1) the highways and transportation systems contribute to the Nation's economic growth, international competitiveness, and defense, and improve the personal mobility and quality of life of its citizens;

(2) there are significant needs for increased Federal highway and transportation investment across the United States, including a need to improve and preserve Interstate System and other National Highway System routes, which are lifelines for the national economy;

(3) the Federal Government's interest in transportation includes—

(A) ensuring that people and goods can move efficiently over long distances between metropolitan areas and thus across rural areas;

(B) ensuring that people and goods can move efficiently within metropolitan and rural areas;

(C) preserving environmental quality and reducing air pollution;

(D) promoting transportation safety; and

(E) ensuring the effective use of intelligent transportation systems and other transportation technological innovations in both urban and rural settings;

(4) rural States do not have the fiscal resources to support highway investments within their borders that benefit the United States as a whole by enabling the movement of people and goods between metropolitan areas and thus across rural States;

(5) since State governments already take into account the public interest before making transportation decisions affecting citizens of the States—

(A) the need for Federal regulation of State transportation activities is limited; and

(B) it is appropriate for Federal transportation programs to be revised to minimize regulations and program requirements and to provide greater flexibility to State governments and

(6) the Federal Government should continue to allow States and local governments flexibility in the use of Federal highway funds and require transportation planning and public involvement in transportation planning.

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section:

(1) NATIONAL HIGHWAY SYSTEM.ÐFor the National Highway System under section 103 of title 23, United States Code, $14,163,000,000 for each of fiscal years 1998 through 2003.

(2) SURFACE TRANSPORTATION PROGRAM.ÐFor the surface transportation program under section 133 of that title, $9,442,000,000 for each of fiscal years 1998 through 2003.

(3) FEDERAL LANDS HIGHWAY INVESTMENTS.Ð

(i) INDIAN RESERVATION ROADS.ÐFor Indian reservation roads under section 204 of that title, $191,000,000 for each of fiscal years 1998 through 2003.

(ii) PARKWAYS AND PARK ROADS.ÐFor parkways and park roads under section 204 of that title, $9,442,000,000 for each of fiscal years 1998 through 2003.

(i) FEDERAL LANDS HIGHWAY INVESTMENTS.Ð

(iv) PARKWAYS AND PARK ROADS.ÐFor parkways and park roads under section 204 of that title, $9,442,000,000 for each of fiscal years 1998 through 2003.

(v) NATIONAL PARKWAY SYSTEM.ÐFor the Cooperative Federal Lands Transportation Program under section 206 of that title, $155,000,000 for each of fiscal years 1998 through 2003.

(b) METHOD OF APPORTIONMENT.Ð

(1) IN GENERAL.ÐThe following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section:

(A) the need for Federal regulation of State transportation activities is limited; and

(B) it is appropriate for Federal transportation programs to be revised to minimize regulations and program requirements and to provide greater flexibility to State governments and

(6) the Federal Government should continue to allow States and local governments flexibility in the use of Federal highway funds and require transportation planning and public involvement in transportation planning.

(1) NATIONAL HIGHWAY SYSTEM.Ð

(2) APPORTIONMENT.ÐIf the amount determined under subsection (1) is greater than the amount of revenue from user taxes for the fiscal year, the Secretary shall allocate the total of such sums to the States in proportion to their relative share of the total number of registered vehicles for the fiscal year.

(3) BONUS.ÐIf the amount determined under subsection (1) is less than the amount of revenue from user taxes for the fiscal year, the Secretary shall allocate the total of such sums to the States in proportion to their relative share of the total number of registered vehicles for the fiscal year.

(4) TRANSITION RULES.ÐThe following rules apply to the apportionment of the sums authorized to be appropriated under this section:

(1) PUBLICATION OF INFORMATION.ÐNot later than 90 days after the beginning of each fiscal year, the Secretary shall publish in the Federal Register the following:

(A) the amount determined under paragraph (1) or (3) with the amount of revenue from user taxes for the fiscal year.

(B) the amount determined under subparagraph (A) or (B) with the amount of revenue from user taxes for the fiscal year.

(C) the amount determined under paragraph (1) or (3) with the amount of revenue from user taxes for the fiscal year.

(D) the amount determined under paragraph (1) or (3) with the amount of revenue from user taxes for the fiscal year.

(2) APPORTIONMENT.ÐIf the amount determined under paragraph (1) is greater than the amount of revenue from user taxes for the fiscal year, the Secretary shall allocate the total of such sums to the States in proportion to their relative share of the total number of registered vehicles for the fiscal year.

(3) BONUS.ÐIf the amount determined under subparagraph (A) or (B) is less than the amount of revenue from user taxes for the fiscal year, the Secretary shall allocate the total of such sums to the States in proportion to their relative share of the total number of registered vehicles for the fiscal year.
"(iv) NATIONAL HIGHWAY SYSTEM MILES TRAVELED.—10 percent in the ratio that vehicle miles traveled on the National Highway System in each State bears to the total of such vehicle miles in all States.

"(v) SPECIAL FUELS.—15 percent in the ratio that special fuels volume for each State bears to the total special fuels volume for all States.

"(B) USE OF DATA.—In making the calculations for this paragraph, for paragraph (3), and for section 157, the Secretary shall use the most recent calendar or fiscal year for which data are available as of the first day of the fiscal year for which the apportionment is to be made.

"(C) DEFINITIONS.—In this paragraph:

"(i) LANE MILES ON INTERSTATE ROUTES.—The term ‘lane miles on Interstate routes’ shall have the meaning used by the Secretary in developing Highway Statistics Table HM-60.

"(ii) LANE MILES ON NATIONAL HIGHWAY SYSTEM ROUTES.—The term ‘lane miles on National Highway System routes’ shall have the meaning used by the Secretary in developing Highway Statistics Table HM-40.

"(iii) SPECIAL FUels VOLUME.—The term ‘special fuels volume’ shall have the meaning used by the Secretary in developing column 8 of Highway Statistics Table MF-2.

"(iv) STATE.—The term ‘State’ means each of the States and the District of Columbia.

"(v) VEHICLE MILES TRAVELED.—The terms ‘vehicle miles traveled on Interstate routes’ and ‘vehicle miles traveled on the National Highway System’ shall have the meanings used by the Secretary in developing Highway Statistics Table VM-3.

(2) by striking paragraph (2):

3. by striking paragraph (3) and inserting the following:

"(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, as follows:

(A) FEDERAL-AID HIGHWAY LANE MILES.—25 percent in the ratio that lane miles on Federal-aid highways in each State bears to the total of all such lane miles in all States.

(B) FEDERAL-AID HIGHWAY VEHICLE MILES TRAVELED.—53 percent in the ratio that vehicle miles traveled on Federal-aid highways in each State bears to the total of all such vehicle miles in all States.

(C) BRIDGE DECK SURFACE AREA.—10 percent in the ratio that the square footage of bridge deck surface in each State, including such square footage with respect to bridges not on Federal-aid highways, bears to the total of such square footage in all States, except that in paragraph (c) of section 104 of title 23, United States Code, the term ‘bridge’ includes only structures of at least 20 feet in length.

(D) AIR QUALITY.—4 percent in accordance with the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>0.41</td>
</tr>
<tr>
<td>Alaska</td>
<td>0.00</td>
</tr>
<tr>
<td>Arizona</td>
<td>1.53</td>
</tr>
<tr>
<td>Arkansas</td>
<td>0.00</td>
</tr>
<tr>
<td>California</td>
<td>23.02</td>
</tr>
<tr>
<td>Colorado</td>
<td>0.00</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2.63</td>
</tr>
<tr>
<td>Delaware</td>
<td>0.45</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0.48</td>
</tr>
<tr>
<td>Florida</td>
<td>3.34</td>
</tr>
<tr>
<td>Georgia</td>
<td>1.73</td>
</tr>
<tr>
<td>Hawaii</td>
<td>0.00</td>
</tr>
<tr>
<td>Idaho</td>
<td>0.00</td>
</tr>
<tr>
<td>Illinois</td>
<td>5.48</td>
</tr>
<tr>
<td>Indiana</td>
<td>1.26</td>
</tr>
<tr>
<td>Iowa</td>
<td>0.00</td>
</tr>
<tr>
<td>Kansas</td>
<td>0.00</td>
</tr>
<tr>
<td>Kentucky</td>
<td>0.82</td>
</tr>
<tr>
<td>Louisiana</td>
<td>0.47</td>
</tr>
<tr>
<td>Maine</td>
<td>0.48</td>
</tr>
<tr>
<td>Maryland</td>
<td>3.47</td>
</tr>
</tbody>
</table>

(3) FEDERAL LANDS.—5 percent as follows:

(A) by striking the General Services Administration, the Department of the Interior, and other agencies represented by the number determined under paragraph (ii) for every State; and (v) divide the number for each State under (iii) by the number for all States determined under (iv). The Secretary shall apportion to each State the number of vehicle miles apportioned under this subparagraph, the percentage equal to the number determined under (v).

(B) by striking paragraph (3) and inserting the following:

"(i) FREEZE-THAW.—1 percent, to be apportioned among the States in accordance with the table set forth in clause (i), or in accordance with clause (ii).

"(ii) TABLE.—

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1.2</td>
</tr>
<tr>
<td>Alaska</td>
<td>2.4</td>
</tr>
<tr>
<td>Arizona</td>
<td>3.3</td>
</tr>
<tr>
<td>Arkansas</td>
<td>2.0</td>
</tr>
<tr>
<td>California</td>
<td>0.8</td>
</tr>
<tr>
<td>Colorado</td>
<td>5.1</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2.3</td>
</tr>
<tr>
<td>Delaware</td>
<td>1.8</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>1.9</td>
</tr>
<tr>
<td>Florida</td>
<td>0.2</td>
</tr>
<tr>
<td>Georgia</td>
<td>1.1</td>
</tr>
<tr>
<td>Hawaii</td>
<td>0.0</td>
</tr>
<tr>
<td>Idaho</td>
<td>2.9</td>
</tr>
<tr>
<td>Illinois</td>
<td>1.9</td>
</tr>
</tbody>
</table>

(4) by striking paragraph (5) and inserting the following:

(A) by striking “(A) Except as provided in subparagraph (B)”, and

(B) by striking paragraph (B); and

(5) by striking paragraph (6).

(b) POPULATION DETERMINATIONS.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

"(ii) POPULATION DETERMINATIONS.—For the purposes of subsection (b)(3) and section 157, population shall be determined on the basis of the most recent estimates prepared by the Secretary of Commerce.

(c) CONFORMING AMENDMENTS.—(1) Section 104(b) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “paragraph (5)(A) of this subsection” and inserting “paragraph (5)(A) of title 23, United States Code”. 

(2) Section 137 (f)(2) of title 23, United States Code, is amended by striking “title 23, United States Code, is amended by striking “section 104(b)(5)(B) of this title” and inserting “section 104(b)(5) of title 23, United States Code”. 

(3) Section 139 of title 23, United States Code, is amended by striking “sections..."
of the 50 States and the District of Columbia.

(4) Section 142(c) of title 23, United States Code, is amended by striking "section 104(b)(5)(A)

(5) Section 159(b) of title 23, United States Code,

(A) in paragraph (1)(A)—

(i) in clause (i), by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)";

(ii) in clause (ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B)";

(iii) in the last sentence, by striking "paragraph (4) and that has a population of

10,000 square miles or less.

1,500,000 individuals or fewer and a land area

density State' means a State that is listed in

the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhode Island</td>
<td>0.55</td>
</tr>
<tr>
<td>South Dakota</td>
<td>0.70</td>
</tr>
<tr>
<td>Vermont</td>
<td>0.43</td>
</tr>
<tr>
<td>Wyoming</td>
<td>0.66</td>
</tr>
</tbody>
</table>

(b) PROGRAM.—On October 1 (or as soon as possible thereafter), the fiscal year begin-

ning after September 30, 1997, the Secretary shall apportion among the States, in addi-
tion to amounts apportioned under paragraphs (1) and (3) of section 104(b), and

104(f)(2), the amounts required by this section.

(C) ADDITIONAL APPORTIONMENTS AND SE-

QUENCE OF CALCULATING ADDITIONAL APPOR-

TIONMENTS.—

(1) FIRST CALCULATION.—The Secretary shall apportion $95,000,000 to the Common-

wealth of Puerto Rico.

(2) SECOND CALCULATION.—For each low-
density State and each small State, the Sec-

dary shall calculate the total amount ob-
tained by multiplying the stated percentage

for the State by the total amount of funds

apportioned to all States under paragraphs (1) and (3) of section 104(b) and section

104(f)(2), the amounts required by this section.

(3) THIRD CALCULATION.—In addition to

any amount required to be apportioned by

paragraphs (1) and (3) of section 104(b), the Secretary shall make additional apportion-

ments so that no State receives an amount that is less than the amount determined by mul-

tiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments

attributable to highway users in the State paid into the Highway Trust Fund (other than the

Mass Transit Account) in the latest fiscal

year for which data are available by (B) the total amount of funds apportioned to all

States immediately after the Secretary has made any additional apportionments re-

quired by paragraph (2).

(4) FOURTH CALCULATION.—The Secretary shall determine the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b). For any low-density State or small State that receives, under paragraphs (1) and (3) of section 104(b), an amount determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to that State such additional amount as is required to make up that difference.

(5) FIFTH CALCULATION.—For each low-
density State and each small State, the Sec-
dary shall calculate the total amount ob-
tained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionment made by paragraph (3). If the amount for a State under the calculation made under the pre-
ceding sentence is less than the total amount ap-
portioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

(6) SIXTH CALCULATION.—For each low-
density State and each small State, the Sec-
dary shall calculate the total amount ob-
tained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionments made by paragraph (3). If the amount for a State under the calculation made under the pre-
ceding sentence is less than the total amount ap-
portioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

(7) SEVENTH CALCULATION.—In addition to

any amount required to be apportioned by

paragraphs (1) and (3) of section 104(b), the Secretary shall make additional apportionments so that no State receives an amount that is less than the amount determined by multiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments attributed to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal

year for which data are available by (B) the total amount of funds apportioned to all

States immediately after the Secretary has made any additional apportionments re-

quired by paragraph (2).

(C) ADDITIONAL APPORTIONMENTS AND SE-

QUENCE OF CALCULATING ADDITIONAL APPOR-

TIONMENTS.—

(1) FIRST CALCULATION.—The Secretary shall apportion $95,000,000 to the Common-

wealth of Puerto Rico.

(2) SECOND CALCULATION.—For each low-
density State and each small State, the Sec-
dary shall calculate the total amount ob-
tained by multiplying the stated percentage

for the State by the total amount of funds

apportioned to all States under paragraphs (1) and (3) of section 104(b) and section

104(f)(2), the amounts required by this section.

(3) THIRD CALCULATION.—In addition to

any amount required to be apportioned by

paragraphs (1) and (3) of section 104(b), the Secretary shall make additional apportionments so that no State receives an amount that is less than the amount determined by multiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments attributed to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal

year for which data are available by (B) the total amount of funds apportioned to all

States immediately after the Secretary has made any additional apportionments re-

quired by paragraph (2).

(4) FOURTH CALCULATION.—The Secretary shall determine the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b). For any low-density State or small State that receives, under paragraphs (1) and (3) of section 104(b), an amount determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to that State such additional amount as is required to make up that difference.

(5) FIFTH CALCULATION.—For each low-
density State and each small State, the Sec-
dary shall calculate the total amount ob-
tained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionment made by paragraph (3). If the amount for a State under the calculation made under the pre-
ceding sentence is less than the total amount ap-
portioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

(6) SIXTH CALCULATION.—For each low-
density State and each small State, the Sec-
dary shall calculate the total amount ob-
tained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionments made by paragraph (3). If the amount for a State under the calculation made under the pre-
ceding sentence is less than the total amount ap-
portioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

(7) SEVENTH CALCULATION.—In addition to

any amount required to be apportioned by

paragraphs (1) and (3) of section 104(b), the Secretary shall make additional apportionments so that no State receives an amount that is less than the amount determined by multiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments attributed to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal

year for which data are available by (B) the total amount of funds apportioned to all

States immediately after the Secretary has made any additional apportionments re-

quired by paragraph (2).
the colon and inserting “shall make appropriations for the fiscal year in the following manner:”.

(b) Metropolitan Planning.—Section 104(f)(1) of title 23, United States Code, is amended by striking “(f)(3)” and all that follows through the end of paragraph (1) and inserting the following:

“(1) SET ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside to carry out section 134 not to exceed 1 percent of the funds apportioned to be appropriated for the National Highway System under section 103 and the surface transportation program under section 133.

(c) Federal Land Planning.—Section 307 of title 23, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (f) the following:

“(g) Freeze-Thaw Research.—Not later than 90 days after the date of enactment of the Surface Transportation Act and Regulatory Streamlining Act, the Secretary shall undertake an accelerated level of research to determine means of reducing the long-term life cycle costs of constructing and maintaining asphalt pavement in areas with severe or frequent freeze-thaw cycles.

“(h) Consideration of Rural Issues in Transportation Research, Intelligent Transportation Systems, and Technology Programs.—In selecting topics for research, the Secretary shall give due consideration to the national interest in—

(1) understanding transportation issues that affect rural areas;

(2) developing a scientific and technological infrastructure in rural areas; and

(3) permitting rural as well as metropolitan areas to benefit from the deployment of modern transportation technology.”.

SEC. 106. RECREATIONAL TRAILS.

(a) Authorization of Appropriations.—There are appropriated to the Federal Highway Trust Fund (other than the Mass Transit Account) to carry out the recreational trails program under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.) $30,000,000 for each of fiscal years 1998 through 2003.

(b) Appropriation Formula.—

(1) Administrative Costs.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.), the Secretary shall deduct an amount not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administartion of and research under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations, and may enter into contracts with for-profit organizations, to carry out the administration and research described in the preceding sentence.

(2) Apportionment to the States.—After making the deduction authorized by paragraph (1), the Secretary shall apportion the remainder of the sums authorized to be appropriated to carry out the recreational trails program for each fiscal year among the States in the following manner:

(A) Equal Amounts.—Fifty percent of that amount shall be apportioned equally among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))).

(B) Amounts Proportional to Non-Highway Recreational Fuel Use.—Fifty percent of the Federal share shall be apportioned among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))) in proportion to the degree of nonhighway recreational fuel use in each of those States during the preceding year.

(c) Contract Authority.—Funds authorized by this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any recreational trails project shall be determined in accordance with subsection (d).

(d) Federal Share Payable.—

(1) In General.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a recreational trails project shall not exceed 80 percent.

(2) Federal Agency Project Sponsor.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section shall be allowed to use funds toward a project's cost, if the share attributable to the Secretary of Transportation does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

(3) Allowable Match from Federal Grant Programs.—Notwithstanding any other provision of law, Federal grant programs may be used to contribute Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share.

(A) The State and Local Fiscal Assistance Act of 1972 (Public Law 92-512).

(B) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 3301 et seq.).


(F) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).


(H) Programmatic Non-Federal Share.—A State may allow adjustments of the non-Federal share of individual projects if the total Federal share payable for all projects within the State for the fiscal year under paragraph (2) or (3) may not exceed 90 percent of the Federal share payable for all projects within the State for the fiscal year under paragraph (2) or (3) included in the calculation of the programmatic non-Federal share.

(I) Administrative Costs.—The Federal share payable on account of the administrative costs of a State, incurred in administering this program and carrying out statewide trail planning, shall be determined in accordance with section 1302(b) of title 23, United States Code.

SEC. 107. RULES FOR ANY LIMITATIONS ON OBLIGATIONS FOR RECREATIONAL TRAILS.

(a) None Established.—Nothing in this Act establishes a limitation on the total of all obligations for any fiscal year for Federal-aid highways and highway safety construction programs.

(b) Rules for Obligation Authority Limits.—Chapter 1 of title 23, United States Code (as amended by section 102(a)), is amended by adding at the end the following:

"§163. Rules for any limitations on obligations

(a) In General.—Any provision of a statute establishing a limitation on obligations for Federal-aid highways and highway safety construction programs, programs for fiscal year 1998, or any fiscal year thereafter, shall be in accordance with this section (as in effect on the date of enactment of this section) or stated as an amendment to this section.

(b) Prohibition on Certain Limitations.—Obligations under section 125, for Federal-aid highways and highway safety construction programs for recreational trails under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.), shall not be subject to any limitation on obligation authority.

(c) Distribution of Obligation Limitations.

(1) In General.—If, with respect to fiscal year 1998 or any fiscal year thereafter, a provision of a statute establishes a limitation on obligations for Federal-aid highways and highway safety construction programs, paragraphs (2) through (4) shall apply.

(2) Distribution for Fiscal Year. —After August 1 of each fiscal year, a limitation described in paragraph (1) shall be distributed among the States by the following:

(A) Equal Amounts. —Fifty percent of the amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to the States under sections 104, 157, and 162 for the fiscal year; bears to

(B) The total of the amounts apportioned to all States under those sections for the fiscal year.

(3) Redistribution of Unused Obligation Authority. —In General.—Notwithstanding any limitation described in paragraph (1), for each fiscal year, the Secretary—

(i) shall provide each State with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs that have been apportioned or allocated to the State, except in those cases in which the State indicates its intention to lapse sums apportioned to the State;

(ii) for the fiscal year ending 2 days after August 1 of each fiscal year—

(1) shall review a distribution of the funds made available under the limitation described in paragraph (1) for the fiscal year if State that has unobligated balances of funds apportioned that are relatively large, compared to the amount distributed during the fiscal year; and

(2) shall redistribute sufficient amounts to States able to obligate amounts in addition to the amounts apportioned and obligated to those States that have unobligated balances of funds apportioned for the fiscal year, giving priority to those States that have unobligated balances of funds apportioned that are relatively large, compared to the amount apportioned to those States under sections 104 and 157 for the fiscal year; and

(iii) shall not distribute amounts authorized to the States under paragraphs (1) and (2).

(B) State Infrastructure Banks.—For the purposes of subparagraph (A)(i), funds made available and placed in a State infrastructure bank approved by the Secretary but not obligated out of the bank shall be considered to be not obligated.

(c) Additional Obligation Authority. —(1) In General.—If, after August 1 and on or before September 30 of a fiscal year obligations for Federal-aid highways and highway safety construction programs on or before September 30 of the fiscal year an additional amount not to exceed 10 percent of the aggregate amount of funds apportioned or allocated to the State under sections 104 and 157 for the preceding fiscal year.

(2) Authorization.—If the Secretary determines that a State has unobligated balances of funds apportioned that are relatively large, compared to the amount of funds apportioned to that State under sections 104 and 157 for the preceding fiscal year, the Secretary shall—

(A) notify the State of the Secretary of Transportation of the determination; and

(B) make available to the State an additional amount not to exceed 10 percent of the aggregate amount of funds apportioned or allocated to the State under sections 104 and 157 for the preceding fiscal year.
that are not obligated on the date on which the State completes obligation of the amount so distributed.

(B) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—For the period August 2 through September 30 of each fiscal year, the aggregate amount that may be obligated by all States under subparagraph (A) shall not exceed the aggregate amount of funds apportioned or allocated to all States under sections 104 and 157 that would not be obligated in the fiscal year if the total amount obligated under paragraph (3) were available for the fiscal year were used.

(C) LIMITATION ON APPLICABILITY.—In the case of a fiscal year, subparagraph (A) shall not apply to any State that on or after August 1 of the fiscal year has the amount distributed to the State under a limitation for the fiscal year reduced under paragraph (3).

(d) MAINTENANCE OF OVERALL PROGRAM BALANCE.—If a limitation on obligations is established for a fiscal year—

(1) the Secretary shall determine the percentage by which the limitation reduces the amount of funds that otherwise would be available for obligation by each State; and

(2) notwithstanding sections 132, 133, and 146 of title 23, for the fiscal year, the amounts that are required to be made available for use in the State under paragraphs (1) and (2) of section 133(d), the amounts that are required to be made available for use in the State under subsection (a) for each of fiscal years 1998 through 2003; and

(i) the first sentence, by striking “amount reserved by the State”; and

(ii) in the second sentence, by striking “amount reserved” and inserting “amount reserved by the State”.

(3) the Secretary shall set aside $36,300,000 from the amount available for apportionments under section 104(b)(1); and

(4) $24,200,000 from the amount available for apportionments under section 104(b)(3).

(B) USE OF SET-ASIDE.—The amounts set aside under subparagraph (A) shall be available for obligation in the same manner and to the same extent as sums apportioned under section 104(b)(3), except that the amounts shall be obligated at the discretion of the Secretary, in accordance with procedures to be established by the Secretary, for bridge projects eligible under section 130.

(C) DEFINITION OF RETREATILE.—In—

(D) by striking section (2), and inserting—

(E) in subsection (q), by striking “(g) As used in this section” and inserting “(g) As used in this section, “(D)”.

(F) in subsection (b) as amended by subparagraph (C), by striking—


(ii) in subsection (b) as amended by subparagraph (C), by striking “(g) As used in this section, “(C)”.

(G) in subsection (i) of section 130, by striking “$900,000,000” and inserting “$150,000,000”.

(H) in subsection (b), by striking “under paragraph (3) of subparagraph (B)” and inserting “under paragraph (3) of subparagraph (A)”.

(I) in subsection (c), by striking “under dollar amounts allocated” and inserting “under dollar amounts apportioned”.

(J) in subsection (f), by striking “Amounts under section 152; and

(K) in subsection (g), by striking “under section 133(b), an amount which exceeds 2.5 percent of the aggregate amount of funds apportioned for obligation in the same manner and to the same extent as sums apportioned under section 104(b)(3), except that the amounts shall be obligated at the discretion of the Secretary, in accordance with procedures to be established by the Secretary, for bridge projects eligible under section 130, only to carry out activities eligible under section 130 or 152.”.

(B) WAIVER.—For a fiscal year, the Secretary shall waive the set-aside required by section 130(b) if, and permit the amount of the set-aside to be used in accordance with subparagraph (A)(iii), upon receipt of a certification by the State that the amount that will be made available for the purpose of the waived set-aside for that fiscal year, when combined with the amount made available for that purpose for the preceding fiscal year, or the amount to be made available for that purpose for the following fiscal year, will average, per fiscal year, not less than 2.5 percent of the amount apportioned to a State under section 104(b)(3) for fiscal year 1997.”.

(2) PROGRAM IMPROVEMENTS.—Title 23, United States Code, is amended—

(A) in section 130—

(i) in subsection (e), by striking the first sentence and inserting—

“Funds authorized for or expended under this section may be used for the installation of protective devices at railroad-highway crossings,”; and

(ii) in subsection (f), by striking “APPOR-

TIONMENT” and inserting “FEDERAL SHARE” and “all that follows through the first sentence and inserting “FEDERAL SHARE”.

(B) in section 152—

(i) in subsection (c), by striking “other than a highway on the Interstate System”;

(ii) in subsection (e), by striking the first sentence.

(C) TRANSPORTATION ENHANCEMENT ACT-

VITIES.—Section 133(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

“With respect to funds apportioned for each of fiscal years 1998 through 2003, an amount equal to 5 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out transportation enhancement activities.”.

(D) CONGESTION MITIGATION AND AIR QUAL-

ITY IMPROVEMENT ACTIVITIES.—

(1) in general—

Section 130 of title 23, United States Code, is amended—

(A) in the heading, by striking “program” and inserting “activities”;

(B) by striking subsection (a) and inserting the following:

“(a) USE OF FUNDS.—Funds apportioned to a State under section 104(b)(3)(D) may be used only in accordance with this section.”;

(C) in subsection (b), by striking “Except” and all that follows through “program only” and inserting “Funds described in subsection (a) may be used only”;

(D) in subsection (c), by striking “section 104(b)(2)” and inserting “section 104(b)(3)(D)”.

(E) the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:

“149. Congestion mitigation and air quality improvement activities.”;

(F) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(G) in subsection (b), by striking “Only” and inserting “The”.

(H) the analysis for title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

“152. Transportation enhancement activities.”.

(I) the analysis for title 23, United States Code, is amended by striking the item relating to section 133(b) and inserting the following:

“133. Transportation enhancement activities.”.

(J) the analysis for chapter 1 of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(iii) in subsection (b), by striking “Only” and inserting “The”.

(K) the analysis for title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

“152. Transportation enhancement activities.”.

(L) the analysis for chapter 1 of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(iii) in subsection (b), by striking “Only” and inserting “The”.

(M) the analysis for title 23, United States Code, is amended by striking the item relating to section 133(b) and inserting the following:

“133. Transportation enhancement activities.”.

(N) the analysis for chapter 1 of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(iii) in subsection (b), by striking “Only” and inserting “The”.

(O) the analysis for title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

“152. Transportation enhancement activities.”.

(P) the analysis for chapter 1 of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(iii) in subsection (b), by striking “Only” and inserting “The”.

(Q) the analysis for title 23, United States Code, is amended by striking the item relating to section 133(b) and inserting the following:

“133. Transportation enhancement activities.”.

(R) the analysis for chapter 1 of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “REQUIREMENTS” and inserting “IMPLEMENTATION”;

(ii) in subsection (a), by striking “the analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:”.

“149. Congestion mitigation and air quality improvement activities.”; and

(iii) in subsection (b), by striking “Only” and inserting “The”.
(i) In the subsection heading, by striking “STP CONGESTION MITIGATION PROGRAM” and inserting “SURFACE TRANSPORTATION PROGRAM”;

(ii) by striking “sections 104(b)(2) and 104(b)(3) of this title” and inserting “section 104(b)(3)”:

(ii) by striking “sections 104(b)(2) and 104(b)(3) of this title” and inserting “section 104(b)(3)”:

SEC. 202. NATIONAL HIGHWAY SYSTEM.

(a) DEFINITION OF NATIONAL HIGHWAY SYSTEM.—Chapter 2 of title 23, United States Code, is amended by striking the underlined paragraph defining “National Highway System” and inserting the following:

“Section 119. Interstate maintenance activities.’’

(b) PROGRAM SPECIFICATIONS.—Section 103 of title 23, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

“§103. National Highway System”

(2) by striking subsections (g) and (h); and

(3) by redesignating subsection (i) as subsection (j), (k), and (l) and inserting the subsection to appear after subsection (b).

(c) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

“103. National Highway System.”

SEC. 203. INTERSTATE MAINTENANCE ACTIVITIES.

(a) FUNDING OF ACTIVITIES.—Section 119 of title 23, United States Code, is amended—

(1) in the section heading, by striking ‘‘program’’ and inserting ‘‘activities’’;

(2) in subsection (a)—

(i) by striking ‘‘sections 103 and 139(c) of this title’’ and inserting ‘‘sections 103 and 139(c) of this title as designated before the date of enactment of this section under section 139(a) and (b) of’’;

(ii) by striking ‘‘subsection (e) and’’ and inserting ‘‘subsection (d) and’’;

(iii) by striking ‘‘program’’ and inserting ‘‘‘‘program’’;

and

(iv) by striking the second sentence;

(3) by redesignating subsection (d) as subsection (j), (k), and (l) and inserting the subsection to appear after subsection (b).

(b) CONFORMING AMENDMENTS.—The chapterAnalysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

“119. Interstate maintenance activities.’’

(2) by redesignating subsections (d), (e), and (f) as subsections (g), (h), and (i), respectively, and inserting the subsections to appear after subsection (b).

(3) in subsection (d)(3)—

(E) by redesignating subparagraph (E) as subparagraph (F) and striking subparagraph (D); and

(F) in subparagraph (D) (as so redesignated), by striking “(1) the amount obtained by dividing—

(i) by striking “allocate” and inserting “allocate’’;

(ii) by striking “allocate’’ and inserting “allocate’’;

and

(iii) by striking “allocate’’ and inserting “allocate’’;

and

(iv) by striking “allocate’’ and inserting “allocate’’;

and

(v) by striking “allocate’’ and inserting “allocate’’;

and

(vi) by striking “allocate’’ and inserting “allocate’’;

and

(vii) by striking “allocate’’ and inserting “allocate’’;

and

(viii) by striking “allocate’’ and inserting “allocate’’;

and

(ix) by striking “allocate’’ and inserting “allocate’’;

and

(x) by striking “allocate’’ and inserting “allocate’’;

and

(xi) by striking “allocate’’ and inserting “allocate’’;

and

(xii) by striking “allocate’’ and inserting “allocate’’;

and

(xiii) by striking “allocate’’ and inserting “allocate’’;

and

(xiv) by striking “allocate’’ and inserting “allocate’’;

and

(xv) by striking “allocate’’ and inserting “allocate’’;

and

(xvi) by striking “allocate’’ and inserting “allocate’’;

and

(xvii) by striking “allocate’’ and inserting “allocate’’;

and

(xviii) by striking “allocate’’ and inserting “allocate’’;

and

(xix) by striking “allocate’’ and inserting “allocate’’;

and

(xx) by striking “allocate’’ and inserting “allocate’’;

and

(1) in section 135, by striking “obligations” and inserting “obligations’’;

and

(2) by redesignating subsections (d), (e), and (f) as subsections (d), (e), and (f), respectively, and inserting the subsections to appear after subsection (b).

(c) FUNDING.—Section 119 of title 23, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (e), respectively, and inserting the subsections to appear after subsection (b).

SEC. 205. CONFORMING AMENDMENTS TO DISCRETIONARY PROGRAMS.

(a) OPERATION LIFE SAVER.—Section 104 of title 23, United States Code, is amended by striking subsection (d) and inserting the following:

“§104. Transportation Program.

(a) Definitions.—In this section, the terms ‘‘bridge program’’ mean the bridge program under section 144, and ‘‘bridge projects’’ mean projects that would have been required to be allocated for use in the area for fiscal year 1997 if the area had had an urbanized area population of 200,001 individuals as of October 1, 1996.

(1) PROGRAM. There is established the Surface Transportation Program.

(b) FUNDING.—The Federal Government shall obligate, and appropriate, such funds as may be necessary for the purpose of carrying out the purposes of this section for fiscal year 1997.

(c) USE OF FUNDS.—Such funds shall be used—

(1) to provide additional funds for Federal-aid highways and highway safety construction programs for the fiscal year;

(2) to obligate in the area under the surface transportation program for fiscal year 1997 the amount of such funds that would have been required to be allocated for use in the area for fiscal year 1997 if the area had had an urbanized area population of 200,001 individuals as of October 1, 1996;

and

(3) to allocate funds for projects not subject to review by the Secretary under this section.

(d) CONFORMING AMENDMENTS.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

“119. Interstate maintenance activities.’’

(2) by redesignating subsections (d), (e), and (f) as subsections (d), (e), and (f), respectively, and inserting the subsections to appear after subsection (b).

(3) by redesignating subsection (g) as subsection (h) and inserting the subsection to appear after subsection (b).

(4) by redesignating subsection (i) as subsection (j) and inserting the subsection to appear after subsection (b).

(5) by redesignating subsection (k) as subsection (l) and inserting the subsection to appear after subsection (b).

(6) by redesignating subsection (m) as subsection (n) and inserting the subsection to appear after subsection (b).

(7) by redesignating subsection (o) as subsection (p) and inserting the subsection to appear after subsection (b).

(8) by redesignating subsection (q) as subsection (r) and inserting the subsection to appear after subsection (b).

(9) by redesignating subsection (s) as subsection (t) and inserting the subsection to appear after subsection (b).

(10) by redesignating subsection (u) as subsection (v) and inserting the subsection to appear after subsection (b).

(11) by redesignating subsection (w) as subsection (x) and inserting the subsection to appear after subsection (b).

(12) in section 135, by striking “obligations” and inserting “obligations’’;

and

(13) to carry out the purposes of this section.

(14) by redesignating subsections (d), (e), and (f) as subsections (d), (e), and (f), respectively, and inserting the subsections to appear after subsection (b).

(15) by redesignating subsection (g) as subsection (h) and inserting the subsection to appear after subsection (b).

(16) by redesignating subsection (i) as subsection (j) and inserting the subsection to appear after subsection (b).

(17) by redesignating subsection (k) as subsection (l) and inserting the subsection to appear after subsection (b).

(18) by redesignating subsection (m) as subsection (n) and inserting the subsection to appear after subsection (b).

(19) by redesigning the Cooperative Federal Lands Transportation Program (as so redesignated).
or lead to federally owned land or Indian reservations, as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State and selected by the Secretary may not take into account the past or future availability, for use on park roads and highways in a national park, of funds made available for use in a national park by this paragraph.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "The Department of Transportation estimates that the Highway Account of the Federal Highway Trust Fund could sustain annual funding levels of $27 billion into the next century. This figure includes annual revenue, interest accumulated from unobligated balances, and the gradual spend-down of unobligated balances."

SUMMARY OF KEY PROVISIONS OF STARS 2000

STARS 2000 is a six-year transportation reauthorization proposal.
National Highway System—$14.163 billion
Surface Transportation Program—$9.442 billion
Equity programs—approximately $2.8 billion
Federal lands programs
1. Indian reservation roads—$191 million
2. Parks and Wilderness—$46 million
Cooperative Federal Lands Transportation Program (new)—$155 million
Territories—$5,650,000
Recreational Trails—$30 million
FUNDING FORMULAS
STARS 2000 funding formulas are based heavily on the extent and use of a State’s highway system, State lane miles and vmt, NHS lane miles and vmt, federal-aid lane miles and vmt, square footage of bridges, diesel sales and 4 other formula factors consisting of air quality, federal land ownership, population in relation to lane miles and freeways/turnpikes.
STARS 2000 retains a 95% minimum allocation equity account.
STREAMLINED PROGRAM
Under STARS 2000, the federal program is streamlined in order to allow the program to be highly flexible. This enables different States to choose projects that meet their transportation priorities. Projects such as highway reconstruction, safety improvements, transit, bicycle, pedestrian, enhancements, CMAQ projects or other eligible investments.
NATIONAL HIGHWAY SYSTEM
Funding for the National Highway System represents sixty percent of the core formula program under STARS 2000. Funds may be used for Interstate maintenance activities, bridge improvements, and other uses eligible under today’s current NHS program.
SURFACE TRANSPORTATION PROGRAM
Funding for the Surface Transportation Program (STP) represents forty percent of the core formula program under STARS 2000. Under this flexible program, funds may be used for projects eligible under today’s Surface Transportation Program and projects eligible under today’s Congestion Mitigation and Air Quality (CMAQ) program.
ENHANCEMENTS
STARS 2000 retains the transportation enhancement program. The core of the enhancement program is a 10% set-aside of the $4 billion STP program—$400 million. STARS 2000 requires 5% of the new $9.44 billion STP set-aside annually—approximately $480 million. Eligibility under the enhancement program is not changed.
SAFETY PROGRAMS
Current law requires a 10% set-aside of STP funds for railroad crossing elimination and highway elimination programs.
STARS 2000 retains this set-aside (10% of what a State received under the STP category in 1997), but gives States additional flexibility in meeting this requirement. States must spend at least 25% of the requirement on railway-highway crossing projects, 10% on hazard elimination projects and the remaining 5% may be used for either program at the discretion of the State.
BRIDGE PROGRAM
STARS 2000 eliminates the bridge program as a separate category. However, STARS 2000 retains the national commitment to bridges by requiring every State to spend at least as much on bridges as it does today, using National Highway System or Surface Transportation Program funds.
The bridge discretionary program is also retained, $60.5 million annually to be funded from the NHS and STP program.
CONGESTION MITIGATION AND AIR QUALITY
STARS 2000 eliminates the CMAQ program as a separate category. However, included in the Surface Transportation Program funding formula is an “air quality” factor. States that receive funds under the air quality factor—which are those States that receive CMAQ funds under today’s CMAQ formula—or those States that would be required to spend such funds in their non-attainment areas for CMAQ eligible projects. This provision translates into a $80 million air quality program.
RECREATIONAL TRAILS
STARS 2000 proposes a $30 million annual funding level for the National Recreational Trails Program. Funds are to be used for both motorized and nonmotorized trails, consistent with current law. The matching requirement has been adjusted from today’s 50/50 matching ratio to a new 80/20 matching ratio.
FEDERAL LANDS
STARS 2000 retains the current federal lands categories—public lands, Indian reservation roads, parks and parkways. Current funding levels are retained as well. A new Federal land category, the Cooperative Federal Lands Transportation Program is also proposed at $155 million annually. These funds are allocated to States to improve State-owned or maintained roads that lead to, are adjacent to or pass through Federal lands or reservations.
REGULATORY REVIEW
The Department of Transportation is required to review all significant rules it has issued. Any rules that are obsolete, overlapping, duplicative or conflict with other Federal rules shall be either amended, rescinded or continued without change after such periodic review.
Mr. THOMAS. Mr. President, I rise this morning to talk about the reauthorization of the Federal highway bill. I am very pleased to join with Senators BAUCUS and KEMPThORNE in the introduction of the Surface Transportation Authorization and Regulatory Streamlining Act for the Next Century, STARS 2000. I am also pleased that there will be 40 original cosponsors in support of this legislation.
Mr. THOMAS. Mr. President, the time for the reauthorization of the Federal highway bill, called ISTEA, that has existed in place for the past 6 years and has made a very important contribution to this country and its transportation. It has made some important changes in our surface transportation policies, but as we move into the 21st century, we need to update the law and make it more flexible and more efficient in order to meet the transportation challenges of the new century. I believe STARS 2000, achieves this goal. It will create new rules of the road to help us to build the highways and bridges to the 21st century.
With respect to the gas tax, it is a user fee, of course, that each of us pay as we buy gas wherever we are in this country. American taxpayers have been shortchanged with regard to the benefits they are getting from the gas tax. Not all of the gas taxes have been used for surface transportation. We need to get back to the Federal user-fee system where the taxes paid, in this case by the users of highways, are used then for surface transportation. STARS 2000 addresses this problem by restoring the integrity of the fee system by spending as much out of the highway fee system as it can sustain. We have been spending less than $20 billion annually. STARS 2000 raises the authorization to $27 billion. We believe those dollars ought to go into the highway system.
In addition, it provides a framework for any additional revenues such as the 4.3 cents that currently goes to deficit reduction. Should any of these revenues be transferred to the highway trust fund, they would be distributed according to the bill’s formula. STARS 2000 will help my State and many States maintain a national system.
In addition, the Federal Government owns 50 percent of Wyoming. One of the principle authors of this bill and my friend, Senator KEMPThORNE, his State of Idaho has even larger holdings. In Nevada, it is 86 percent. So we, like many others, so we have to take Federal lands into account as we talk about a Federal system.
In fact, Yellowstone Park, located in Wyoming, has a backlog of nearly $250 million in road repair and maintenance that needs to be considered. Unfortunately, we are not meeting these needs. For example, the Clinton administration admits that this country only invests 7 percent of what needs to be invested just to maintain our transportation infrastructure. These shortfalls are harmful to all taxpayers, of course. The STARS 2000 coalition States are bridge States—people and goods cross these bridges. So other transportation needs of efficient and well maintained roads are as important to the cities that export goods across the country and around the world as they are to people in our States. These transactions contribute to the Nation’s economy and its job creation. STARS 2000 will make a smooth flow of people and goods across the country a reality.
One of the keys to the highway program is that each State knows best what it should do and what resources it has, and its priorities are. Clearly, the highways and roads in New York City are quite different than those in Wyoming or Nevada, so we need to have the flexibility for State and local officials to make the decisions there. STARS 2000 does that by significantly increasing the surface transportation program, the STP portion, and puts the decisionmaking authority for how this money is allocated in the hands of the State and local people.
Unfortunately, the administration bill, NEXTEA, is advertised as building...
a bridge to the 21st century. Unfortunately, it is my belief that in its present form that bridge will collapse. NEXTEA does not restore the integrity of the trust fund, so for the American taxpayer, there is no trust in the trust fund. We must streamline the program. It does not make the kinds of changes that are needed. It hangs on to what we have done in the past. It also handcuffs local authorities in terms of making decisions. NEXTEA adds regulation, we need to get away from regulations and allow the highway program to be more efficient.

STARS 2000 emphasizes the Federal component of our program and achieves a fair and equitable method of distribution. But that really does not put in their share, and they get less back than they put in. Other States put in their share, and they get less back than they put in. We address that head on by increasing the minimum allocation program from 90 percent up to 95 percent. Under STARS 2000, formulas and proposed increased funding levels, it would result in 47 States receiving greater funding than they do under the current ISTEA program. Mr. President, 47 States will actually receive more funding.

Again, as has been pointed out, we really do provide for the streamlining, for greater flexibility, so those programs, such as the Surface Transportation Act—indeed, we double the funds in that account. We double that, and then we say to the States and the local communities: Now, with that additional funding, you make the decisions of where you think your priorities are in your State, rather than people back in Washington, DC, who go around the Politics of Washington. We do determine how it should be spent.

This is the national highway bill that we are talking about. I want to underscore national, because it is to apply to all 50 States. That is why the going to the States. With STARS 2000, I believe, as Senator Thomas has pointed out, we are going to restore the integrity of what a trust fund is: a trust fund. So the money that is gathered for that dedicated purpose ought to be used for that purpose. That is something that would be amazing that we would have to even say that? But it is not happening. Currently we only authorize about $18 billion that are to be used on the national highway program. The full amount that can be collected is $27 billion. So this legislation by Senator Baucus and Senator Thomas and myself would authorize the full $27 billion to be used for the highways of this country, because that is why we have been collecting this highway tax.

It provides a fair distribution throughout the United States, and it is going to address the very key issues, such as extent and usage of the highways; the lane miles that are there; the economic growth and diversification, the economic growth and efficiency, and increases flexibility and efficiency. We get more bang for the buck.

So we are emphasizing the National Highway System, allowing more decisions to be made closer to home, and I certainly would submit to my fellow Members of the Senate this is a bill that we can all support and will provide a better infrastructure for highway surface transportation.

Mr. President, I appreciate the time. I thank Senators Kempthorne and Baucus for their hard work on this legislation and look forward to working with them in the future.

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drivers to go on highway 95 because of safety considerations. They said that is the only stretch of highway that they really have that sort of restriction on anywhere in the United States.

Yet, this is a national highway bill. It is not a bill that can be an average highway bill. So we need to address this, and that is what this does. But it is not parochial. Certainly I am trying to look out for rural America, but I reiterate, this legislation does better for 47 States than the current program that is in existence today.

So I believe we have something here that is good for the country. It is going to give greater flexibility for those of us who believe in States rights, the 10th amendment; that folks in those 50 States can make just as good if not better decisions than we do at the Federal level. So it has so much to offer to so many.

Again, I am proud to be part of this, and I thank Senator Thomas and Senator Baucus for their efforts in this partnership.

Mr. Bingaman. Mr. President, I rise to speak briefly about the Surface Transportation Authorization and Regulatory Streamlining Act. As I do, Mr. President, I want to emphasize my belief that the Intermodal Surface Transportation Efficiency Act (ISTEA), has in large part been a great success for our Nation. ISTEA has been a monumental effort to distribute transportation funding to assist States in major highway, bridge, environmental, research, and safety projects. After 6 years, however, we have learned that there are areas of ISTEA in which we can make significant improvement.

STARS 2000 is the best mechanism so far by which we can do that.

I am cosponsoring STARS 2000 because it reemphasizes the national interest in a national transportation system. Mr. President, each State is a vital part of the national system; without one part the whole system fails. The highway system in New Mexico for instance, serves not just its resident and industrial traffic needs, but its highways also serve as a vital link for commerce between the Pacific coast and the eastern seaboard, and between Mexico and Canada. The system of highways crossing New Mexico is also critical for the movement of manufactured, equipment, and supplies in support of our Nation's defense. STARS 2000 offers a balanced, sensible approach so that all the States continue to play a central role to the overriding national goals.

Just as importantly, STARS 2000 effectively addresses the unique character of western, rural States and their importance to our national system of highway. New Mexico, for example, has only 1 percent of the total U.S. population. However, it must maintain 2 percent, 3,000 miles, of the National Highway System. Many people do not realize that road travel takes on a different meaning in the West. For instance, a trip from Farmington, NM, to Hobbs, NM, is 513 miles, and there are few options other than driving to make that trip. By contrast, that same distance would take you from Washington, DC, to Del Mar, CA.

STARTS 2000 also builds on the successes of ISTEA. For instance, the Surface Transportation Program maintains Federal support for the bridge replacement and reconstruction program. STARTS 2000 also maintains support for Federal lands roads, a program that is vital to States in the West where a vast majority of our Nation's Federal lands are located. Forty percent of New Mexico, for example, is Federal land. STARTS 2000 eliminates the old system that penalized a State for using Federal funds on roads located on Federal lands and Indian reservations. This is a step in the right direction and it is desperately needed in the West. I am concerned that STARTS proposes only level funding for the Indian reservation road program. Although I am supporting S. 437, the American Indian Transportation Program, I will continue to try to increase funding for roads and bridges on Indian reservations.

STARTS 2000 also includes a program that addresses congestion management and air quality. I understand how critical that is however, with the degree to which resources for this activity have been cut and the fact that it is eliminated as a separate category within STARTS. CMAQ has been a significant reason cities have obtained Federal credit, New Mexico applies much of its State's total highway budget. To its credit, New Mexico applies much of its highway funding to maintenance. Nevertheless, if the entire New Mexico road budget were applied to maintenance alone, only 7,500 of the State's 11,600 miles of highways could be adequately maintained. As many as 5,800 miles of New Mexico's roads have deteriorated to the point that they must be replaced at a cost of $1.15 million per mile. As a result, New Mexico, like most other States in the West, is unable to fund other critical transportation objects.

As we continue to recommit ourselves to maintaining and improving our Nation's transportation system, let me say that it is also incumbent upon the individual States to share in this ever-increasing responsibility. Clearly, there is strong national transportation interest in the States must recognize its own obligations. We are doing our part at the Federal level, and States must do the same.

Mr. President, I am proud to cosponsor this bill, and I commend my esteemed colleagues, Senators Baucus, Kempthorne, and Thomas, for working diligently to assemble this legislation. I believe that STARTS is a measure that will eventually lead to a better, more efficient transportation system in our country and ultimately a stronger economy.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 533. A bill to exempt persons engaged in the fishing industry from certain Federal antitrust laws; to the Committee on the Judiciary.

The Fishing Industry Bargaining Act

Mr. Murkowski. Mr. President, on behalf of Senator Stevens and myself, I am reintroducing the Fishing Industry Bargaining Act, a bill to allow antitrust immunity for certain cooperative activities involving domestic fishermen and processors.

This bill will allow collective agreement between fishermen and processors. It is patterned after legislation adopted by the Alaska State Legislature, but which requires congressional action to fully take effect.

Under existing law, fishermen are able to form associations for the purpose of collective bargaining with individual processors. This bill will allow them to work with similar associations of processors to establish first-wholesale purchase prices—that is, the prices paid to the processors for fish products, and ex-vessel prices paid to the fisherman.

This is intended to counter the fact that prices currently are all too often set by first-wholesale buyers rather than producers. As a result, processors forced to accept a price set by their buyers are in turn forced to set ex-vessel prices based on the buyers' offer, rather than prices that respond fully to other market forces.

I want to make it clear that this bill in no way would allow processors to associate solely amongst themselves to set either ex-vessel or wholesale prices. That is the kind of activity our current antitrust law is primarily designed to prevent, and this bill will leave that unchanged. Processors would continue to be prohibited from agreeing on prices unless fishermen participated in and were party to any agreement.

What the bill will accomplish is to strengthen the position of the United States seafood industry generally—fishermen and processors together. In this, it would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to a hearing which will air the views of the Alaska fishing industry and the fishing industry in other parts of the country, and urge prompt action by this Congress.

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:
The Connecticut Department of Health recently completed a survey of 12,000 Connecticut teenagers called the 'Voice of Connecticut Youth.' More than one-third of boys in 9th and 11th grades said they either had a gun or could get one in less than a day. When you consider intentional and unintentional shootings, 16 children are killed with firearms every day in this country.

We must put an end to the tragedy of gun violence. We need to take steps to ensure that gun owners are storing their guns safely—unloaded, locked, and out of the reach of children. That is why I am cosponsoring Senator Kohl's legislation, S. 428, which requires licensed manufacturers, importers, and dealers to sell handguns with a child safety or locking device. The bill also requires a warning that the improper locking or storage of a handgun may result in civil or criminal penalties.

Today I am also introducing a separate measure that would simply add another section to Senator Kohl's bill. The section would authorize the National Institute of Justice to conduct a study on possible standards for gun locks. As we move to have greater use of gun locks, we ought to make sure that those locks are of high quality.

These small steps forward could save thousands of lives. They will not affect responsible gun owners who are already doing the right thing, but they will remind careless gun owners of the need for increased safety.

My home State of Connecticut is out in front on this issue. One of our State laws requires locks on handguns, another State law requires that guns be stored away from children. But one State can only do so much. A gun bought outside our State can become dangerous within our State. And we also need to make kids across the Nation safer. In many ways, this issue is simple—if we require safety caps on medicine to protect kids, we should clearly require safety locks on guns.

I urge my colleagues to join with me and Senator Kohl in support of these gun safety measures.

Mr. President, I ask unanimous consent that a copy of my bill, the Handgun Safety Act of 1997, be printed in the RECORD.

Mr. Dodd. I rise to speak on the need for increased attention to gun safety. Increasingly, children are gaining access to loaded and unlocked firearms with fatal consequences. Recently, an 8-year-old girl in Bridgeport, CT, took a gun that was left behind a couch and shot and killed her 10-year-old sister.

These tragedies happen far too frequently. The Centers for Disease Control and Prevention noted that nearly 1.2 million latch-key children have access to loaded and unlocked firearms each day. Children
Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall:

1. Conduct a study to determine the feasibility of developing minimum quality standards for locking devices (as that term is defined in section 921(a) of title 18, United States Code (as amended by this Act)); and

2. Submit to the Attorney General of the United States and the Secretary of the Treasury a report, which shall include the results of the study under paragraph (1) and any recommendations for legislative or regulatory action.

By Mr. McCaIN (for himself, Mr. WELLS, Mr. GLENN, Mr. COCHRAN, Mr. BURNS, Mr. MOYNIHAN, Mr. HARKIN, Mr. DODD, Mr. LEARY, Mr. BOND, Mr. BINGAMAN, Mr. CAMPBELL, Mr. MACK, Mr. TORRICELLI, Mr. GRASSLEY, Mr. INOUYE, Mr. HOLLINGS, Mr. ROBB, Mr. DURBIN, Mrs. BOXER, Mr. BRYAN, Mr. DASCHLE, Mr. FORD, Mr. D’AMATO, Mr. REID, Mr. MANTEMBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLLINS, Mr. KERRY, Mrs. MURRAY, Mr. REED, Mr. KENNEDY, Mr. SANTORUM, Ms. FEINSTEIN, and Mr. ROCKEFELLER):

S. 535. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson’s disease; to the Committee on Labor and Human Resources.

The Morris K. Udall Parkinson’s Research and Education Act of 1997

Mr. McCaIN. Mr. President, today, I proudly reintroduce the Morris K. Udall Parkinson’s Research and Education Act of 1997. This legislation addresses the importance of Parkinson’s research by authorizing $1 million for Parkinson’s research.

Approximately 1 million people in this country are afflicted with Parkinson’s disease. Parkinson’s disease is a debilitating, degenerative disease which is caused when nerve centers in an individual’s brain lose their ability to regulate body movements. People afflicted by this disease experience tremors, loss of balance and repeated falls, loss of memory, confusion, and depression. Ultimately, this disease results in total incapacity for an individual including the inability to speak. This disease knows no boundaries, does not discriminate, and strikes without warning.

This important piece of legislation honors Mo Udall, a dear friend of mine who served as a dedicated Congressman from Arizona for 30 years. Mo is remembered most for his warmth, compassion, integrity, and his wit. He was a champion of civil rights, political reform, and a protector of the environment. In 1980, Congressman Mo Udall was diagnosed with Parkinson’s disease and he continued to fight against this disastrous disease. Mo was forced to resign from Congress in 1991, his exemplary career prematurely ended by Parkinson’s.

I was fortunate enough to have only worked with Mo Udall as a Representative from Arizona, but to have Mo as a mentor and a close, personal friend. Mo’s stewardship and integrity would not allow him to become involved in partisan politics. When I arrived in Washington, DC, as a freshman Congressman from Arizona, Mo reached across the aisle, took me under his wing and provided me with guidance, leadership, humor, and, most importantly, friendship. I can never begin to adequately thank Mo for all that he provided me and the impact on my early years as a Member of Congress. In some way, I hope that my efforts on his behalf and the millions of others with Parkinson’s can be a token of appreciation for all that Mo has given me and our country.

Personally, I have witnessed the devastating effects and personal tolls which Parkinson’s disease has on its victims, as I have watched this horrible disease wound up my closest friend, Mo. I have watched Mo, his family, and friends wage a daily battle against this painful disease. Every day, Mo and millions like him throughout the country face a disease which is physically crippling and financially devastating. I can truly empathize with the fear and frustration that Mo and others like him must be feeling as they become prisoners within their own bodies, clinging to the hope that a scientific breakthrough may soon be discovered and they will be liberated from their personal prison.

The Morris K. Udall Parkinson’s Research and Education Act of 1997 provides the hope Mo and millions like him are looking for. This bill will help us make significant scientific progress by increasing the Federal Government’s financial investment in Parkinson’s research for fiscal year 1998 by authorizing $1 million.

An important component of this legislation will be the establishment of up to 10 Morris K. Udall Centers for Research on Parkinson’s Disease throughout the Nation. These centers will be responsible for conducting basic and clinical research in addition to delivering care to Parkinson’s patients. Utilizing these three areas will assure that research developments will be coordinated and the care delivered to patients will be effective, high quality services based upon the most recent research developments. Morris K. Udall Centers will be structural in a manner which allows them to become a source for developing teaching programs for health care professionals and disseminating information for public use.

In addition, this bill will create a national Parkinson’s Disease Information Clearinghouse to gather and store pertinent data on Parkinson’s patients and their families. This collected data will allow us to enhance knowledge and understanding of Parkinson’s disease.

This bill will establish a Morris K. Udall Excellence Award to recognize publicly the investigators with a proven record of excellence in Parkinson’s research and whose work has demonstrated significant potential for the diagnosis or treatment of the disease.

I am heartened by the tremendous progress scientists are making in Parkinson’s research. There is significant scientific evidence indicating that there is very strong potential for major breakthroughs in the cause and treatment of Parkinson’s in this decade. According to a wide range of scientists, we are on the verge of substantial, groundbreaking scientific discoveries regarding the cause and potential cure of Parkinson’s disease. We need to seize this rare opportunity to discover the cause, treatment, and a potential cure for one of the Nation’s most disabling diseases.

It is imperative that we give our scientific researchers the necessary funding and support to combat this and other neurological diseases, and to improve the lives of many Americans.

This why we must pass the Morris K. Udall Parkinson’s Research and Education Act of 1997. We can’t allow this opportunity to make significant progress in the area of Parkinson’s research slip away because of a lack of support for our Nation’s scientific researchers.

Finally, I would like to thank the hundreds of individuals who have written or called my office in support of this bill. These individuals are committed to seeing this legislation enacted this year and that Parkinson’s research will finally receive a fair and justifiable investment from the Federal Government.

I ask unanimous consent that a small sampling of the many letters I have received in support of the Morris K. Udall Parkinson’s bill from actual Parkinson’s patients, family, and friends of Parkinson’s patients, advocate groups, scientists, and physicians be included in the RECORD. There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Phoenix, AZ, April 1, 1997.

Hon. John McCain, Senator, Washington, DC.

Dear Senator McCain: My friend Richard and I first met in the lobby of St. Joseph’s Hospital Barrows Neurological Institute in Phoenix Arizona. I was in my late thirties, he was in his early fifties, we had both been diagnosed with Young-Onset-Parkinsons Disease. We were both affairs.

We became friends as we vowed to fight this disease which was trying to imprison us
DEAR SENATOR MCCAIN:

I am writing to you about the Bill if you have any questions (510-527-0966 or tobriner.uclink.berkeley.edu).

Thank you for doing all that you are, to help us "kick Parkinsons in the ass". MARYHELEN DAVALA.

KINGWOOD, TX, April 8, 1997.

Hon. J OHN MCCAIN, U.S. Senate, Washington, D.C.

DEAR SENSATOR MCCAIN: Thank you for your support and leadership on behalf of people with Parkinson’s Disease.

At the age of forty-nine I was stricken with Parkinson’s Disease. I managed to continue working till I retired last year at the age of fifty-six. I was earning about $105,000.00 per year as a trial attorney.

My disability and people with early onset of the disease place a heavy financial burden on the Government and the private sector. I am applying for Social Security Disability plus private disability plans. My medical costs are $18,000.00 plus per year and in two years my medical costs will be another burden on the Social Security trust funds. I estimate that my medical costs will exceed $1,000,000 if I live age sixty-seven when I would normally retire.

I also notice on the internet that Parkinson’s Disease is striking younger and younger people and that the mean age of diagnosis is now fifty-seven years old. If this trend continues, more people will be receiving Social Security Trust Funds at an early age and fewer people than expected making contributions.

As I attend support group meetings, I see people who need help, but he’s not going down without knowing we’d “kick Parkinsons in the ass” first. Richard died of Parkinson’s Disease last month.

I’m forty-four now, I have difficulty walking short distances and my strength struggles for me to sit up. Although my medication’s losing effectiveness and side effects don’t cease, I am still holding on. With your help, I will see the passage of the “Udall bill for Parkinsons”.

Thank you for all you do, to help us "kick Parkinsons in the ass".

MARYHELEN DAVALA.

BERKELEY, CA, March 29, 1996.

Hon. J OHN MCCAIN, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCAIN: Thank you for agreeing to introduce the Morris K. Udall Parkinson’s Research and Education Act to the Senate. I am grateful for your efforts on behalf of this bill.

My closest friend, Frances Tobriner, was diagnosed with Parkinson’s Disease when she was 49 years old. She is now 57 years old and is courageously managing to work as a psychologist. I have learned that this disease is not limited to the elderly. Young, talented people are vulnerable. There is no cure for this disease and those of us who are able bodied bear helpless witness to the progressive deterioration of those we care about. There are many research possibilities that await funding. I believe that the advances in research will help not only the many victims of Parkinson’s disease, but other neurological ailments as well. To date there is no unified research agenda and the relatively small amount of money is not enough. The Parkinson’s Research and Education Act will help enormously.

Thank you for your efforts. Know that you have support among constituents.

Sincerely yours,

SUE N. ELKIND, PH.D.

MINNIA, KS, April 3, 1997


Hon. J OHN MCCAIN, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCAIN: This is to thank you and Sen. Paul Wellstone for taking the
April 9, 1997

CONGRESSIONAL RECORD — SENATE

S2919

Washington, DC.

sands of millions who don't yet know they
berculosis, small pox and others—GONE.
me to push the gas pedal.
help drive me to the doctors, as my right
married, never remembers when I was a nor-
teacher of 29 years has had to take on domes-
to the world.
which re-established my ability to connect
then I have had to cut back more and more.
pretty much full force until 1990, but since
which established a 100,000-watt FM commu-
project, as President of a Kansas City group
April 9, 1997

Sincerely,

MRS. BARBARA SCHIRLLOFF.

lead in reintroducing the Udall bill in the 105th Congress, as well as the many other Senators who are already supporting the bill.
A stepped-up effort in research and coordi-
nation of that research means added hope for
me and my family that a possible cure may be
found in time to help me. You see, I was
diagnosed with Parkinson's Disease at the age of
44, nearly 13 years ago. It was only
two years after my marriage to my wonder-
ful husband, who has stood by me 'in sick-
ess' better than we ever imagined. I
managed to follow through on a long-term project, as President of a Kansas City group which established a 100,000-watt FM community radio station in 1968 after 11 years of ef-
fort. I kept up with the station and other community interests and part-time teaching
pretty much full force until 1990, but since
then I have had to cut back more and more.
You can't imagine how grateful I am for ac-
cess to the internet (my husband's idea) which re-established my ability to connect
to the world.

My husband who is a community college
teacher of 29 years has had to take on domes-
tic duties I once did. His daughter, 4 when we
married, never remembers when I was a nor-
al, active person. And my aging parents help drive me to the doctors, as my right
side is too weak most of the time to allow
me to push the gas pedal.

This disease CAN go the way of polio, tu-
berculosis, small pox and others—GONE. Maybe not for me, but surely for the thou-
sands of millions who don't yet know they
are at risk for it.

Contrary to our religious law, my mother
function and eventually the total incapacity
to care for himself. The last 10 years of his
life was in a totally rigid state and to-
ward the end he could only move his eyes.

As a physician who sees only patients with
Parkinson's Disease Research. I will make a special
trip to Washington on April 9, 1997 to be
present at your introduction.

In 1946 my grandfather, Benjamin Miller,
died of complications from bedsores and in-
fection as a result of Parkinson's Disease. He
was forced to live with uncontrollable trem-
ors, locked rigid muscles, loss of all motor
function and eventually the total incapacity
to care for himself. The last 10 years of his
life he was in a totally rigid state and to-
ward the end he could only move his eyes.

Sunnyvale, CA, April 7, 1997.

Hon. JOHN MCCAIN, U.S. Senate, Washing-
ton, DC.

DEAR SENATOR MCCAIN: Thank you for in-
roducing the Morris Udall Bill for Parkin-
sion's Disease Research. I will make a special
trip to Washington on April 9, 1997 to be
present at your introduction.

In 1946 my grandfather, Benjamin Miller,
died of complications from bedsores and in-
fection as a result of Parkinson's Disease. He
was forced to live with uncontrollable trem-
ors, locked rigid muscles, loss of all motor
function and eventually the total incapacity
to care for himself. The last 10 years of his
life he was in a totally rigid state and to-
ward the end he could only move his eyes.

Contrary to our religious law, my mother
agreed to allow his body to be used for re-
search believing that the help it might pro-
vide others would more than make up for this
breach of tradition. She often said that
because of her decision, her father played a
part in the development and refinement of L-
dopa.

As fate would have it, my brother is now
diagnosed with Parkinson's and while his
lifestyle is somewhat better than it might
have been 50 years ago, his hideous fate is
sealed unless the research continues until a
definitive cure has been found.

Through your foresight to introduce the
Udall Bill in the 105th congress there is great
potential for a breakthrough in Parkinson's
disease treatment and ultimately the discov-
ery of a cure.

Thank you again.

Sincerely,

MRS. BARBARA SCHIRLLOFF.
under a kind of death watch. Their disease is inexorably progressive; there is no cure; and even the gold standard of medications available cannot control symptoms indefinitely. I have learned that Parkinson's must be treated aggressively to achieve a certain detachment from the inevitability that faces my patients, but it remains a constant trial to look at these individuals and know my armamentarium is so limited. Part of the way to deal with this challenge, both for physician and patient, is to try to comfort in the fact that there is enormous hope through the efforts of the researchers in my own laboratory and in similar institutions around the world.

What we need to do is take advantage of the new technologies and the enormous pool of talented investigators waiting to use them to make them available to a much larger number of laboratories; to increase the probability that the critical breakthroughs will occur sooner rather than later. No one laboratory can travel every possible avenue of investigation no matter how impressive their equipment and no matter how many bright young postdoctoral fellows are on staff. Rather, we must seek to multiply the approaches to the puzzling problems that still face us by utilizing the different insights, experience, and research philosophies of a variety of laboratories across the country at academic medical centers, at NIH, and in independent research institutes like our own.

Ultimately, that takes money and that is where we turn to the Congress for help directed specifically to Parkinson's disease. You know, I'm sure, of the discrepancies in research funding per patient between Parkinson's disease and other disorders. The message I want to send to you today is that research dollars for movement disorders will not be raised to anywhere near black hole of hopelessness, but invested in a national program with tremendous hope for the future.

Sincerely,

J. WILLIAM LANGSTON, M.D.,
President.

APDA PARKINSON'S DISEASE INFORMATION & REFERRAL CENTER AT THE UNIVERSITY OF ARIZONA,
TUCSON, AZ, April 7, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Dear Senator McCain:

Your dedication to bring about the reintroduction of the Morris K. Udall Parkinson's Disease Research and Education Act is most appreciated. The title sweet partial victory at the end of the 104th Congressional session was difficult to accomplish somethings during the infrequent and quite rare session, but the challenge, both for physician and patient, is to take comfort in the fact that with your leadership and guidance the Udall bill will make its way through the Halls of Congress and will gain enough bi-partisan support for passage and thus insure more adequate research and development funding. For those 50,000 Parkinson's patients who received their diagnosis during this past 12 months and for my own salvation, I join you and your staff in an all-out effort to guarantee the passage of the new Udall bill.

Sincerely,

ERWIN B. MONTGOMERY,
Jr., M.D.,
Medical Director,
APDA Information & Referral Center at the University of Arizona.

CYNTHIA A. HOLMES, PHD,
Coordinator, APDA Information & Referral Center at the University of Arizona.


Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Dear Senator McCain:

Your dedication to bring about the reintroduction of the Morris K. Udall Parkinson's Disease Research and Education Act is most appreciated. The title sweet partial victory at the end of the 104th Congressional session was difficult to accept.

To Americans suffering from this hideous disease, the issue is so clearly defined: there are 1 to 1.5 million people struck with a disease that costs the government 6 billion dollars annually to maintain status quo; whereas, as an annual investment of 100 million dollars for research would yield a net savings of $124,500,000,000 in five years based on the forecast of eminent scientists who predict major advances in the treatment of or even a possible cure for Parkinson's disease. It is with this great anticipation that I face my 17th year living with the disease.

During the last number of years, managing my daily minimal activities have become more and more difficult. Since I am only 55 years old, I still have a window of opportunity to re-enter the world of participation rather than inactive existence. My life revolves around frantically attempting to accomplish somethings during the infrequent and much too short periods of time that my medication kicks in.

I must believe that with your leadership and guidance the Udall bill will make its perilous journey through the Halls of Congress and will gain enough bi-partisan support for passage and thus insure more adequate research and development funding.

Sincerely,

RAY):
with the members of the Appropriations Committee to find appropriate off-sets within the current $16 billion Federal drug control budget.

An advisory commission, consisting of local community leaders, and State and tribal sexual and substance abuse in the field of substance abuse, will oversee the implementation of the program at the Office of National Drug Control Policy. They will insure the funds are directed to communities and programs that make a difference in the lives of our children.

At other times I’ve talked about the statistics—how drug use is up again this year among teens, and how emergency room admissions are rising after years of decline, and other depressing statistics. But the bill we introduce today is in support of organizations that are on the front lines, making a difference in the lives of our children. I urge my fellow members to join my colleagues and me in supporting this legislation for our children.

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.

SEC. 2. NATIONAL DRUG CONTROL PROGRAM.

(a) In general.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is amended—

(1) by inserting between sections 1001 and 1002 the following:

"CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY":

and

(2) by adding at the end the following:

"CHAPTER 2—DRUG-FREE COMMUNITIES"

SEC. 1021. FINDINGS.

"Congress finds the following:

(1) The abuse of marijuana by youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

(2) The most dramatic increases in substance abuse have occurred among 13- and 14-year-olds.

(3) Casual or periodic substance abuse by youth of 1997 will contribute to hard core or chronic substance abuse by the next generation of adults.

(4) The abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

(5) Increases in substance abuse among youth are due in large part to an erosion of community or family resistance to the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

(6) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

(7) Intergovernmental cooperation and coordination within the United States, and over time, to reduce substance abuse among adults.

(8) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

(9) to enhance intergovernmental cooperation and coordination on the issue of substance abuse among youth;

(10) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance abuse among youth;

(11) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

SEC. 1022. DEFINITIONS.

"In this chapter:

(1) ADMINISTRATOR.—The term `Administrator' means the Administrator appointed by the Director under section 1031(c).

(2) MAJOR SECTOR INVOLVEMENT.—The term `Major Sector Involvement' means the recipient of a grant award that meets each of the following criteria:

(A) Application. — The coalition shall submit an application to the Administrator in accordance with section 1031(a)(2).

(B) Major sector involvement. — (A) In general.—The coalition shall consist of 1 or more representatives of each of the following categories:

(ii) Youth.

(iii) Parents.

(iv) Businesses.

(v) Media.

(vi) Schools.

(vii) Organizations serving youth.

(viii) Law enforcement.

(ix) Religious organizations.

(x) Civic and fraternal groups.

(xi) Health care professionals.

(xii) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse)

(xiii) Other organizations involved in reducing substance abuse.

(B) ELECTED OFFICIALS.—If feasible, in addition to representatives from the categories listed in subparagraph (A), the application shall have an elected official (or a representative of an elected official) from—

(C) the use of alcohol, tobacco, or other related product prohibited by State or local law.

Youth. — The term `youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

(1) $10,000,000 for fiscal year 1998;

(2) $20,000,000 for fiscal year 1999;

(3) $30,000,000 for fiscal year 2000;

(4) $40,000,000 for fiscal year 2001; and

(5) $45,500,000 for fiscal year 2002.

(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) may be used to pay administrative costs:

(1) 10 percent for fiscal year 1998;

(2) 6 percent for fiscal year 1999;

(3) 4 percent for fiscal year 2000;

(4) 3 percent for fiscal year 2001;

(5) 3 percent for fiscal year 2002.

Subchapter I—Drug-Free Communities Support Program.

SEC. 1031. ESTABLISHMENT OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance abuse among youth.

(b) PROGRAM.—In carrying out the Program, the Director shall—

(i) make and track grants to grant recipients;

(ii) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that have proven to be effective in reducing substance abuse among youth;

(iii) provide for the general administration of the Program.

(c) ADMINISTRATION.—Not later than 30 days after receiving recommendations from the Advisory Commission under section 1042(a)(2), the Director shall appoint an Administrator to carry out the Program.

SEC. 1032. PROGRAM AUTHORIZATION.

(a) GRANT ELIGIBILITY.—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

(1) APPLICATION.—The application shall submit an application to the Administrator in accordance with section 1031(a)(2).

(2) MAJOR SECTOR INVOLVEMENT.—(A) In general.—The coalition shall consist of 1 or more representatives of each of the following categories:

(ii) Youth.

(iii) Parents.

(iv) Businesses.

(v) Media.

(vi) Schools.

(vii) Organizations serving youth.

(viii) Law enforcement.

(ix) Religious organizations.

(x) Civic and fraternal groups.

(xii) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse)

(xiii) Other organizations involved in reducing substance abuse.

(B) ELECTED OFFICIALS.—If feasible, in addition to representatives from the categories listed in subparagraph (A), the application shall have an elected official (or a representative of an elected official) from—

"(C) the use of alcohol, tobacco, or other related product prohibited by State or local law.

Youth. — The term `youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

(1) $10,000,000,000 for fiscal year 1998;

(2) $20,000,000,000 for fiscal year 1999;

(3) $30,000,000,000 for fiscal year 2000;

(4) $40,000,000,000 for fiscal year 2001; and

(5) $45,450,000,000 for fiscal year 2002.

(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) may be used to pay administrative costs:

(1) 10 percent for fiscal year 1998;

(2) 6 percent for fiscal year 1999;

(3) 4 percent for fiscal year 2000;

(4) 3 percent for fiscal year 2001;

(5) 3 percent for fiscal year 2002.

Subchapter I—Drug-Free Communities Support Program.
"(i) the Federal Government; and
(ii) the government of the appropriate State and political subdivision thereof or the governing body of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b))."

"(c) REPRESENTATION.—An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

"(d) COMMITMENT.—The coalition shall demonstrate, to the satisfaction of the Administrator—

(A) that the representatives of the coalition have worked together on substance abuse reduction initiatives for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or committees of the coalition;

(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy);

(4) MISSION AND STRATEGIES.—The coalition shall, with respect to the community involved—

(A) have as its principal mission the reduction of substance abuse in a comprehensive and long-term manner, with a primary focus on youth in the community;

(B) describe and document the nature and extent of the substance abuse problem in the community;

(C)(i) provide a description of substance abuse prevention and treatment programs and activities in existence at the time of the grant application; and

(ii) identify substance abuse programs and services gaps in the community;

(D) develop a strategic plan to reduce substance abuse among youth in a comprehensive and long-term fashion; and

(E) work to develop a consensus regarding the priorities of the community to combat substance abuse among youth.

(5) SUSTAINABILITY.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

(A) is established as an entity separate from any other local government body or a nonprofit organization; or

(B) is an agency, commission, or board that has been created and is associated with, an established legal entity;

(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

(6) ACCOUNTABILITY.—The coalition shall—

(A) establish a system to measure and report outcomes;

(i) consistent with common indicators and evaluation protocols established by the Administrator, in consultation with the Advisory Commission; and

(ii) the receives the approval of the Administrator;

(B) conduct—

(i) for an initial grant under this subchapter, an initial benchmark survey of drug use among youth (or use local surveys or perform comparable measurements available or accessible in the community at the time of the grant application); and

(ii) biennial surveys (or incorporate local surveys or performance measures available or accessible in the community at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

(i) in gathering data related to substance abuse among youth; or

(ii) in evaluating the effectiveness of community anti-drug coalitions.

(7) GRANT AMOUNTS.—

(A) IN GENERAL.—Subject to clause (iii), for a fiscal year, the Administrator may grant to an eligible coalition an amount not to exceed the amount of Federal funds and in-kind contributions by the coalition, including in-kind contributions, for that fiscal year.

(B) RENEWAL GRANTS.—Subject to clause (iii), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year during the 4-year period following the period of the initial grant.

(III) LIMITATION.—The amount of a grant awarded under this subparagraph may not exceed $50,000 for any fiscal year.

(B) COALITION AWARDS.

(I) IN GENERAL.—Except as provided in clause (ii), the Administrator may, with respect to a coalition that represents a community if—

(iii) (A) the population of the community exceeds 2,000,000 individuals;

(B) the coalition demonstrates that the coalitions are collaborating with one another; and

(C) each of the coalitions has independently met the requirements set forth in section 1032(a).

(2) RURAL COALITION GRANTS.

(A) IN GENERAL.—

(B) IN GENERAL.—In addition to awarding grants under paragraph (1), to stimulate the development of coalitions in sparsely populated rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a community if—

(i) the population of the community does not exceed 30,000 individuals.

(C) LIMITATIONS.

(I) AMOUNT.—The amount of a grant under this subparagraph shall not exceed $50,000 for any fiscal year.

(II) AWARDS.—With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

SEC. 1033. INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO GRANT RECIPIENTS.

(a) COALITION INFORMATION.

(1) GENERAL AUDITING AUTHORITY.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this chapter; and

(B) may periodically request information from a grant recipient to ensure that the grantee is in compliance with the applicable criteria under section 1032(a).

(2) APPLICATION PROCESS.—The Administrator shall review an application for a grant, as well as any renewal application made under this chapter, for completeness and to ensure that the coalition is an ongoing concern by demonstrating that the coalition is in compliance with the applicable criteria under section 1032(a).

(b) DATA COLLECTION AND DISSEMINATION.

(1) IN GENERAL.—The Administrator may collect data from—

(A) national substance abuse organizations that work with eligible coalitions, community anti-drug coalitions, departments, or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

(2) ACTIVITIES OF ADMINISTRATOR.—The Administrator may—

(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

(B) engage in research and development activities related to the Program; and

(C) disseminate information described in this subsection to—

(1) eligible coalitions and other substance abuse organizations; and

(2) the general public.

SEC. 1034. TECHNICAL ASSISTANCE AND TRAINING.

(a) IN GENERAL.—

(1) TECHNICAL ASSISTANCE AND AGREEMENTS.—With respect to any grant recipient or other organization, the Administrator may—

(A) offer technical assistance and training; and

(B) enter into contracts and cooperative agreements.

(2) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

(3) TRAINING.—The Administrator may provide training to any representative designated by a grant recipient in—

(a) the development of the program;

(b) task force development;

(c) mediation and facilitation, direct service, assessment and evaluation; and

(d) any other activity related to the purposes of the Program.

Subchapter II—Advisory Commission

SEC. 1041. ESTABLISHMENT OF ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the `Advisory Commission on Drug-Free Communities'.

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COMMUNITY-BASED ANTIDRUG COALITIONS HAVE PROVEN THEIR WORTH IN THE FIGHT AGAINST DRUG ABUSE. I'M THINKING OF GROUPS LIKE THE MADISON COUNTY PREVENTION ASSISTANCE COALITION TEAM—OR PACT—IN MADISON COUNTY, OH. PACT WAS ESTABLISHED HERE IN CENTRAL OHIO IN 1991 AND RAPIDLY INSPIRED 50 LOCAL SUBSTANCE ABUSE PREVENTION INITIATIVES.

WHAT PACT DID WAS MOBILIZE THE COMMUNITY. MIDDLE SCHOOL STUDENTS were IMPRESSED WITH THEIR ROLE AS THIRD GRADERS. TEACHERS IN HEAD START TAUGHT THEIR STUDENTS ABOUT DRUG ABUSE PREVENTION. A LOCAL CHURCH HELD A FATHER-SON RETREAT.

A RESEARCH TEAM FROM MIAMI UNIVERSITY FOUND THAT MADISON COUNTY'S ALCOHOL-RELATED CRIME DROPPED BY 50 PERCENT. AND STUDENTS ARE REPORTING A DECLINE IN THE USE AND AVAILABILITY OF ALCOHOL AND OTHER DRUGS.

THE KEY IS MOBILIZING THE COMMUNITY. THE BILL WE'RE INTRODUCING TODAY WILL HELP TAP INTO THIS RESOURCE—BY RE-DIRECTING FEDERAL FUNDING TO COMMUNITY COALITIONS THAT HAVE DEVELOPED COMPREHENSIVE PROGRAMS TO EDUCATE CHILDREN FROM THE TANDEM IN THE USE OF DRUGS. A SIMILAR BILL WAS INTRODUCED IN THE HOUSE BY REPRESENTATIVES PORTMAN, HASTERT, RANGE, AND LEVIN.

THIS BILL WILL CHANNEL FUNDS FROM THE FISCAL YEAR 1998 DRUG CONTROL BUDGET, IN THE FORM OF MATCHING GRANTS—TO COMMUNITY COALITIONS WITH PROVEN TRACK RECORDS. IT WILL ENHANCE PROGRAMS THAT WORK, WITHOUT ALLOCATING NEW FUNDS.

I THINK THIS IS EXACTLY THE TYPE OF LEGISLATION WE NEED. IT'S A SENSIBLE AND COST-EFFECTIVE APPROACH TO SOLVING A MAJOR PROBLEM. AND I WILL JOIN MY COLLEAGUE FROM IOWA IN WORKING FOR ITS ENACTMENT.

MR. BIDEN. MR. PRESIDENT, I AM PLEASED TO JOIN IN INTRODUCING TODAY WITH SENATOR GRASSLEY AND OTHERS THE DRUG-FREE COMMUNITIES ACT OF 1997. THIS LEGISLATION WILL HELP TAKE AN IMPORTANT STEP FORWARD TOWARD A GOAL WE ALL SHARE—KEEPING STUDENTS AND COMMUNITIES FREE FROM DRUGS AND DRUGS AWAY FROM KIDS.

THIS 5 YEAR, $140 MILLION AUTHORIZATION TO FUND LOCAL ANTIDRUG PREVENTION EFFORTS COULD BE AN IMPORTANT CATALYST TO GETTING LOCAL GROUPS TOGETHER TO PLAN, COORDINATE, AND CARRY OUT THE WIDE VARIETY OF DRUG PREVENTION TREATMENT ACTIVITIES WE ALL KNOW ARE NECESSARY TO REVERSE THE RISE OF DRUG ABUSE AMONG OUR CHILDREN. BY UNLEASHING THE TALENTS AND ENERGY OF LOCAL COMMUNITIES, OUR BUSINESS LEADERS, LAW ENFORCEMENT, RELIGIOUS ORGANIZATIONS, DOCTORS, AND OTHERS WE CAN BUILD COMMUNITY-WIDE AND COMMUNITY-BASED DRUG PREVENTION EFFORTS.

FOR ALL THESE REASONS, I AM PLEASED TO OFFER MY SUPPORT FOR THE CONCEPT EMBODIED IN THIS LEGISLATION. BUT, I MUST OFFER TWO IMPORTANT CONDITIONS TO MY SUPPORT FOR THIS BILL. FIRST, AS POTENTIALLY VALUABLE AS ANTIDRUG COALITIONS CAN BE, I DO NOT BELIEVE IT WOULD BE WISE FOR US TO "ROB PETER TO PAY PAUL" BY TRYING TO FUND THIS DRUG PREVENTION EFFORT BY CUTTING FUNDING FOR OTHER, WORTHY DRUG PREVENTION EFFORTS. IT IS MY
understanding that the other sponsors of this legislation in both the House and the Senate share this view, and I look forward to working with them to find the modest dollars necessary to fund this effort.

Second, it is also my understanding that the sponsors of this legislation are continuing to work with the Drug Director to iron out the bureaucratic details of how this effort will be undertaken at the Federal level. I am confident that none of the sponsors of this bill have any interest in any new layers of wasteful bureaucracy, so I look forward to working with them to pass the most efficient, effective effort possible.

This bill offers a key example of the bipartisan support for drug prevention and drug treatment efforts which exists at the grassroots level throughout our Nation. In the weeks and months ahead, I look forward to working with my colleagues in the same bipartisan fashion.

As my colleagues have heard me note on numerous occasions—our Nation stands on the edge of the “baby boomerang”—with 39 million American children under the age of 10, the greatest number of children who will have to prepare for these 39 million as they enter their teen years when they will be at their greatest likelihood of falling prey to drugs and crime. If we do not, we will pay for our lack of foresight with the most severe epidemic of youth drug abuse, youth violence, and youth crime our Nation has ever suffered.

Preparing each of these 39 million American children means giving them the techniques and the desire to stay away from drugs—in short, drug prevention. The Drug-Free Communities Act of 1997 is one of what must be many elements of a comprehensive, nationwide drug prevention effort. I am pleased to cosponsor this legislation and I look forward to passing it into law.

Mr. D’AMATO. Mr. President, I join my colleagues in the introduction of the Drug Free Communities Act and urge its passage. This bill responds to a distressing increase in teenage drug use by providing startup funding and technical assistance to community coalitions that work together to prevent drug use.

According to the University of Michigan’s 1996 Monitoring the Future study, more than half of all high school students use illicit drugs by the time they graduate. The Office of National Drug Control Policy cited in their strategy report that nearly 1 in 4 high school seniors used marijuana on a past-month basis in 1996.

The age for which children start using drugs is declining. While the number of teenagers using marijuana increased 5 percent from 1994 to 1996, the age of first use declined from 17.8 years of age in 1987 to 16.3 years of age in 1994. There was also a drop in age for first use of cocaine from 23.3 years to 19 years old. Drug use is starting at an early age.

Drug abuse costs this country approximately $67 billion a year in social, health and criminal costs. But the 14,000 drug-related deaths each year cannot be calculated. The destruction of lives of the drug users, their families, friends, and neighbors is inevitable.

The need to correct the trend is imperative and any initiatives that can do it. Community coalitions are essential for an effective prevention program. It is the community groups that see the problem first hand and know what is needed in that area to stop children from becoming drug users.

This bill will provide the incentive for community action groups to work together for the sole purpose of drug prevention. Groups representing youths, parents, businesses, schools, and law enforcement, religious organizations, health professionals, as well as government agencies will be expected to prepare a strategy and implement it—together. But the community must be organized first, prior to receiving grant funds. The coalition to prove a long-term commitment.

The grants will be distributed to organized community coalitions that have matching funds and those funds produced to the Federal Government. This requirement ensures that the coalition has support and can be sustained after the grant sunsets. This will not be another Federal program, but rather a means to support organizations that devise and implement a comprehensive antidrug campaign while they get off the ground.

Several groups in my State have already endorsed this proposal including the Syracuse Police Department, the mayor of Syracuse and agencies in Onondaga County. Respected national organizations that deal with drug and alcohol abuse have also endorsed the proposal including DARE, Mothers Against Drunk Driving Partnership, and the Drug-Free America, and Empower America, among others.

This is a comprehensive strategy to a problem that is best dealt with at the local level. I urge my colleagues to closely review the merits of this bill and support its passage. Our communities need it.

Mr. GRAHAM. Mr. President, I rise today as a proud cosponsor of the Drug-Free Communities Act of 1997, which we are here to introduce today. This bill will help communities reduce drug use among youth by providing matching grants of up to $100,000 to community coalitions for the establishment of programs designed to prevent and treat substance abuse in young people. These grants will be used to provide support to local communities who have proven their long-term commitment to reducing drug use among youth. It includes provisions for an advisory commission of substance abuse experts to oversee the program, to ensure that grants go only to those programs that have demonstrated success in keeping our children and grandchildren off drugs.

There are several reasons why every Member of Congress should support this bill:

This program helps local communities in a way that is consistent with the 1997 strategy of the Office of National Drug Control Policy. The No. 1 goal of the strategy is to encourage...
America's youth to reject illegal drugs by assisting community coalitions to develop programs that will accomplish this goal. The grants provided for in the Drug Free Communities Act will establish a partnership between the Federal Government and local communities.

There are safeguards to prevent abuse of the program. Only established groups that can provide matching funds will be eligible to receive funding. This ensures that only programs that have a proven track record of success in fighting drug abuse among our young people will receive funding.

I urge my colleagues to join me in supporting this important bill. Our children's future depends on keeping them free of drugs, and this legislation will help those groups who can make a difference in the lives of our youth. There is no greater service that we can provide to our country than to keep our children drug-free.

Mr. DODD. Mr. President, I am pleased to be an original cosponsor of the Drug Free Communities Act of 1997. This bill will lend a helping hand to local coalitions that are leading the fight against substance abuse.

I believe that substance abuse, particularly among our youth, is a growing problem in communities across our Nation. Drug use among teens has increased sharply in recent years. There is reason to believe, however, that coalitions, if they can bring a broad cross-section of the communities they serve, can do much to combat drug use among youths as well as adults.

The Drug Free Communities Act would lend important assistance to these coalitions. Specifically, the bill would authorize grants of up to $100,000 to local coalitions whose principal mission is the reduction of substance abuse. To be eligible for a grant, a coalition must include representatives from a religious, business, law enforcement, education, parental, and health care communities, as well as local government officials, in the geographic region served by the coalition.

To enhance coalition accountability—and thus to direct resources to the most successful coalitions—a participating coalition would be required to conduct an initial benchmark survey of drug use in its community, followed by biennial surveys. No new funding would be needed for the bill, as grant moneys would be needed for the bill, as grant moneys would be drawn from the existing budget of the Office of National Drug Control Policy.

In short, Mr. President, this bill recognizes that the efforts of local leaders are indispensable in the war on drugs. I am proud to support those efforts, and look forward to passage of this bill.

By Ms. MIKULSKI (for herself, Mr. SNEAD, Mrs. FEINSTEIN, Mrs. Hutchison, Mrs. BOXER, Ms. Moseley-Braun, Mrs. Murray, Ms. Collins, Ms. Landrieu, Mr. Harkin, Mr. Cochran, Mr. Kennedy, Mr. Biden, Mr. Faircloth, Mr. Daschle, Mr. Wyden, Mr. Inouye, Mr. Sarbanes, Mr. Bingham, Mr. Hutchinson, Mr. Ford, Mr. Reid, Mr. Leahy, Mr. Dodd, Mr. Abraham, Mr. Bennett, Mr. Chafee, Mr. Feingold, Mr. Gregg, Mr. Reed, Mr. Mack, Mr. Robb, Mr. Jeffords, Mr. Levin, Mr. Frist, Mr. Bond, Mr. Wellstone, Mr. Specter, Mr. Burns, Mrs. Glenn, Mr. Coats, Mr. Akaka, and Mr. Lieberman):

S. 537. A bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Labor and Human Resources.

The Mammography Quality Standards Act

Ms. MIKULSKI. Mr. President, I am honored to be joined by my colleagues, both men and women from both sides of the aisle, in introducing the reauthorization of the Mammography Quality Standards Act [MQSA]. The bill I am introducing today reauthorizes the original legislation which passed in 1992 with bipartisan support.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, patients were not given needed, or people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the Federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results. Facilities must establish a quality assurance and control program to ensure reliability, clarity, and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following at all costs: and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both State and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The frontline against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law must be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

I want to make sure that women's health care needs are met comprehensively. It is expected that 180,000 new breast cancer cases will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction. On behalf of all the women of the Senate, I invite the men of the Senate who have not already cosponsored to do so. The women of America are counting on your support.

Mr. DODD. Mr. President, I rise today to voice my strong support, as an original cosponsor of the reauthorization of the Mammography Quality Standards Act [MQSA].

I first lent my support to this effort when the MQSA was initially introduced and passed in the 102nd Congress. For the past 5 years, this critically important legislation has provided women with safe and reliable mammography services. As the Mammography Quality Standards Act comes up for reauthorization, I urge all of my fellow colleagues to once again make a commitment to the health and well being of America's women by supporting this legislation.

Breast cancer is the most common type of cancer to affect women. In fact, almost 1 in 9 women will develop breast cancer at some point in their lives. Mammography, while not a cure for cancer, provides the best detection system for diagnosing this dangerous and deadly disease. And, early detection of breast cancer is often the key to effective treatment and recovery.

The Mammography Quality Standards Act ensures that mammography service providers comply with Federal requirements. These quality standards guard against inaccurate or inconclusive mammography results, thereby reducing the costly procedures associated with false positive diagnoses.

Before this legislation was originally enacted, women were often at the mercy of their mammography service provider, unaware if these providers lacked the necessary equipment, or even adequately trained technicians. MQSA is helping to effectively eliminate concerns about substandard mammography and its possibly tragic results by assuring that only the correct radiological equipment is used in...
mammography testing. Further, this legislation is assuring women that only physicians adequately trained in this medical area are interpreting mammograms.

New to this legislation are some additional measures which will further assure women that their mammogram service produces the most accurate and timely detection of any irregularities. Mammography service providers will now be required to retain women's mammogram records so that an accurate medical history is maintained. Reauthorization of these quality standards will also ensure that patients are notified about standard mammography facilities.

I wish to commend Senator Mikulski for her leadership on this crucial legislation. Again, it is my pleasure to join my colleagues in ensuring that quality mammography service is readily available, and I urge the Senate to act quickly and approve this critically important measure for American women.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE): S. 538. A bill to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District and for other purposes; to the Committee on Energy and Natural Resources.

THE BURLEY IRRIGATION DISTRICT TRANSFER ACT

Mr. CRAIG. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka Irrigation District project to the Burley Irrigation District. The introduction of this legislation results from a hearing I held in the Senate Energy Committee in the past Congress and is nearly identical to S. 1291 from that Congress. I am introducing this project-specific legislation because it is obvious to me a general transfer bill is not workable; each reclamation project has unique qualities, and projects should be addressed individually or in distinct groupings.

The Reclamation Act of 1902 was part of the history of Federal public land laws designed to transfer lands out of Federal ownership and to settle this Nation. The origins of that policy predate the Constitution and derive from the early debates that led to the Northwest Ordinance of 1787. The particular needs and circumstances of the arid and semiarid lands west of the 100th meridian led to various proposals to reclaim the lands, including the Desert Land Act and the Carey Act. In his State of the Union Message of 1901, President Theodore Roosevelt finally called for the Federal Government to intervene to develop the reservoirs and works necessary to accomplish such irrigation. The reclamation program was enormously successful. It grew to the irrigation program contemplated by one President Roosevelt to the massive works constructed four decades later by the second President Roosevelt.

For those of us in the Northwest, there is a very personal meaning to a line from Woody Guthrie's song about the Columbia that goes: "Your power is turning our darkness to dawn, so roll on, Columbia, roll on." If what is known now had been known then, some projects may have been constructed differently. However, that is not the question we have before us. The central question is whether and how the Federal Government should seek to transfer the title and responsibility for these projects. Has the Federal mission been accomplished?

The best transfer case would be the single purpose irrigation or municipal and industrial [M&I] system that is fully repaid, operation has long since been transferred, and the water rights are held privately. That is the case with the Burley Irrigation District transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928, which is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with Elephant Butte and Peru.

The Burley Irrigation District is part of the Minidoka project that was built under the authorization of the 1902 Reclamation Act. By a contract executed in 1926, the District assumed the operation and maintenance of the system.

All construction contracts and costs for the canals system, pumping plants, power house, transmission lines and other improvements have been paid in full. Contracts for storage space at Minidoka, American Falls, and Palisades reservoirs have been paid in full, along with all maintenance fees. This project is a perfect example of the Federal Government maintaining only a bare title, and that title should now be transferred to the District.

The American College of Obstetricians and Gynecologists, the American College of Physicians, the American Academy of Pediatrics, the American College of Surgeons, the American Medical Association, the American Academy of Family Physicians, and the American College of Physicians all recommend that women over 50 receive annual mammograms.

Now, here's the problem. Women 65 and over have Medicare as their health insurance. The guidelines tell them—and their doctors are telling them—to get a mammogram once a year. But, under Medicare, women only get mammograms once every 2 years. This means that an elderly woman must pay the cost of every other mammogram herself—or go without a mammogram every other year. And, even when Medicare pays for the mammogram, the woman is still responsible for at least 20 percent of the cost.

The result, Mr. President, is that too many women are following Medicare's payment rules—and not getting tested—rather than following the scientific guidelines—and being tested.

Two years ago, a study was published in the New England Journal of Medicine. It found that only 14.4 percent of women without Medicare supplemental insurance—that is, women who do not have, on top of Medicare, private insurance that may cover mammograms on an annual basis—only 14.4 percent of those women received even a mammogram once every 2 years. The study concluded that a woman's inability to pay a share of the mammogram, the woman is still responsible for at least 20 percent of the cost.

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By Mr. BIDEN (for himself, Ms. MIKULSKI, and Mr. TORRICELLI): S. 540. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and to provide medical assistance for supplemental insurance to cover screening mammography for women age 65 or older under the Medicare Program; to the Committee on Finance.

THE MEDICARE MAMMOGRAPHY SCREENING EXPANSION ACT

Mr. BIDEN. Mr. President, there is no doubt a lot of women in their forties who are awfully confused these days about whether they should receive a regular mammogram to test for breast cancer. Over the last several years—and especially over the last couple of months—the debate in the scientific community and the conflicting scientific studies have not painted a very clear picture for younger women.

But, what is perfectly clear—what is not in dispute—is that older women should receive regular mammograms. Mammograms save lives. And, the scientific studies confirm it. If all women over 50 received regular mammograms, breast cancer mortality could be reduced by one-third. The recommended screening guidelines reflect this, no matter what group's guidelines you read. The American Cancer Society, the American College of Obstetricians and Gynecologists, the American Medical Association, the American Academy of Family Physicians, and the American College of Physicians all recommend that women over 50 receive annual mammograms.

The result, Mr. President, is that too many women are following Medicare's payment rules—and not getting tested—rather than following the scientific guidelines—and being tested.
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preventing women from seeking this simple, life-saving procedure. I urge my colleagues to join me in making mammography screenings more available and more affordable for American women.

By Mr. ALLARD:

S. 541. A bill to provide for an exchange of lands with the city of Greeley, CO, and the Water Supply and Storage Co., and the Forest Service. This legislation was introduced last year and was passed by the House of Representatives and is part of the Transfer Act package. It's my hope that we can pass this legislation and have it signed into law before the session ends.

The city of Greeley and Water Supply and Storage operate eight reservoirs in the Rocky Mountain National Forest. Because of the location of the reservoirs they are operated under Forest Service supervision. This supervision has at times been controversial due to disputes concerning whether being located on Forest Service property allows withdrawal of water for purposes other than the benefit of the owners. The legislation I am introducing would benefit Greeley and Water Supply and Storage by allowing them to protect these significant investments. As an additional benefit this legislation would put an end to a bitter dispute between Greeley and the Forest Service. The national forest would also greatly benefit from this legislation. It would receive 708 acres of additional water in the national forest for purposes other than the benefit of the owners. The legislation I am introducing would benefit Greeley, the city of Greeley, and Water Supply and Storage and the Forest Service.

I believe that as introduced this legislation strikes a balance between protecting the rights of my constituents in Greeley and Thornton and protecting the environment. As currently drafted, Greeley and Thornton have not only agreed to transfer their inholdings, they have also indicated their willingness to participate in negotiations with a variety of governmental organizations and environmental groups to designate habitat for the whooping crane. Furthermore, they have agreed to an improved stream flow in the Poudre River as a condition of the exchange and since many westeners would rather part with blood than water, I think they've gone the extra mile.

This legislation is win-win for all involved. We should put all the politics behind us, pass the legislation, and move on to matters that are less easily resolved.

By Mr. COVERDELL (for himself, Mr. McCONNELL, Mr. ABRAHAM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 544. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; to the Committee on the Judiciary.

THE VOLUNTEER PROTECTION ACT OF 1997

Mr. COVERDELL. Mr. President, in just a few days, the Presidents' Summit for America's Future will assemble in Philadelphia, co-chaired by President Clinton and President Bush. This is an effort to mobilize millions of citizens and thousands of organizations to ensure a bright future for our children. Effective citizen service is an integral part of the American way of life. A number of leading corporations and service organizations have made specific commitments of resources and volunteers to achieve the summit's goal.

The leaders at the summit will issue a call to action for Americans, asking them to volunteer their time and efforts in community service. This is in the best tradition of America. The thread of helping your neighbor and taking an active part of civic life runs all through the history of our Nation. It is woven deeply into the fabric of our communities. It is a tie that binds us together as a robust and healthy society.

Yet many who would heed that call to participate in the great tradition of volunteerism will not do so. Not because they lack the desire or the ability to help, but for fear of punitive litigation. In a recent Gallup study one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over litigation fears.

That is why I am today introducing the Volunteer Protection Act of 1997. A bill to grant immunity, to protect the rights of each volunteer, and to encourage volunteerism. This bill requires clear and convincing evidence of gross negligence before punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. It also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer. This bill requires clear and convincing evidence of gross negligence before punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. It also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer.

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. 544

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 "Volunteer Protection Act of 1997".

SECTION 2. FINDINGS AND PURPOSE.

The Congress finds and declares that--

(1) the willingness of individuals to offer their services is deterred by the potential for liability actions against them and the organizations they serve;

(2) many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other organizations, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs...
than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs. Services rendered within the scope of such programs depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteer interests and the limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that depend on volunteer contributions by reforming the laws to provide certain protections face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) reform efforts should respect the role of the States in the development of civil justice rules, but recognize the national Government’s role.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service programs and beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability to the extent that such law would further the purpose of this Act.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to such civil actions brought by an officer of a State or local government pursuant to State or local law.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if:

(1) the volunteer was acting within the scope of the volunteer’s responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or principally undertaken within the scope of the volunteer’s responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, recklessness misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Except as provided under subsection (e), any civil action brought by an organization or entity against any volunteer of such organization or entity shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable to the organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to specified limits and standards for different types of liability exposure may be specified.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability in respect to or on account of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to provide certain protections from liability to volunteers serving nonprofit organizations and governmental entities.

(2) A State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, aircraft, or other vehicle in which the operator or owner of the vehicle is required to possess a current operator’s license or to maintain insurance.

(3) A State law that makes a limitation of liability inapplicable if the volunteer has been convicted of a State law that requires a nonprofit organization or governmental entity to provide a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to specified limits and standards for different types of liability exposure may be specified.

(4) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(5) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(6) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(7) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(8) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(9) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(10) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(11) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(12) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(13) A State law that makes the organization or governmental entity liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, nonprofit organization, or governmental entity based on an action of a volunteer acting within the scope of the volunteer’s responsibilities to a nonprofit organization or governmental entity, the liability of each defendant who is a volunteer, nonprofit organization, or governmental entity for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of non-economic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of non-economic loss allocated to the defendant in accordance with this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant’s harm, and no person or not such person is a party to the action.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medi- cal expenses, loss of savings, replacement services loss, due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term “harm” includes physical, nonphysical, economic, and non-economic losses.

(3) NONECONOMIC LOSSES.—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, any other territory or possession of the United States, or
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any political subdivision of any such State, territory, or possession.

(6) Volunteer.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reimbursement or allowance for expenses actually incurred) or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or director service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) In General.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) Application.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Mr. MCCONNELL. Mr. President, volunteer service has become a high risk venture. Our "sue happy" legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. And, these lawsuits are proof that no good deed goes unharmed.

In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the introduction of the Volunteer Protection Act.

The litigation craze is hurting the spirit of voluntarism that is an integral part of American society. From school chaperones to Girl Scout and Boy Scout troop leaders to unpaid rural doctors and nursing home aides, volunteers perform valuable services. And, these volunteers are being dragged into court and needlessly and unfairly sued. The end result? Too many people pointing fingers and too few offering a helping hand.

So, this bill creates immunity from lawsuits for volunteers who act within the scope of their responsibilities, who are properly licensed or certified where necessary, and who do not act in a willful, criminal or grossly negligent fashion.

The bill recognizes that the States may enact their own form of volunteer protection and provides that State laws may permit the following:

A requirement that the organization or entity adhere to risk management procedures, including the training of volunteers;

A requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees;

An exemption from the liability protection in the event the volunteer is using a motor vehicle or similar instrument;

An exemption from the liability protection of the lawsuit is brought by a State or local official; and

A requirement that the liability protection applies only if the nonprofit organization or government entity provides a financially secure source of recovery, such as an insurance policy for those who suffer harm.

I look forward to the Senate's prompt consideration of this bill. Our communities are depending upon us to protect our volunteers. The time has come for us to help those who have given so much to all of us.

Mr. ABRAHAM. Mr. President, I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator MCCONNELL, in introducing the Volunteer Protection Act of 1997. I commend Senators COVERDELL and MCCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers. These lawsuits are proof that we should be protecting and encouraging.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the tragic incidents involving small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and I did. I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto. I also introduced legislation with Senator MCCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor. But I believe that our voluntary, nonprofit organizations urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation. I hope that in this instance President Clinton will support this litigation reform legislation, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Nonprofit organizations hold our Nation together. In them we learn to care for our neighbors. They are key to our survival as a nation and we must protect them with systemic reforms.

America has the largest interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled $388 billion in 1997. We received revenues for the 19,000 support institutions, which raise money to fund operating organizations came to $29 billion. And total revenues for religious congregations were $48 billion. That's $465 billion worth of nonprofit activity we enjoyed in 1990 alone, Mr. President.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report issued by the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year. This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated $12 billion.

Unfortunately, voluntarism is declining nationwide. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993. Americans also are giving less money. The average household's charitable donation dropped from $970 in 1989 to $880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations for the people that depend on them, and for the social trust that is based on the spirit of association.

But why is voluntarism on the decline? Obviously there are a number of relevant factors, not least among them the need for people to work ever-harder and ever-longer to bear our growing tax burden. But one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and fighting lawsuits. Thus litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

The litigation costs facing voluntary associations are many. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years. Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795 in just 5 years. Many leagues cannot afford this added expense on top of increased costs for helmets and other equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher $24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have put his helmet on. Organizers that try to escape sky-rocketing insurance costs must self-insure, and Andrea Marisi of the Red...
Cross will describe self-insurance costs only as "huge." The result? Obviously, we have fewer funds available for providing services than would otherwise be the case.

Outside insurance generally comes with deductibles, deductible. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of $25,000-30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, $100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery, for example going through files for hours on end to establish who did what when, can run into the thousands of dollars.

Further, as the Boy Scouts' William Cople puts it: "We bear increased costs from risk management programs of many kinds—[including] those to prevent such things as drug and alcohol testing and background checks—bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty." The Boy Scouts must do less good if they cannot defend themselves from lawsuits.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, "Some of our people got to the point where they were just afraid to work because of the threat of lawsuits." What makes this fear worse is the knowledge that one need do no harm in order to be liable. Take, for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football. Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some $7 million, which Oregon law reduced to about $2million more than the volunteers could possibly pay.

What is more, as Cople points out, "the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight."

One child's tragedy led a jury to impose an unreasonable standard of care on individuals who, after all, had volunteered their time and effort for an outing, not a football game.

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events, and juries, beyond their control.

Such unreasonable standards of care also penalize nonprofit organizations. Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance. Because the threat of lawsuits is so great, it's worth it for essentially all actions by its employees and volunteers, it can take no risks in hiring. Thus the Salvation Army can neither hire nor accept voluntary services from any individual with any drug conviction, including a 0.3 reading on a breathalyzer test for alcohol consumption. As Mr. Krugel observes, "If we can't give these kids a second chance, who can?"

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible only for a small portion. Such findings result from juries' severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although the United Way is itself a defendant in suits, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity. Such holdings result from juries' desire to find someone with the funds necessary to pay for innocent parties' injuries. But this search for the deep pocket leads to what Ms. Marisi calls a "chilling effect" on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Mr. President. It will not solve all the problems facing our volunteers and nonprofits, but it will provide volunteer organizations with critical protections from which liability, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights and safety of the individual harmed. This ensures that a volunteer truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have discussed—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded. It is unfair and punitive damages which the bill prevents against them in the first place, but they do—Congressman John Porter reports that in August of 1990 a Chicago jury awarded $12 million to a boy who was injured in a car crash. The defendant party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or government entity only upon a showing by the claimant that the volunteer's action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed. This ensures that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for.

The bill also protects volunteers from excessive liability that they might face through joint and several liability. Under the bill, joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, a defendant that is a volunteer, nonprofit organization, or government entity will be jointly and severally responsible for the full share of economic damages but will only be responsible for noneconomic damages in proportion to the harm that that defendant caused. That is a fair approach.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States. First the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do more. Second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a law that provides protection for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision.
In short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay. Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater.

And that, Mr. President, will make for a better America.

I urge my colleagues on both sides of the aisle to support this important piece of legislation.

**ADDITIONAL COSPONSORS**

At the request of Mr. Ashcroft, the names of the Senator from Alabama [Mr. Shelby], the Senator from Tennessee [Mr. Frist], and the Senator from Utah [Mr. Bennett] were added as cosponsors of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

At the request of Mr. Santorum, the names of the Senator from Iowa [Mr. Grassley] and the Senator from Utah [Mr. Bennett] were added as cosponsors of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

At the request of Mr. Lott, the names of the Senator from New York [Mr. Moynihan], the Senator from North Dakota [Mr. Conrad], the Senator from Maryland [Ms. Mikulski], the Senator from Maine [Ms. Collins], the Senator from Connecticut [Mr. Lieberman], and the Senator from Alabama [Mr. Sessions] were added as cosponsors of S. 46, United States Code, to extend eligibility for veterans burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

At the request of Mr. Daschle, the names of the Senator from Illinois [Mr. Durbin] and the Senator from Louisiana [Ms. Landrieu] were added as cosponsors of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

At the request of Mr. Warner, the name of the Senator from California [Mrs. Feinstein] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit convicted prisoners in federal correctional medical centers to receive health care from former employees of the medical centers who are enrolled by health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

At the request of Mr. Lugar, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

At the request of Mr. Thomas, the name of the Senator from Alabama [Mr. Sessions] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

At the request of Mr. Lieberman, the name of the Senator from Indiana [Mr. Bayh] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

At the request of Mr. Grassley, the name of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

At the request of Mr. Abraham, the name of the Senator from Arizona [Mr. Bentsen] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

At the request of Mr. Hatch, the name of the Senator from Washington [Mr. Gorton], the Senator from Texas [Mr. Gramm], the Senator from Hawaii [Mr. Inouye], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

At the request of Mr. Bond, the names of the Senator from Michigan [Mr. Abraham], and the Senator from Arkansas [Mr. Hutchinson] were added as cosponsors of S. 404, a bill to modify the budget process to provide for separate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

At the request of Mr. Baucus, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 415, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

At the request of Mr. Roth, the names of the Senator from Connecticut [Mr. Lieberman], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

At the request of Mr. Grassley, the names of the Senator from Kansas [Mr. Roberts], the Senator from Kentucky [Mr. Ford], the Senator from Wyoming [Mr. Thomas], and the Senator from Ohio [Mr. DeWine] were added as cosponsors of S. 479, a bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes.

At the request of Mr. Kyl, the name of the Senator from Ohio [Mr. DeWine] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

At the request of Mr. Kyl, the name of the Senator from Missouri [Mr. Brown] was added as a cosponsor of S. 494, a bill to combat the overutilization of prison health care services and control rising prisoner health care costs.

At the request of Mr. Kyl, the names of the Senator from Colorado [Mr. Allard], the Senator from Arkansas [Mr. Hollings], the Senator from Oklahoma [Mr. Inhofe], and the Senator from New Hampshire [Mr. Smith] were added as cosponsors of S. 495, a bill to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

At the request of Mr. Chafee, the names of the Senator from Vermont [Mr. Leahy] and the Senator from Mississippi [Mr. Cochran] were added as...
and other religious properties were also de-
obtained possession of properties confiscated
cpecifically designed to victimize people be-
property; systematic destruction of private property
dedicated, in particular, to the organized and
ships have caused immeasurable human suf-

Whereas churches, synagogues, mosques,

Whereas Fascists, Nazis, and Communists have used their insti-
launder and hold wrongfully and illegally

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money be found and returned to the rightful recipients, but immediate measures should be taken to ensure that this cannot happen again.

Americans who came to this country to escape persecution are discovering that, in many Central and East European countries, they are once again being penalized, this time by discriminatory laws that restrict restitution or compensation to those who currently hold the citizenship of or residency in the country in question. This is the case in the Czech Republic, Latvia, Lithuania, Romania, and Slovakia.

Mr. President, this status quo cannot continue. I know it is not possible to turn back the clock completely or erase the wrongs that have been done. I commend the many emerging democracies attempting to address this complex issue, acting on both a moral obligation to redress past wrongs and a desire to underscore the differences between their new and old systems of government. But more can and should be done—and this resolution calls for concrete steps. It deserves our support, and the victims of past wrongs in this region deserve our help.

I urge my colleagues to join with me and the other cosponsors of this concurrent resolution in pressing for a fair, just, and timely property restitution and compensation process so that the victims of the Holocaust and subsequent Communist oppression are not denied what is rightfully theirs.

S. RES. 69—RELATIVE TO CAMBODIA

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodian Conflict;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodian Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack on party officials of the Buddhist Liberal Democratic Party in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the Senate—
(1) extends its sincerest sympathies to the families of those who were killed, and the persons wounded, in the March 30, 1997 terrorist grenade attack outside the Cambodia National Assembly;
(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia; (3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack; and
(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack.

Mr. MCCAIN. Mr. President, on March 30, 1997, there was a political rally outside the Cambodian National Assembly in the capital city of Phnom Penh. One of the participants in this rally was Sam Rainsy, a prominent opposition figure and leader of the Khmer Nation Party.

In the course of the demonstration, someone lobbed grenades into the crowd. Nineteen people were killed, including one of Sam Rainsy's bodyguards. More than a 100 others were injured, one of which was an American citizen, Mr. Ron Abney. Ron works for the International Republican Institute, of which I am proud to be chairman.

For years, Ron has worked with all political parties to promote free and democratic institutions in Cambodia. We all hope for his prompt and complete recovery from his injuries.

Mr. President, this was a particularly cowardly and brutal act of political terrorism. Among the killed and injured were many women and children. In addition, the real target of this attack was Cambodia's efforts to build a peaceful and democratic future on the ruins of the devastation wrought by decades of war and tyranny.

Immediately after the attack, I wrote to Cambodia's two Co-Prime Ministers, Norodom Ranariddh and Hun Sen, expressing my outrage and demanding that the perpetrators of this attack be brought to justice. I have received a response from Prince Ranariddh, in which he calls the March 30 atrocity a "most heinous and savage criminal act committed on innocent and peace-loving people." He also said that he had ordered "immediate measures to be taken to arrest, try and sentence the criminal(s) and all those involved."

I believe, however, that it is also important for the Senate to make clear its outrage at this attack. The resolution that I have just introduced extends the Senate's sympathy to the victims of the grenade attack, condemns the bombing itself as an act of terrorism, and calls upon the governments of Cambodia and the United States to cooperate in identifying and prosecuting those individuals responsible for the attack.

I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY ACT OF 1997

MURKOWSKI AMENDMENT NO. 26

Mr. MURKOWSKI proposed an amendment to the bill (S 104) to amend the Nuclear Waste Policy Act of 1982 as follows:

Beginning on page 1, strike all after the enacting clause and insert the following:

That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Nuclear Waste Policy Act of 1997.’’

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—OBLIGATIONS
Sec. 101. Obligations of the Secretary of Energy.

TITLE II—INTEGRATED MANAGEMENT SYSTEM
Sec. 201. Intermodal transfer.
Sec. 202. Transportation planning.
Sec. 203. Transportation requirements.
Sec. 204. Viability assessment and Presidential determination.
Sec. 205. Interim storage facility.
Sec. 206. Permanent repository.
Sec. 207. Compliance with the National Environment Policy Act.
Sec. 208. Land conveyances.

TITLE III—LOCAL RELATIONS
Sec. 301. Financial assistance.
Sec. 302. On-site representative.
Sec. 303. Acceptance of benefits.
Sec. 304. Restrictions on transfers of funds.
Sec. 305. Land conveyances.

TITLE IV—FUNDING AND ORGANIZATION
Sec. 401. Program funding.
Sec. 403. Federal contribution.

TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS
Sec. 501. Compliance with other laws.
Sec. 503. Licensing of facility expansions and transshipments.
Sec. 504. Siting a second repository.
Sec. 505. Financial arrangements for low-level radioactive waste site closure.
Sec. 506. Nuclear Regulatory Commission training authority.
Sec. 507. Emplacement schedule.
Sec. 508. Transfer of title.
Sec. 509. Decommissioning pilot program.
Sec. 510. Water rights.

TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD
Sec. 601. Definitions.
Effects are both substantial and adverse to the petition of the appropriate repository if the Secretary of the Interior is responsible for the location of a repository. The term 'interim storage facility' means such a facility, including systems and components, that prevent the release of radioactive material from the repository. The term 'disposal system' means all natural barriers and engineered systems, and engineered systems and components, that prevent the release of radioactive material from the repository.

EMPLACEMENT SCHEDULE. The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

The term 'affected Indian tribe' means any Indian tribe whose reservation is surrounded by or within the area of a repository and, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

AFFECTED UNIT OF LOCAL GOVERNMENT. The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

ATOMIC ENERGY DEFENSE ACTIVITY. The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

(A) Naval reactors development.

(B) Weapons activities including defense nuclear materials production.

(C) Verifying and control technology.

(D) Defense nuclear materials production.

(E) Defense nuclear waste and materials byproduct.

(F) Defense nuclear materials security and safeguards and security investigations.

(G) Defense research and development.

(CIVILIAN NUCLEAR POWER REACTOR. The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134b).

COMMISSION. The term 'Commission' means the Atomic Energy Commission, as constituted and as amended from time to time by the Atomic Energy Act as amended May 6, 1996, and as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

SECRETARY. The term 'Secretary' means the Secretary of Energy.

SITEL characterize. The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations for exploration, and subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository and in geophysical testing needed to assess whether site characterization should be undertaken.

SPENT NUCLEAR FUEL. The term 'spent nuclear fuel' means that fuel has been withdrawn from a nuclear reactor following the completion of one or more fuel cycles of which have not been separated by reprocessing.

STORAGE. The term 'storage' means the retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

WITHDRAWAL. The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(j)).

YUCCA MOUNTAIN SITE. The term 'Yucca Mountain site' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

ADMINISTRATOR. The term 'Administrator' means the Administrator of the Environmental Protection Agency.

SUITABLE. The term 'suitable' means that there is reasonable assurance that the site features of a repository and the engineered barriers contained therein will allow the repository, as an overall system, to provide containment and isolation of radioactive waste for a period of at least 10,000 years with a high probability of success.

TITLE I—OBLIGATIONS SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY. (a) DISPOSAL. The Secretary shall develop and operate an integrated management
CONGRESSIONAL RECORD — SENATE

April 9, 1997

S2935

BENEFITS SCHEDULE

Event | Payment
--- | ---
Annual payments prior to first receipt of spent fuel | $75
Annual payments beginning on the date of first receipt of spent fuel | $16
Payment upon closure of the intermodal transfer facility | $5

"(2) DEFINITIONS.—For purposes of this section, the term—

(A) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

(B) ‘first spent fuel payment’ means any payment that does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or optional demonstration.

(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution.

Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

(4) REJECTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be an amount equal to one-twelfth of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

(1) INITIAL LAND CONVEYANCES.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to establish and maintain a system for the storage and permanent disposition of spent nuclear fuel and high-level radioactive waste for purposes of testing or optional demonstration.

(2) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to establish and maintain a system for the storage and permanent disposition of spent nuclear fuel and high-level radioactive waste for purposes of testing or optional demonstration.

(3) AMENDMENT.—An entry into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

(7) CONTENT OF AGREEMENT.—

(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County is entitled under this title, the Secretary shall enter into an agreement under section 204(c)(1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Site
Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site
SEC. 202. TRANSPORTATION PLANNING.

(1) Transportation Readiness. The Secretary—

(A) shall conduct an evaluation under section 204 of this Act, in cooperation with the States and Indian tribes affected by the transportation of spent nuclear fuel and high-level radioactive waste, and other affected States and Indian tribes, of the readiness of the States and Indian tribes to carry out their responsibilities under this Act.

(B) may use such an evaluation to assist States and Indian tribes in developing their own plans for the safe transportation of spent nuclear fuel and high-level radioactive waste.

(C) shall provide technical assistance to States and Indian tribes in the development and implementation of their plans for the safe transportation of spent nuclear fuel and high-level radioactive waste.

(2) Route and Mode Planning. Before designating a route and mode for the shipment of spent nuclear fuel or high-level radioactive waste, the Secretary shall conduct an evaluation under section 204 of this Act, in cooperation with the States and Indian tribes affected by the transportation of spent nuclear fuel and high-level radioactive waste, and other affected States and Indian tribes, of the readiness of the States and Indian tribes to carry out their responsibilities under this Act.

(3) Designation of shipping routes and modes. The Secretary shall designate preferred shipping routes and modes for the transportation of spent nuclear fuel and high-level radioactive waste.

(4) Selection of primary shipping route and mode. The Secretary shall select a primary route and mode for the transportation of spent nuclear fuel and high-level radioactive waste, subject to the authority of the Secretary of Transportation and the Atomic Energy Commission.

(5) Use of primary shipping route and mode. The Secretary shall use the primary route and mode designated under this section for the transportation of spent nuclear fuel and high-level radioactive waste, subject to the authority of the Secretary of Transportation and the Atomic Energy Commission.

(6) Training and technical assistance. The Secretary shall provide training and technical assistance to States and Indian tribes in the development and implementation of their plans for the safe transportation of spent nuclear fuel and high-level radioactive waste.
between the amounts requested by States and Indian tribes along the shipping route no later than three months prior to the commencement of performance. Provided That in no event shall such shipments exceed 1,000 metric tons per year. And provided further, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Act of 1997.

(3) GRANTS—

(A) IN GENERAL.—To implement this section, grants shall be made under section 403(c)(2).

(B) GRANTS FOR DEVELOPMENT OF PLANS.—

(i) IN GENERAL.—The Secretary shall make a grant of at least $100,000 to each State through the jurisdiction of which and each recognized Indian tribe through the reservation lands of which a shipment of spent nuclear fuel or high-level radioactive waste will be made under this Act for developing a plan to prepare for such shipments.

(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual department budget to Congress for fiscal year 1998, shall report to Congress on—

(1) the funds requested by States and federally recognized Indian tribes to implement this section;

(2) the amount requested by the President for implementation; and

(3) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

(ii) ALLOCATION.—If funds available for grants under this subparagraph for any fiscal year—

(1) 25 percent shall be allocated by the Secretary to ensure minimum funding and programs in all States and Indian tribes based on plans developed under subparagraph (B); and

(2) 25 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through the jurisdiction of each State and Indian tribe.

(4) AVAILABILITY OF FUNDs FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to an interim storage facility or repository under the interim storage facility or repository is operated by a private entity or by the Department of Energy.

(b) EMPLOYEE PROTECTION—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

(2) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—The Secretary shall ensure that transportation of spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1997, pursuant to a contract with the Secretary, is performed in accordance with such requirements governing transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent as required of any other entity engaging in transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

(3) SECURITY COORDINATION.—If the Secretary of Energy determines that the transportation of spent nuclear fuel or high-level radioactive waste is necessary to perform his duties under this subchapter and section 205, the Secretary shall coordinate transportation with the Commission. The Secretary shall work through the Commission to develop minimum transportation security standards. The Commission shall promulgate such regulations as are necessary to promulgate such transportation security standards. The Secretary shall coordinate with the Commission to develop minimum transportation security standards for workers employed by the Secretary and employees of the Commission engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers directly involved in the removal, transportation and handling of spent nuclear fuel and high-level radioactive waste. The regulation shall include requirements, as required by 49 U.S.C. sec. 31105 (in the case of employees operating commercial motor vehicles), or the Commission (in the case of other employees).

(4) TRAINING STANDARDS.—(I) The Secretary shall promulgate the following standards for worker training:

(A) a standard before any individual may be employed by the Secretary or by an entity under contract to the Secretary pursuant to a contract with the Secretary to perform any function required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfactory completion of the applicable training standard before any individual may be employed by the Secretary or by an entity under contract to the Secretary pursuant to a contract with the Secretary to perform any function required by subparagraph (1).

(B) the training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

(A) a specified minimum number of hours of initial off-site training and field experience with a proposed site or a site that the Secretary determines to be a viable option for the repository; and

(B) a requirement that onsite managerial personnel receive the same training as employees and that the annual number of hours of specialized training required to be provided to such personnel by the Secretary to train the employee to perform the duties and responsibilities of the employee.

(C) the training standards shall be applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal, transportation and handling of spent nuclear fuel and high-level radioactive waste.

(5) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subchapter.
1997, the Secretary shall submit to the Commission a topical safety analysis report containing a generic design for an interim storage facility. If the Secretary has submitted any funds to modify contract holders' portable storage systems as part of the Integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage systems unless it finds such modifications necessary to the interim storage facility.

(f) LICENSE AMENDMENTS.—(1) The Secretary may seek such amendments to the license for the interim storage facility as the Secretary may deem appropriate, including amendments to use new storage technologies licensed by the Commission or to respond to changes in Commission regulations.

(2) After receiving a license from the Commission, the Secretary shall seek such amendments to the license as are necessary to permit the optimal use of such facility as an integral part of a single system with the repository.

(g) COMMISSION ACTIONS.—(1) The issuance of a license to construct and operate an interim storage facility shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Prior to issuing a license under this section, the Commission shall prepare a final environmental impact statement in accordance with the National Environmental Policy Act of 1969, the Commission's regulations, and section 102 of this Act. The Commission shall ensure that this environmental impact statement is consistent with the scope of the licensing action and shall analyze the impacts of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

(2) The Commission shall issue a final decision granting or denying a license for an interim storage facility not later than 32 months after the date on which the Secretary submits an application for such license.

(3) No later than 32 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Commission shall make any amendments necessary to the definition of 'spent nuclear fuel' in section 72.4 of title 10, Code of Federal Regulations, to allow the storage of spent fuel and high-level radioactive waste at the interim storage facility.
“(A) in conformity with the Secretary’s application, the provisions of this Act, and the regulations of the Commission; (B) without unreasonable risk to the health and safety of the public and (C) consistent with the common defense and security.

(2) LICENSE.—Following the filing by the Secretary of any additional information needed by the Commission to issue a license to receive and possess source, special nuclear, or byproduct material at a geologic repository, the area the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository shall be subject to such regulations or limitations as the Commission may incorporate pursuant to its regulations, if the Commission determines that the repository has been designed and will operate—

“(A) in conformity with the Secretary’s application, the provisions of this Act, and the regulations of the Commission; (B) without unreasonable risk to the health and safety of the public; and (C) consistent with the common defense and security.

(3) APPLICATION.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission’s regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Administrator shall apply to the Commission to amend the regulations to permit permanent closure of the repository. The Commission shall grant such license amendment, in conformance with the provisions or limitations as the Commission may incorporate pursuant to its regulations, upon finding that there is reasonable assurance that the repository will continue safely to operate—

“(A) in conformity with the Secretary’s application, the provisions of this Act, and the regulations of the Commission; (B) without unreasonable risk to the health and safety of the public; and (C) consistent with the common defense and security.

(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity that is not consistent with the post-closure that poses an unreasonable risk of—

“(A) breaching the repository’s engineered or geologic barriers; or (B) increasing the risk of the repository beyond the standard established in subsection (f)(1).

(5) APPLICATION OF HEALTH AND SAFETY STANDARDS.—The licensing determination of the Commission with respect to risk to the health and safety of the public under paragraphs (1), (2), or (3) of this subsection shall be based solely on a finding whether the repository can be operated in conformance with the overall performance standard in subsections (a) and (b) of this section and the standards established by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note).

(e) MODIFICATION OF THE COMMISSION’S REPOSITORY LICENSING REGULATIONS.—The Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste (10 CFR part 60), as necessary, to be consistent with the provisions of section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note). The Commission’s regulations shall provide for the modification of the repository licensing procedure in subsection (d) of this section, as appropriate, in the event the Commission seeks authority to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

(f) REPOSITORY LICENSING STANDARDS AND ADDITIONAL PROCEDURES.—In complying with the requirements of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall achieve consistency with the findings and recommendations of the National Academy of Sciences, the National Academy of Engineering, and the National Research Council and the Commission shall amend its regulations with respect to licensing standards for the repository, as appropriate, in the event that the Secretary seeks a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository.

(D) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—

“(A) Risk Standard.—The standard for protecting the public from releases of radioactive material or radioactivity from the repository shall limit the lifetime risk, to the average member of the critical group, of premature death from cancer due to such releases to approximately, but not greater than, 1 in 1000. The comparison to this standard shall use the upper bound of the 95-percent confidence interval for the expected value of lifetime risk to the average member of the critical group.

(B) Form of Standard.—The standard promulgated by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be an overall system performance standard. The Administrator shall promulgate the standard for the repository in the form of release limits or contaminant levels for individual radionuclides discharged from the repository.

(C) Assumptions Used in Formulating and Applying the Standard.—In promulgating the standard under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall consult with the Secretary of Energy and the Commission. The Commission, after consultation with the Secretary, shall specify, by rule, values for all of the assumptions considered necessary by the Commission to apply the standard in a licensing proceeding for the repository before the Commission, including the reference biosphere and size and characteristics of the critical group.

(D) Detention.—As used in this subsection, the term ‘critical group’ means a small group of people that is—

“(i) representative of individuals expected to be at highest risk of premature death from repository releases as a result of discharge of radionuclides from the permanent repository; (ii) relatively homogeneous with respect to expected radiation dose, which shall mean that there shall be no more than a factor of ten in variation in individual dose among members of the group; and (iii) selected using reasonable assumptions—concerning lifestyle, occupation, diet, and eating and drinking habits, technology, genetic predisposition to cancer, and other relevant social and behavioral factors—that are based on reasonably available information, when the group is defined, on current inhabitants and conditions in the area of 50-mile radius surrounding Yucca Mountain contained within a line drawn 50 miles beyond each of the boundaries of the Yucca Mountain site.

(E) Application of Overall System Performance Standard.—The Commission shall issue the construction authorization, license, or license amendment, as applicable, if it finds that the standard in paragraph (4) will be met based on a probabilistic evaluation of the repository risk and threat to the public consistent with the overall system performance standard in paragraph (1).

(4) CONGRESSIONAL REVIEW.—

“(A) Any standard promulgated by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be deemed a major rule within the meaning of section 804(2)(A) of title 5, United States Code, and shall be subject to the requirements and procedures pertaining to a major rule in chapter 806 of such title.

(B) The effective date for the construction authorization for the repository shall be 90 days after the issuance of such authorization by the Commission, unless Congress is standing in adjournment for a period of more than 10 days and in which case the effective date shall be 90 days after the date on which Congress is expected to reconvene after such adjournment.

(5) REPORT TO CONGRESS.—At the time that the Commission issues a construction authorization for the repository, the Commission shall submit a report to Congress—

“(A) analyzing the overall system performance of the repository through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 10,000 years after repository closure and including the time after repository closure of maximum risk to the critical group of premature death from cancer due to repository releases.

(B) analyzing the consequences of a single instance of human intrusion into the repository during the first 10,000 years after repository closure, on the ability of the repository to perform its intended function.

(6) ADDITIONAL REQUIREMENTS.—The Commission.—The Commission shall take final action on the Secretary’s application for construction authorization for the repository no later than 40 months after submission of the application.

(7) SEC. 207. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.

(a) Preliminary Activities.—Each activity of the Secretary under section 203, 204, section 205(a), section 205(c), section 205(d), and section 206(a) shall be considered a preliminary activity and such preliminary activity shall be considered final agency action for purposes of judicial review. No activity of the Secretary or the President under sections 203, 204, 205, or 206(a) shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act (42 U.S.C. 4332(2)(E) or (F)).

(b) STANDARDS AND CRITERIA.—The provisions of this act shall be in accordance with the provisions of this title, or under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).
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U.S.C. 4332(2)(C) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act (42 U.S.C. 4332(2)(E) or (F)).

2. REQUIREMENTS RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

(1) With respect to the requirements imposed by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),

(a) in any final environmental impact statement under sections 205 or 206, the Secretary or the Commission, as applicable, shall take adequate consideration of the need for a repository or any interim storage facility; the time of initial availability of a repository or interim storage facility; the alternative to centralized interim storage and permanent isolation of high-level radioactive waste and spent nuclear fuel in an interim storage facility or a repository, respectively.

(b) compliance with the procedures and requirements of this title shall be deemed adequate consideration of the need for centralized interim storage or a repository; the time of initial availability of centralized interim storage or the repository or centralized interim storage; and all alternatives to centralized interim storage and permanent isolation of high-level radioactive waste and spent nuclear fuel in an interim storage facility or a repository, respectively.

(2) Environmental impact statement for the repository prepared by the Secretary and submitted with the license application for a repository under section 206(c) shall be filed with the Commission with respect to such site.

(b) in any final environmental impact statement for the repository prepared by the Secretary and submitted with the license application for a repository under section 206(c) shall be filed with the Commission with respect to such site.

(c) REQUIREMENTS RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

(1) With respect to the requirements imposed by the National Environmental Policy Act of 1969 and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954 (42 U.S.C. 5841 et seq.).

(2) CONSTRUCTION WITH OTHER LAWS.

Nothing in this Act shall be construed to amend or otherwise detract from the licensing requirements of the Nuclear Regulatory Commission established in title II of the Nuclear Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.).

(3) JUDICIAL REVIEW.

— judicial review under section 524 of such Act of any environmental impact statement prepared or adopted by the Commission shall be consolidated with the judicial review of the licensing decision to which it relates.

SEC. 208. LAND WITHDRAWAL.

(a) Withdrawal and Reservation.

(1) Withdrawal. 

Subject to valid existing rights, the Secretary, with respect to any land within the interim storage facility site and the Yucca Mountain site, as described in subsection (b), is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

(2) Jurisdiction. 

(1) A land within the interim storage facility site and the Yucca Mountain site is transferred to the Secretary of the Interior or the Secretary of Energy, as the case may be.

(b) Reservation. 

The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the activities associated with the purposes of this title.

(c) Description.

(1) Boundaries. 

The boundaries depicted on the map entitled "Interim Storage Facility Site Withdrawal Map," dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

(2) Boundaries. 

The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(3) Notice and Maps. 

Concurrent with the Secretary's designation of an interim storage facility site under section 204(c)(1), the Secretary shall:

(a) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

(b) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(4) Notice and Maps. 

Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall:

(a) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

(b) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

TITLE III—LOCAL RELATIONS

SEC. 301. FINANCIAL ASSISTANCE.

(a) Grants. 

The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

1. To review activities taken with respect to the Yucca Mountain site for purposes of establishing and operating a health, safety, and environmental impacts that the integrated management system.

2. To develop a request for impact assistance under subsection (c).

3. To engage in any monitoring, testing, or evaluation activities with regard to such site.

4. To provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

5. To request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

(b) Salary and Travel Expenses. 

Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

(c) Financial and Technical Assistance.

(1) Assistance Requests. 

The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government; provided, however, that such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development, and safety, and environmental impacts of the integrated management system.

2. Report. 

The Secretary, and affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health, and safety, and environmental impacts that are likely to result from activities of the integrated management system.

3. Termination. 

Such grants shall continue until such time as all activities, development, and operations are terminated at such site.

4. Assistance to Indian Tribes and Units of Local Government. 

(A) Period. 

Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

(B) Activities. 

Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section after the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

(3) Assistance to Indian Tribes and Units of Local Government. 

The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

(3) Acceptance of Benefits. 

(a) Consent. 

The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(B) Arguments. 

Neither the United States or any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual abandonment, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository.

(C) Liability. 

No liability of any nature shall accrue to be asserted against any officer or employee of the State of Nevada, or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada.

(3) Restrictions on Use of Funds. 

None of the funding provided under this title shall be used—

(1) directly or indirectly to influence legislative action on any matter pending before
Congress or a State legislature or for any
lobbying activity as provided in section 1913
of title 18, United States Code;

(2) for litigation purposes; and

(3) in the performance of public works or other
coalition-building activities inconsistent
with the purposes of this Act.

SEC. 305. LAND CONVEYANCES.

(a) PUBLIC LANDS.—One hundred and twenty
days after the effective
date of the decision authorization issued
by the Commission for the repository
under subsection (a) of section 306 of
this Act, the exterior boundaries of the
United States in the property described
in subsection (b) and improvements thereon,
together with all necessary easements for
utility purposes, of the exterior bound-
dary, including, but not limited to, the
right to improve those easements, are conveyed
by operation of law to the County of Nye,
Nevada, unless the county notifies the Secre-
try of Interior or the head of such other
appropriate agency in writing within 60 days of
such date that it elects not to take title
to all or any part of the property, except
that any lands conveyed to the County of Nye
under this subsection that are subject to
a Federal grazing permit or lease or a simi-
lar federal permit or lease shall be conveyed
between 60 and 120 days of the ear-
lies time the Federal agency administering
or granting the permit or lease would be
able to legally terminate such right under the
statutes and regulations existing at the date
of enactment of this Act, unless Nye County
and the affected holder of the permit or lease
negotiate and agree in a conveyance for allows
for an earlier conveyance.

(b) SPECIAL CONVEYANCES.—Notwith-
stand any other provision of law, the public lands
described in paragraphs (1) and (3) of subsec-
tion (a) shall be conveyed to the Secretary of
the Interior or to the head of such other
appropriate agency in accordance with
paragraphs (2), (3), and (4), sufficient to off-
set expenditures in subsection (c). Subsequent to the enactment of the Nuclear
Waste Policy Act of 1997, the con-
tracts executed under section 302(a) of the
Nuclear Waste Policy Act of 1982 shall con-
tinue in effect under this subsection, and
the Secretary shall consent to an amend-
ment to such contracts as necessary to im-
plement the provisions of this Act.

(c) NUCLEAR WASTE OFFSETTING COLLECT-
ION.—

(A) For electricity generated by civilian
nuclear power reactors and sold during
any calendar year beginning after
January 1, 1982, the amount per kw-
hour of electricity generated and sold
shall be determined as follows:

(i) the period beginning on October 1,
1999 and ending on September 30, 2003;
and

(ii) the period on and after October 1, 2006.

(B) The Secretary shall determine the
level of the annual fee for each civilian nu-
clear power reactor based on the amount
of electricity generated and sold.

(C) For purposes of this paragraph,
the term `offsetting collection period' means

(i) the period beginning on October 1, 1999
and ending on September 30, 2003; and

(ii) the period on and after October 1, 2006.

(D) The Secretary shall, by rule, establish
the amount per kilowatt-hour as follows:

(i) the amount per kilowatt-hour gener-
ated and sold before paragraph (2);

(ii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(iii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(iv) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(v) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(vi) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(vii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(viii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(ix) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(x) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xi) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xiii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xiv) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xv) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xvi) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xvii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xviii) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xix) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(xx) the amount per kilowatt-hour gener-
ated and sold on or after January 7, 1983;

(3) Nuclear Waste Fee.—

(A) Except as provided in subparagraph
(C) of this paragraph, for electricity gen-
erated by civilian nuclear power reactors
and sold on or after January 7, 1983, the fee
paid to the Secretary under this paragraph shall
be equal to—

(i) 1.0 mill per kilowatt-hour generated and
sold, minus

(ii) the amount per kilowatt-hour gener-
ated and sold under paragraph (2);

Provided, that if the amount under clause
(ii) is greater than the amount under clause
(i) the fee under this paragraph shall be
equal to zero.

(B) No later than 30 days after the begin-
ning of each fiscal year, the Secretary shall
determine whether insufficient or excess rev-
enues are being collected under this sub-
section, in order to recover the costs in-
curred by the government in the payment that are
specified in subsection (c)(2). In making this
determination the Secretary shall—

(i) rely on the `Analysis of the Total Sys-
tem Life Cycle Cost of the Civilian Radio-
active Waste Management Program,' dated
September 95, or on a total system life-
cycle cost analysis prepared by the Secre-
tary (after notice and opportunity for pub-
lic comments) after the date of enactment of
the Nuclear Waste Policy Act of 1997, in making
any estimate of the costs to be incurred by
the government under this paragraph;

(ii) rely on projections from the Energy
Information Administration, consistent with
the projected space case in the most recent `Annual Energy Out-
look' published by such administration in
making any estimate of future nuclear power
generation;

(iii) take into account projected balance
in, and expenditures from, the Nuclear Waste
Fund.

(C) If the Secretary determines under sub-
paragraph (B) that either insufficient or ex-
cess revenue are being collected, the Secre-
tary shall, at the time of the determina-
tion, transmit to Congress a proposal to ad-
just the amount in subparagraph (A)(ii) to en-
sure full cost recovery. The amount in sub-
paragraph (A)(ii) shall be adjusted, by oper-
ations, in the calendar year in which the cal-
culation of a joint resolution of approval under para-
graph (5) of this subsection.

(D) The Secretary shall, by rule, establish
procedures necessary to implement this
paragraph.

(4) One-Time Fee.—For spent nuclear fuel
or reprocessed high-level radioactive waste
derived from spent nuclear fuel, which fuel was
used to generate electricity in a civilian nu-
clear power reactor prior to January 7, 1983,
there shall be paid in addition to the above mentioned
one-time fee prior to the date of enactment of
the Nuclear Waste Policy Act of 1997 shall
satisfy the obligation imposed under this
section, in order to recover the costs ac-
clected subsequent to the date of enactment of
the Nuclear Waste Policy Act of 1997 pur-
suant to the contracts, including any inter-
est due pursuant to the contracts, shall be
paid to the Nuclear Waste Fund no later
than September 30, 2002. The Commission
shall suspend the license of any licensee
who fails or refuses to pay the full amount of the
fees assessed under this subsection, on or be-
fore the date on which such fees are due, and
the license shall remain suspended until the full
amount of the fees assessed under this subsection is paid. The person paying the fee
under this paragraph to the Secretary shall
have no further financial obligation to the
Federal Government for the long-term stor-
age and permanent disposal of spent fuel or
high-level radioactive waste derived from
spent nuclear fuel used to generate elec-
tricity in a civilian power reactor prior to
January 7, 1983.

(5) EXPENDITURES IF SHORTFALL.—If, dur-
ing any fiscal year on or after October 1,
1999, the level of appropriations for expenditures on
those activities consistent with subsection (d) for
that fiscal year, minus the amount assessed under this
subsection is less than the annual level of appropriates for expenditures on
those activities specified in subsection (d) for
that fiscal year, the Secretary shall

(A) any unobligated balance collected pursuant to this section during the previous fiscal year;

(B) the percentage of such appropriations required to be funded by the Federal Government
pursuant to section 403—

the Secretary may make expenditures from
the Nuclear Waste Fund up to the level equal
to the difference between the amount appro-
priated and the amount of fees assessed
under this subsection.

(D) EXPEDITED PROCEDURES FOR APPROVAL
OF CHANGES TO THE NUCLEAR WASTE MANA-
DATORY FEE.—

(A) At any time after the Secretary
transmits a proposal to adjust the fee described
in subsection (3)(C) of this subsection, a
joint resolution may be introduced in either
House of Congress, the matter after the re-
solving clause of which is as follows: That
Congress approves the adjustment to the
basis for the nuclear waste mandatory fee,
submitted by the Secretary on (X). (The
blanks being appropriately filled in
with a date).

(B) A joint resolution described in sub-
paragraph (A) shall be referred to the com-
mmittees in each House of Congress with juris-
diction.

(C) In the Senate, if the committee to
which is referred a joint resolution described
in subparagraph (A) has not reported such
joint resolution (or an identical joint resolu-
tion) at the end of 20 calendar days after the
date on which it is introduced, such commit-
ttee shall be discharged from further consider-
ation of such joint resolution upon a petition
supported in writing by 30 Members of the
Senate, and such joint resolution shall be
placed on the calendar.
shall apply to a joint resolution described under subparagraph (A).

(b) ADVANCE CONTRACTING REQUIREMENT.

"(1) IN GENERAL.—

"(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to use a utility-scale reactor production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

(i) such person, prior to entering into a contract under subsection (a) with the Secretary, or

(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(B) SITING, DESIGN, OR LICENSING OF.—The Commission shall not approve the siting, design, or licensing of a reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) unless—

(i) having matured by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

(ii) interest earned on these obligations shall be credited to the Nuclear Waste Fund.

(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section of requirements from the Nuclear Waste Fund, shall be exempt from annual appropriation under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(D) BUDGET.—The Secretary shall submit the budget for the implementation of the Secretary’s responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund and the Nuclear Waste Offsetting Collection, subject to appropriations, which shall remain available until expended.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management, which shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall have the authority for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Secretary of the Office shall be directly responsible to the Secretary.

"SEC. 403. FEDERAL CONTRIBUTION.

(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1997, acting pursuant to the provisions of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear waste from foreign research reactivity, as established under subsection (a) of this Act.

(b) DUTIES.—The Secretary shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

(a) CONFLICTING REQUIREMENTS.—Except as provided in subsection (b) of this section, a requirement of a State, political subdivision of a State, or Indian tribe is preempted if—

(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this Act or a regulation prescribed under this Act;

(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this Act or a regulation prescribed under this Act.

(b) SUBJECTS EXPRESSLY PREEMPTED.—Except as otherwise provided in this Act, a law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe about any of the following subjects, that is not substantially related to the conduct of an activity as a provision of this Act or a regulation prescribed under this Act, is preempted:

(1) The designation, description, and classification of spent fuel or high-level radioactive waste.

(2) The packing, repacking, handling, labeling, marketing, and placting of spent nuclear fuel and high-level radioactive waste.

(3) The siting, design, or licensing of—

(A) an interim storage facility;

(B) a repository; and

(C) the capability to conduct intermodal transfer of spent nuclear fuel under section 201.

(4) The withdrawal or transfer of the interim storage facility, the Secretary’s transfer site, or the repository site to the Secretary of Energy.

(5) The design, manufacturing, fabrication, procurement, reprocessing, maintenance, conditioning, repair, testing or packaging of a container represented, marked, certified, or sold...
as qualified for use in transporting or storing spent nuclear fuel or high-level radioactive waste.

**SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.**

(A) Jurisdiction of the United States Courts of Appeals.—

(1) Original and Exclusive Jurisdiction. — No review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

(2) Venue. — The venue of any proceeding under subsection (A) shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

**SEC. 503. LICENSING OF FACILITY EXPANSIONS OR MODIFICATIONS.**

(A) Oral Argument.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor with the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit a brief in support of or in opposition to the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party, and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral arguments, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(B) Adjudicatory Hearing.—

(1) Designation of Hearing in Case of Failure to Submit Required Arguments. — In any oral argument with respect to any such action, the Commission shall designate any disputed question of fact, together with any remaining cross-examination, for determination in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) Right to Make Determination.—In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the adjudicatory hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any site or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

(iii) such issue results from any revision of siting or design criteria by the Commission following such decision; and

(iv) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(3) Application.—The provisions of paragraph (2) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations issued under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) Construction.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

(C) Judicial Review.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use the procedures pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely manner; or

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

**SEC. 504. SITING A SECOND REPOSITORY.**

(A) Congressional Action Required.—

The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

(B) Report.—The Secretary shall report to the President and the Congress after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

**SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.**

(A) Financial Arrangements.—

(1) General Standards and Instructions.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in connection with the disposal of such radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of State or other public or private jurisdictional areas, by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

(2) Bonding, Surety, or Other Financial Arrangements.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before the issuance of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(B) Title and Custody.—

(A) Authority of Secretary.—The Secretary shall have authority to acquire title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and the Commission following any application for the license issued by the Commission for such disposal, if the Commission determines that—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) the Federal Government owns and manages such site is necessary or desirable in order to protect the public health and safety, and the environment.

(D) Protection and Inspection.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that protects the public health and safety, and the environment.

(E) Special Sites.—If the low-level radioactive waste involved is the result of a licensor activity to reprocess uranium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and land which it is disposed of when such site has been decontaminated and stabilized in accordance with

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**CONGRESSIONAL RECORD — SENATE**

April 9, 1997

S2943
SEC. 508. TRANSFER OF TITLE.

(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative’s La Crosse Reactor and, upon acceptance, shall provide a certificate of authentication with evidence of the title transfer. Immediately upon the Secretary’s acceptance of such spent nuclear fuel, the Secretary shall assume responsibility for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs incurred in connection with the transfer. Any interim storage facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor shall be considered to be in place on the date of transfer.

SEC. 509. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—Funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 510. DRY STORAGE TECHNOLOGY.

(a) AUTHORIZATION.—The Secretary shall provide Dairyland Power Cooperative with spent nuclear fuel from the Crosse Reactor and, upon acceptance, shall establish, by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall constitute or be construed to constitute either an express or implied Federal waiver, release, or consent to a commitment or promise to pay money from Federal funds in connection with any such site or facility.

(b) NUCLEAR WASTE FUND.—Neither a commitment or promise to pay money from Federal funds in connection with any such site or facility shall be construed to limit the exercise of water rights as provided under Nevada State law.

(c) DRY STORAGE TECHNOLOGY.—The Commission is authorized to establish, by rule, procedures for the licensing of transport of high-level radioactive waste by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

(d) EXERCISE OF WATER RIGHTS GENERALLY.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to such procedures in effect on the date of enactment of the Nuclear Waste Policy Act of 1997.

(e) EXERCISE OF WATER RIGHTS UNDER NEVADA LAWS.—The United States may acquire and exercise such water rights as provided under Nevada State law.

SEC. 511. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) AUTHORIZATION.—The Secretary shall provide the Board with such funds as may be necessary to respond to any question of the Board.

(b) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member’s successor has taken office.

SEC. 512. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established by law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as the Board may request in connection with the performance of its duties and the Board shall have the right to inspect and transcribe such records, files, papers, data, or information as may be necessary to respond to any question of the Board.

(b) AVAILABILITY OF DRAFTS.—Subject to existing law, information obtainable under
`(a) GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

`(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

`SEC. 606. STAFF.

`(a) CLERICAL STAFF.—

`(1) AUTHOR OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

`(b) PROFESSIONAL STAFF.—

`(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

`(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

`(3) TITLE 5.—Professional staff members may be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications of chapter 51 and subchapter III of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates.

`(2) P ROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

`SEC. 607. SUPPORT SERVICES.

`(a) GENERAL SERVICES.—To the extent permitted by law requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

`(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall provide the Board with necessary technical, professional, clerical, and support to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary to the effective performance of the functions of the Board.

`(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

`SEC. 608. REPORT. 

`The Board shall report not less than 2 times per year to Congress and the Secretary... its findings, conclusions, and recommendations.

`SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

`Notwithstanding section 401(d), and subject to section 401(e), there are authorized to be appropriated from amounts in the Nuclear Waste Fund under section 401(c) such sums as may be necessary to carry out the provisions of this title.

`SEC. 610. TERMINATION OF THE BOARD. 

`The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

`TITLE VII—MANAGEMENT REFORM

`SEC. 701. MANAGEMENT REFORM INITIATIVES.

`(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

`(1) STANDARDS.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private industry in large nuclear construction projects consistent with its role in the program.

`(2) TIME.—Management practices and performance of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1997.

`(3) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

`(4) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any interested party.

`(5) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

`(6) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

`SEC. 702. REPORTING.

`(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

`(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent fuel and high-level radioactive waste in accordance with the employment schedule under section 507;

`(2) a detailed schedule and timeline showing each activity necessary to take the Board's obligations under this Act and the contracts;..."
the development of the draft Tongass land management plan.

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 COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 9, 1997, at 9:30 a.m. on the nomination of Kenneth Mead to be inspector general of Department of Transportation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 9, 1997, at 10 a.m. on aviation accidents: investigations and responses.

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

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent for the full committee to hold a hearing on Medicare payment policies for post-acute care on Wednesday, April 9, 1997, beginning at 10 a.m. in room SD–215.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 9, 1997, at 1:30 p.m. for a hearing on the role of the Department of Commerce in the Federal statistical system, and opportunities for reform and consolidation.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 9, 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 AIRLAND FORCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommitte on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, April 9, 1997, at 10 a.m. in open session, to receive an unclassified report by the Armed Services Capabilities Board and to conduct an unclassified hearing on modernization efforts in review of S. 450, the National Defense Authorization Act for fiscal years 1998 and 1999.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, to conduct a hearing on S. 462, the Public Housing Reform and Renewal Act of 1997.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, to hold a hearing.

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

ADDITIONAL STATEMENTS

CONGREGATION KOL HAVERIM

Mr. LIEBERMAN. Mr. President, I rise today to honor Congregation Kol Haverim in St. Paul, Minnesota, a religious school, Congregation Kol Haverim has always tried to attend to the needs of the local community and Greater Hartford, as well, through its various adult education, community outreach, and other programs. Whether through sponsoring a lecture or the volunteers it regularly provides to local soup kitchens or its participation in area-wide food or clothing drives, Congregation Kol Haverim, like other houses of worship in the area, has always strived to give of itself to the surrounding communities from which it has received so much.

I congratulate Congregation Kol Haverim, as it begins this new chapter in its existence. I thank its members for their initiative and all the good work they have done over the past 13 years, and I encourage them to continue to address all the good work that remains to be done.

IN HONOR OF THE FALLEN AIRMEN OF THE 440TH AIRLIFT WING

Mr. KOHL. Today, Mr. President, I would like to take a moment to remember the men and women of the 440th Airlift Wing, based at Mitchell Field in Milwaukee, who were injured in the course of their duty on April 1, 1997. At a treacherous airport in Honduras, far from home, three airmen made the ultimate sacrifice for their country. On a routine resupply mission, their C–130 slid off the end of the runway while attempting to land at Tocontin International Airport in Tegucigalpa. The plane burst into flames killing Senior M. Sgt. Leland Rassmussen, S. Sgt. Vicki Clifton, and Senior Airman Samuel Keene. Also injured in the crash were T. Sgt. Joseph Martynski, Capt. Ian Kincaid, M. Sgt. Steven Hilger, T. Sgt. Danny Formanski, Capt. Michael Butler, S. Sgt. Dean Ackmann, and Capt. Robert Woodard.

The 440th flies out of my hometown, Milwaukee, WI and I am proud of their commitment to excellence. Over the years they have been called on many times to serve their country in foreign lands and dangerous circumstances. They are an example of the best the Reserve system has to offer, and I was deeply saddened to hear of their loss.

Too often we take for granted the risks members of the military run on a day-to-day basis. We assume that because the United States is at peace solders do not face danger. While in fact, everyday men and women in our armed services put their lives on the line. They do it quietly and without fanfare. It seems that only when tragedy strikes do we take a moment to appreciate their courage and sacrifice.

I would also like to take a moment to thank those brave Honduran citizens who risked their lives to help victims
of the crash. With the wreckage burning only 100 yards from two gas stations, these good Samaritans waded into the fiery crash site to rescue complete strangers. Because of their selfless courage, lives were saved and crippling injuries avoided.

Those injured in the accident have my best wishes for a speedy and complete recovery. My heart goes out to the families of Leland, Vicki, and Samuel. Over the years these three airmen have foregone time with their families in order to serve their country, and now the nation owes them a debt it can never fully repay. All we can offer is our deepest sympathy and highest esteem.

CHRISTOPHER REEVE ON MEDICAL RESEARCH

Mr. HARKIN. Mr. President, on March 13, 1997, along with Senator ARLEN SPECTER, I introduced bipartisan legislation, S. 441, the National Fund for Health Research Act. This important bill would provide additional resources for health research over and above those provided to the National Institutes of Health in the annual appropriations process. The fund will help eradicate some of the illnesses that now strike millions of Americans.

At this time I would like to submit for the RECORD a letter from Christopher Reeve endorsing the National Fund for Health Research Act. Christopher Reeve has worked tirelessly since his accident to increase funding for medical research. We all owe Christopher Reeve a debt of gratitude for bringing health care concerns to the attention of all Americans. He and I both realize that the Fund for Health Research Act could hold the key to finding successful treatments for hundreds of diseases. In his letter, Christopher Reeve states that S. 441 will give our best researchers the funds they need to stay ahead of a developing crisis. I agree wholeheartedly with his assessment and urge the Senate to move quickly on this legislation. I now ask that the text of Christopher Reeve's letter be printed in the RECORD.

The letter follows:

CHRISTOPHER REEVE, Springfield, VA

Mr. President, I rise to commend the city of Nassau Bay for its efforts to celebrate the development of space exploration and the international cooperation associated with it. Nassau Bay is hosting a special Astronaut Day of recognition for America's astronauts and their Russian counterparts on April 12, 1997. In addition, the State of Texas has proudly honored these brave men and women by declaring April 12th as "Space Explorers' Day" in honor of Houston's role in America's space program. I want to appropriately recognize this day in the U.S. Senate.

Nassau Bay is located near NASA's Lyndon B. Johnson Center. The community has been integrally involved in this nation's space exploration activities since we began the space program a generation ago. Nassau Bay residents were among those to walk on the Moon and provide the technical and managerial support necessary for America's successful space program. Today, NASA's Houston is integral to NASA's manned space mission. Nassau Bay rightfully celebrates the continuation of that mission by hosting "Astronaut Day" on April 12.

Astronaut Day celebrates the men and women who have expanded humankind's horizons and recognizes the technological advances resulting from their work that have been incorporated into our everyday lives. I join Nassau Bay and the State of Texas in honoring the many dedicated men and women who devote their time and talents to helping this Nation realize the cherished dream of space exploration. They have truly broadened the frontiers of knowledge and their outstanding accomplishments are worthy of special recognition.

Mr. President, I appreciate this opportunity to give Nassau Bay the recognition it deserves in the U.S. Senate. I urge my colleagues to join me, the city of Nassau Bay, and the State of Texas in reflecting on the important contributions our space pioneers and explorers have made to history, science, and the quality of our lives on this planet.

COMMEMORATING THE CITY OF NAASSU BAY'S ASTRONAUT DAY FESTIVAL

Ms. HUTCHISON. Mr. President, I rise to commend the city of Nassau Bay for its efforts to celebrate the development of space exploration and the international cooperation associated with it. Nassau Bay is hosting a special Astronaut Day of recognition for America's astronauts and their Russian counterparts on April 12, 1997. In addition, the State of Texas has proudly honored these brave men and women by declaring April 12th as "Space Explorers' Day" in honor of Houston's role in America's space program. I want to appropriately recognize this day in the U.S. Senate.

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GIRL SCOUTS AND BOY SCOUTS OF RHODE ISLAND, 1996

Mr. CHAFEE. Mr. President, it is with great pleasure that I present to you Rhode Island's outstanding recipients of the highest honors for Girl Scouts and Boy Scouts. They have distinguished themselves as community leaders, service volunteers, and mentors for their peers.

For more than 50 years, artist Norman Rockwell captured in his paintings the spirit and sense of America and its people. A large number of these paintings portrayed Scouts and Scouting. Few other childhood activities better represent the commitment to God, country, and community that is inherent in Scouting.

Providing girls and boys with tools and leadership skills that will be useful throughout their lives, Scouting is indelibly linked with transforming youths into able, educated, well-rounded adults. Activities like camping, service projects, and weekly meetings aim to build character, encourage responsible citizenship, and develop physical, mental, and emotional fitness.

The highest honors that a Girl Scout can earn are the Gold and Silver Awards, which are presented to those girls who have shown exemplary commitments to personal excellence and unwavering public service. Likewise, the Eagle Award is the highest honor that can be earned by a Boy Scout. Recipients have displayed the highest achievable skills in outdoor activities and in comparable service records.

Behind every Girl Scout and Boy Scout troop is a group of similarly dedicated parents and leaders who guide the youth through their achievements.

It is for all these reasons that I am proud to honor the recipients of Girl Scouts' Gold and Silver Awards and the Boy Scouts' Eagle Scout Award. The outstanding achievements of these young recipients warrant our praise, admiration, and thanks. So that we all may know who they are, I ask that the complete list of awardees be printed in the RECORD.

The list follows:

GIRL SCOUT 1996 GOLD AWARD RECIPIENTS

CUMBERLAND, RI

Nicole Tetraault.

JOHNSTON, RI

Shannon Quigley, Sandra Shackford.

NARRAGANSETT, RI

Kate Hoffman, Remee Johnson, Jill Raggio.

NORTH PROVIDENCE, RI

Marissa Borrelli.

SAUNDERSTOWN, RI

Angela Briggs.

SMITHEFIELD, RI

Heather Harkness, Christina Riccio.

WAKEFIELD, RI

Meghan Higgins.

WOONSOCKET, RI

Melissa Brin.

GIRL SCOUT 1996 SILVER AWARD RECIPIENTS

BRISTOL, RI

Sara Belisle, Kathleen Cahill, Sandra Koch, Afiya Samuel.

GIRL SCOUT 1996 SILVER AWARD RECIPIENTS

NERIMAN, RI

Jeanne Mastrapaoli, Ali Tetreault.

NORTH PROVIDENCE, RI

Katherine Coffman, Alpine Hall, Angela Gresham.

NORTH WELLESLEY, RI

Kyla Marzullo, Jaime Hiett, Jenny Gooden.

NORTH WINDSOR, CT

Hannah Reilly, Kristine Gain.

WINDSOR LOCKS, CT

Lauren Johnson, Anna Kimbrook.

GIRL SCOUT 1996 SILVER AWARD RECIPIENTS

WINDSOR Locks, CT

Lauren Johnson, Anna Kimbrook.
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SAUNDERSTOWN, RI

Joshua J. Gabrielson,

SCITUATE, RI

Scott D. Bear, Jared A. Fastenson, Wayne F. Smith.

SEEKONK, MA

Matthew James Schupp, Zebulon P. Fox, Andrew L. Libby,

WARRICK, RI

Jon Thomas Selby, Marc A. Berman, Chris C. Schreib, Joseph Michael Bizon, Michael J. Narowicz, Joseph M. O’Connor, Michael A. Milner, Jason G. Naylor, Steven M. Sullivan.

WEST GREENWICH, RI

Edward C. Morgan, Geoffrey Albro.

WEST WARWICK, RI


WESTERLY, RI

Peter E. Cabral.

SIXTH ANNIVERSARY OF THE RE-INDEPENDENCE OF THE REPUBLIC OF GEORGIA

Mr. McCONNELL. Mr. President, I rise today to commemorate the sixth anniversary of the re-independence of the Republic of Georgia.

Georgia has a rich cultural heritage spanning over 2,000 years, and recent history provides a remarkable story in the struggle against communism. First annexed by Russia in 1801, Georgia relinquished its ancient monarchy for a democratic government on April 9, 1989. Violence erupted in the Georgian capital of Tbilisi, as Soviet troops swarmed the city and fell on 10,000 peaceful citizens demonstrating for independence. During the ensuing violence, more than 200 people were injured and 19 killed. Some, including women and children, were tragically beaten to death with shovels.

Two years later, on April 9, 1991, Georgia officially declared its independence, a day which is remembered as the anniversary on which Georgia’s long fight for freedom was again realized.

Since then, under the leadership of President Eduard Shevardnadze, Georgia has made remarkable strides toward a free market economy and democratic rule of law. A constitution founded on democratic principles and values was adopted, and free and fair presidential and parliamentary elections were held. A new generation of young, energetic democratic leaders has emerged, led by 34-year-old Zurab Zhvania, Chairman of the Parliament,
who I recently met with. On the economic front, Georgia's new currency, the lari, has remained stable since its introduction in 1995. The International Monetary Fund and the U.S. Department of State have praised Georgia's economic policies and their significant progress in developing a free-market economy. Several U.S. corporations have already established a presence in Georgia, spurring jobs and economic growth in both nations.

Mr. President, I encourage everyone to note this study and congratulated Georgia on its extraordinary progress toward democracy and free-market principles.

RAISING ACADEMIC STANDARDS AND LOWERING COLLEGE COSTS

• Mr. BINGAMAN. Mr. President, I rise to honor the achievements of the students and educators at West Mesa High School in Albuquerque, NM, and especially its growing Advanced Placement [AP] program.

On Tuesday, April 1, I had the opportunity to visit West Mesa High School with students and teachers participating in the school's AP program. Several State legislators and business leaders joined me in a short but invaluable group discussion and class visit.

Perhaps the most impressive was the visit to one of Mr. Tomas Fernandez' AP English classes, where students explained in their own words why AP courses are so important. In this class, the students don't ask for less home work or "dumbed-down" classes; they are demanding more challenging classes and higher academic expectations for all students. While AP classes are new to many, and set a very high standard, the students had found that they could succeed.

Principal Milton Baca and a growing number of West Mesa teachers are responding to this demand by providing more and more challenging classes in the school's growing AP program. For example, West Mesa recently added an AP Calculus course in addition to its AP English course, and five teachers attended AP teacher training institutes last summer. More teachers are planning to attend AP training courses this summer so they can start an AP science course next school year. I applaud all of these efforts.

For college-bound students, taking AP courses and passing AP exams can translate into valuable college credits for advanced high school work. For those AP students who decide not to go to college, they and their prospective employers can be confident that they are better prepared academically and will have an advantage as they compete for jobs and enter the work force.

Because AP programs are so beneficial to both wealth and college-bound students, I have been working on efforts to expand these programs, as part of the solution to our State's clear need for immediate, measurable education reform. To show the importance of strong academic skills to employers, I am working with several businesses in New Mexico to develop employment incentives for students who take and pass AP exams in the core academic areas of English, math, and science. In addition, I am grateful that the State legislature increased funding for the AP New Mexico program to $200,000 next year, as I requested in testimony before the relevant committees.

Despite this important progress, West Mesa High School and New Mexico have a long way to go to more fully utilize the AP program as a way to challenge high school students, raise academic achievement to higher levels, and improve our long-term economic productivity. In New Mexico, roughly 5,000 students took AP classes in 1996—up 22 percent from 2 years ago—with a pass rate of 51 percent. This is certainly a positive trend, but this is still below the national average. New Mexico's per-capita participation rate remains 20 percent lower than Arizona's and 40 percent below the national average.

We are facing an uphill struggle to improve our schools and students' academic performance in several areas, including making better use of the AP program. But the strides that West Mesa High School is making are compelling evidence that we can make real and lasting positive change in our schools. I congratulate West Mesa's students and teachers on their accomplishments so far, wish them well on further advancement, and offer them my assistance as they continue to improve.

UNIVERSAL SERVICE IMPLEMENTATION

• Mr. MCCAIN. Mr. President, I have read the report in the Wall Street Journal that Federal Communications Commission Chairman Reed E. Hundt proposes to implement only a portion of the new universal service fund rules by the statutory deadline of May 8. Specifically, he suggests delaying the adoption of rules assuring reasonable rates for telephone subscribers in rural and high-cost areas, although he would proceed to implement a new $3 billion yearly fund to wire schools, libraries, and health care facilities through an unspecified tax on telephone company revenues.

Last January I wrote to Chairman Hundt about his apparent desire to implement these provisions prior to implementing the remainder of the universal service provisions of the statute. At that time, I stated that sound implementation of the Telecommunications Act requires that the Commission resolve all the related issues involved in universal service carefully and contemporaneously.

Apparantly, Chairman Hundt has not changed his view. Mr. President, but never have I.

Implementing universal service funding in separate stages would be incompatible with the law. The Telecommunications Act of 1996 states clearly and unambiguously that the FCC "shall initiate a single proceeding to implement the recommendations from the Joint Board ... and shall complete such proceeding" by May 8, 1997.

It would be consistent with this unequivocal statutory requirement for the FCC to adopt specific new rules on May 8 and have them take effect in the future. It would also be consistent with the statute for the FCC to adopt general outlines of new rules on May 8, and fill in specific details by subsequent order. The FCC can, and in my judgment should, avail itself of these courses of action if it finds, for whatever reason, that it cannot adopt final rules on all aspects of universal service on May 8. But one thing the FCC cannot do by law is pick and choose some statutory requirements to put into effect on May 8, and delay the rest till later.

My colleagues and I understand the possible problem Chairman Hundt faces: too much proposed subsidy, and not enough revenue to handle it without raising rates for telephone service. The FCC is not asked to implement the universal service provisions of the statute without increasing telephone rates or incurring similar unacceptable outcomes, it must defer from implementing any universal service rules until it can satisfactorily demonstrate to both the Congress and the public that any rate increases that result are inevitable in fact and appropriate in amount.

Unless and until the FCC can do that, the Commission should take no final action on universal service, and evade the issue by implementing the parts of universal service that may be politically desirable while dodging the rest because it appears politically unpalatable would be a dereliction of the Commission's duty under law.

HONORING LARA GREEN SPECTOR

• Mr. LAUTENBERG. Mr. President, I rise to honor Lara Green Spector, the Tobacco-Free Kids East Regional Youth Advocate of the Year. Lara is a ninth grader from Montclair High School in New Jersey who truly exemplifies the old adage that one person can make a difference. Lara was the motivating force behind Montclair's recently passed ordinance banning cigarette vending machines and self-service displays. Who knows how many Montclair teenagers and others may not grow up smoking because cigarettes are now more difficult to obtain. And local public officials, school advisers and residents all agree that this ordinance would never have
become a reality without Lara's initiative, leadership and tenacity. Lara also organized a townwide program for the Great American Smokeout in November 1996. Her program included a poster contest in the local elementary schools and a quiz contest in the middle schools. She also created and distributed a fact sheet to every Montclair student. For years, tobacco companies have used youth-oriented advertisements, like Joe Camel, to send a false message to young people that smoking is cool and glamorous. Education campaigns like Lara's help blow away their smoke screens and demonstrate that cigarettes are addictive and deadly.

Mr. President, for years, I have led the crusade in this Chamber against teenage and youth smoking. I am certainly happy to have an exceptional foot soldier like Lara join me in the fight.

By working to stop children and young people from smoking, Lara Green Spector is enhancing lives and saving lives. She is an outstanding student, citizen, and friend and a feeling that we have not heard the last from her on Capitol Hill.

**Commemorating the 50th Anniversary of Jackie Robinson's Debut in Professional Baseball**

- Mrs. Feinstein. Mr. President, 50 years ago a true American hero walked onto Ebbets Field one afternoon and forever shattered the color barrier with one swing of his bat. His name was Jack Roosevelt Robinson.

On that day, 7 years before Brown versus the Board of Education allowed school children of all colors to sit in the same classroom, 16 years before Martin Luther King Jr. spoke of his dreams at the foot of the Lincoln Memorial, and 18 years before the Civil Rights Act became the law of the land, Jackie Robinson did more for the equal rights of all black Americans by becoming a spokesman and fundraiser for the National Association for the Advancement of Colored People (NAACP). He traveled the country urging black communities to work together for equal rights, educating and encouraging them to participate in the new civil rights movement. He became a role model for all over again, this time to millions of men and women who saw inequality and wanted to change.

Jackie Robinson represents everything good with baseball, and everything great with America. By commemorating his achievements and his entrance onto the professional baseball fields, his legacy lives on, inspiring yet another generation of fans to realize their dreams and break new ground along the way.

Jackie Robinson once said, “A life is not important except in the impact it has on other lives.” By that standard, Jackie Robinson is as important an icon as America’s greatest heroes throughout history, and we as a nation are all grateful and proud of his accomplishments.

Major league baseball has recognized Jackie Robinson’s achievements by dedicating the 1997 season to his memory. As part of these festivities, last week’s opening day games were played in all major league stadiums with a Jackie Robinson commemorative base ball. Just last weekend, the Los Angeles Dodgers paid tribute to the Hall of Famer in a pregame ceremony attended by Rachel Robinson, Jackie’s widow.

The Dodgers plan many other activities throughout the year such as a Jackie Robinson poster distributed to all Los Angeles district schools, a special section devoted to Robinson on the Dodgers’ official web site, a salute to Jackie Robinson scholarship winners, an honor roll display at Dodger Stadium and assistance with the Jackie Robinson Foundation Golf Classic. Additionally, President Clinton will honor his memory with Rachel Robinson in an April 15 ceremony at Shea Stadium during a game between the Dodgers and the New York Mets.

I salute the memory of Jackie Robinson on this, the 50th anniversary of his becoming the first black baseball player in the major leagues.

**Measure Read the First Time—S. 543**

Mr. LOTT. Madam President, I understand that S. 543, introduced today by Senator COVERDELL, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Mr. LOTT. I now ask for its second reading and object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

**Orders for Thursday, April 10, 1997**

Mr. LOTT. Madam 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 Thursday, April 10.

I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of the Thurmond Amendment to S. 190, the Nuclear Policy Act.

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

**Program**

Mr. LOTT. Madam President, for the information of all Senators, tomorrow at 9:30 a.m., the Senate will resume consideration of the Thurmond Amendment to the Nuclear Policy Act. Thus far, we have made, I think, some progress on this important legislation. It is my hope that the Senate will be able to make additional progress during tomorrow’s session and that we will be able to bring it to conclusion. But I do want to advise Senators that we do expect the likelihood of votes on amendments tomorrow and possibly even final passage, although that is still being discussed.

The Adjournment Until 9:30 a.m., Tomorrow

Mr. LOTT. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 a.m., adjourned until Thursday, April 10, 1997, at 9:30 a.m.
CONGRESSIONAL RECORD — Extensions of Remarks

COMMITTED TO REAL PEACE IN THE MIDDLE EAST REGION

HON. NEWT GINGRICH
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. GINGRICH. Mr. Speaker, the United States has been, and will continue to be, committed to the real peace in the Middle East region. All Americans need to look at the daily events in that region with as full an understanding as possible of what is happening and why. For that purpose, I enter into the CONGRESSIONAL RECORD my comments yesterday to the American-Israeli Public Affairs Committee.

REMARKS BY HOUSE SPEAKER NEWT GINGRICH TO THE AMERICAN ISRAELI PUBLIC AFFAIRS COMMITTEE

Speaker GINGRICH. Thank you very, much for that remarkable welcome. Although I must say—some of the denizens of Washington is you sit here and you listen to the kind of introduction that Bubba Mitchell just gave you, you—you as—I think you, start to get excited and you get forward to hearing from the person, and then you realize it’s yourself, and there’s a sort of immediate letdown. So—(laugh)

One of the nice things about working with Bubba is that you always end up looking better than you remembered as he explains what the role was. As it is—it is, you have to be here and to have a chance to be with you, and to be with Melvin. And I appreciate very much all the leadership, the team that has come together here. We work very closely with Howard Core (sp). And as I think many of you know, Arne Christensen, who is the speaker’s chief of staff, has a long record. Where’s Arne? He’s down there. Let me also say that it’s great to be back—I look out—I don’t want to go through a long list of names and start forgetting people. Ed Levy, who first came to me, I think in 1978, and helped us because he saw a commercial on what was then a brand new innovation called the Super Bowl, this is a guy we want to support. Larry Weinberg, who’s been a great friend, out in Los Angeles—we were with recent quarterbacks.

I’m told that Harriet Zimmerman, who really has been, from an Atlanta standpoint, terribly important, had a back problem and is not here. So I hope those of you—I’m going to try to give her a call, but I hope all of you—I saw Herb Schwartzman was with us a few minutes ago. And just so many friends from all over the country who have been part of the extended family. Many of you have heard me say this before, but it bears repeating, particularly for the younger, newer members. AIPAC is extraordinarily vital to all of American foreign policy. You are the—You are the only institution I know of at the grassroots level which in an effective, consistent manner supports the role of America in the entire world, helps members get to hear about the world. Congressman J ohn Linder took a group again in January and began the trip. And I believe them when they realize the realities of power, the realities of distance, and the uniqueness of Jerusalem and of the Israeli experience of democracy in the Middle Eastern context.

And so, far from the foreign aid program and American military programs somehow being burdened by our relationship with Is- rael, I believe it is true that there is indeed the aid to the rest of the world which rides on the back of the work you do, and not the aid to Israel which in any way affects what America does around the world.

So what you’re doing strengthens America by educating members of Congress into the importance of our international role and into the importance of leadership, and into the principles that are at the heart of the survival of freedom.

And that’s what I want to talk about today, because we need a principled debate over honesty versus appeasement, over a willingness to tell the truth versus a consistent and deliberate slanting, over keeping your word versus breaking your word and then simply moving on with the new de- mand. And I think the debate is that simple.

There are military threats and intelligence threats, and I’ll talk about them briefly. But I think there’s a much deeper threat facing Israel today, and I want to spend more time on that first, though, briefly about the military threat.

We have an absolute obligation to our young men and women in uniform and to our allies around the world to provide the best defense that science and engineering can de- velop. And we must not allow lawyers and diplomats to cripple our missile defense by setting an absurd deal. This is exactly what happened in the ‘20s and ‘30s in the Pacific when we signed agreements with the Japanese which they violated while we kept them. It’s exactly what happened in Europe where the Allies signed agreements which the Germans broke while the Allies kept them. And I don’t want to lose a city, I don’t want to lose a single soldier, sailor, airman or airwoman or Ma- rine because we relied on lawyers and dip- lomats when, in fact, our engineers and sci- entists could tell you how to win. Let me also say that as you— as it builds, I believe it’s yourself, and there’s a sort of im- mense pressure, and there’s a sort of im- moral pressure, that use terrorism as a tool.’’

And if you want to see how successful—and I think the debate is that simple. But I really want to break some new ground here today intellectually and personally about something in your country. Interest- ingly, I mentioned first at the Foreign Dip- lomat School in Beijing a week ago, and that’s the concept of information warfare, which is all too often is defined by the military too narrowly in terms of computer systems and all that stuff.

I originally began working on information warfare in the early 1980s, based on the con- cept that with CNN in every living room on the planet in real time, you could lose the war on television, even if you won it on the battlefield. And the great challenge we face is that Arafat and the forces of terrorism are in a coalition, engaged in an information war campaign against us in which the American news media is serving as the sitting or unwitting ally of Arafat.

And if you want to see how successful—and if you want to see how successful and how useful—that as an attack on either President Clin- ton or Prime Minister Netanyah, but I mean it as an institutional criticism of all of us. We are now in a world where our oppo- nents plan long campaigns, campaigns that are vicious, dishonest and that exploit our vulnerabilities. We react to each incident. So it’s—it’s not just that you lose a city, soldier, sailor, airman or airwoman or Marine. It’s about information warfare, which is the necessary new tools of the 21st century.

Now, many of you have read or seen things about information warfare, which is all too often is defined by the military too narrowly in terms of computer systems and all that stuff.

I think this is, frankly, the fault of the Is- raeli government and the American govern- ment for not recognizing with sufficient in- tellectual rigor the new nature of the world in the information age. And I do not mean that as an attack on either President Clinton or Prime Minister Netanyah, but I mean it as an institutional criticism of all of us.

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I think this is, frankly, the fault of the Is- raeli government and the American govern- government for not recognizing with sufficient in- tellectual rigor the new nature of the world in the information age. And I do not mean that as an attack on either President Clinton or Prime Minister Netanyah, but I mean it as an institutional criticism of all of us.
Israel stood in a strong position in the region. Iraq had been shattered militarily by the Americans and the coalition forces. Syria, Israel’s foe to the north, had lost its patron, the USSR. While Lebanon, Jordan seemed poised for a closer relationship with Israel. And the hopes for a breakthrough with, the Palestinians seemed very real.

Several weeks later, the Oslo Accords were announced to the world, and the ceremony on the White House lawn seemed to shadow a new era of hope and peace. I remember being in a meeting with Arafat in the Capitol the day before the signing of a breakthrough, maybe something real will happen. I stand before you today at a far more somber time. Today Israel is not enduring a Cold War which is enduring a Cold Peace. Israel is enduring a Cold War which is enduring a Cold Peace which is enduring a Cold Peace which is enduring a Cold Peace.

And let me emphasize this for a second. How can you have a partner, who three years after the beginning of the partnership is still calling for your destruction? How can you treat with the American government claim any possible sense of moral equality between a genuine democracy seeking peace to be responsible for its citizens, and a force which after three years has refused to renounce the destruction of Israel?

Arafat’s most recent excuse, in a long career of excuses, is that Israel doesn’t have a moral claim to peace. It’s a Jewish neighborhood in the city where the Israelis have been. And let me say, I hope that no official of the American government ever refers to Jerusalem as a "settlement" to describe a legitimate housing development of the people of Israel. While Arafat ignores his commitments to security and peace, Israel is flooded in the international community for not making unilateral concessions beyond the demands of the Oslo Accord. As a friend of mine, the late Senator Sam Nunn, said, "Israel is being asked to unilaterally abide by Oslo-Plus, while the Palestinians feel free to act as if they had signed Oslo-Minus." That is wrong, and we should reject that formulation. Every friend of Israel must recognize that her future does not rest solely on military preparedness and diplomatic toughness. It rests on how Israel and her friends combat a focused, coordinated campaign of propaganda to vilify Israel in the international community. The American media shows a rioting crowd and attributes the violence to Israel’s decision on Har Homa, they undermine Israeli security.

When the American news media misrepresents the facts, speaking of Har Homa as a Jewish settlement in, quote, "Arab East Jerusalem," they undermine Israel’s security.

And let me note that Charles Krauthammer, two weeks ago, wrote the definitive column on the falsehoods that I saw in two American television networks as they talked once again about "Arab East Jerusalem" which is false and should be opposed and apologized about everywhere.

And frankly, when the Clinton-Gore administration treats with moral equivalence of Germany with its concentration camps, with Israel, they undermine Israel’s security. There should be no question of any pressure on the Israeli government to make any concessions until Arafat has met the demands of 3 years ago in Oslo, and the burden should be placed by the American government on Arafat and the Palestinian Authority to keep the commitments they made 3 years ago before a word is said to Israel.

Let me try to formulate this as clearly as I can for a minute, because I think this—I think this whole here is that we have forgotten, that Ronald Reagan understood brilliantly because he had learned it from Winston Churchill. It is extraordinarily dangerous to confuse the aggressor and the victim. It is extraordinarily dangerous to confuse the terrorist and the state. It is extraordinarily dangerous to always impose the burden on those who are your friends because you’re too timid to tell the truth to those who are your enemies.

While Israel, an open society with a free political system and honest elections, is somehow gradually dug into the mud so that any legitimate domestic activity of a free people becomes attackable, while any secret, sinister terrorism of a people who live under occupation continues to be labeled as what is happening in the world today, and this is, I believe, the most desperate moment for Israel since Yom Kippur in 1973.

And let me state the two principles that we need to impose. First, never allow a wedge to be driven between the United States and Israel. (Cheers, applause.) Secondly, hold Yasser Arafat to his promise rather than take an active role in combating the false images of Israel in the press. Let me very briefly express what I mean.

First of all, we should never allow a wedge to be driven between the two democracies. And we certainly should not allow that wedge to be driven by those who condone and sustain terrorism.

Now, I was very disappointed—and we sent a letter expressing in advance our dis—appointment—that the United States would attend a conference convened by Yasser Arafat in March in Gaza, a conference that explicitly excluded Israel. I hope this administration will make clear that it will never again, ever attend a one-sided, anti-Israeli conference to the exclusion of Israel. If Israel can’t be in the room, why should America and the American people be absent a world that they don’t need to deal with Israel?

You know, last year we—last Congress we passed legislation to move our embassy to Jerusalem. And certainly, one of the most moving moments, I think of my entire life, was the ceremony we had in the Rotunda at which Prime Minister Rabin—it was the last time I saw him—celebrated the 300th anniversary of the founding of Jerusalem by King David. And you had the sense there that you were helping history in the deepest and most real sense. And if you’ve never read his speech that day, I would really commend it to you. It made the loss of his assassination much deeper and much more painful. I think it’s important that the United States simply and unequivocally, as we have in the Congress, that we recognize the undivided unity of Jerusalem as the capital of Israel, period, and end all this, I think fantasy on the part of the Palestinians that if only they make enough noise and have enough terrorism, somehow they will win diplomatically what they lost militarily. And I think we need to end any question of that and say within that framework of your accepting the existence of a Palestinian state, and of Jerusalem, we will find. But without those two steps, there can’t in the long run be peace in the region.

Next week I will introduce a resolution with some of my colleagues to mark the 10th anniversary of the unification of Jerusalem. The message of the resolution is clear:
United States Congress believes in one Jewish nation, but they are divided. It is the united capital of Israel. While remaining unified with our democratic partners, we need to hold Yasser Arafat to his promises. The United States must force Arafat to choose. He must choose honest integration, peace process and good faith on the part of the United States of America. The United States House will do its part. Congressman J ohn Fox has informed me that he is preparing legislation calling on Arafat to keep his commitments now with no more excuses.

Finally, I urge every one of you, and your friends, to become a watchdog in the information warfare that is undermining Israel. Every time you see an article that refers to “settlements,” write a letter to the editor or call the publisher. If you know the editor, call them. If you don't know the reporter, get to know them by calling them. Every time you hear—you look at “Arab East Jerusalem,” pick up the phone and call. We must become militant in defeating the effort by media to defeat the region and would threaten the survival of millions of decent people who ask only that they be allowed to pursue happiness, live in freedom, and have their children grow up in security. Thank you. Good luck, and God bless you.

IN RECOGNITION OF PATRICIA A. MEAD
HON. DENNIS J. KUCINICH
OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Patricia A. Mead, whose lifetime of entrepreneurial, fine business sense, volunteer service, civic action, and nonprofit leadership has earned her the respect and admiration of her peers.

Pat started Metro Relocation Services in 1971, the first independent relocation company in the world. She eventually merged this company into Realty One, where she served as president of Corporate Relocation Services, a division with a staff of 30 that produced revenues of $275,000,000 per year.

Pat has been generous with her time and expertise, and over the years she has involved herself with many organizations including: Recovery Resources, American Lung Association; Cleveland Opera; Cleveland Branch of the English-Speaking Union where she chaired the Shakespeare Recitation Competition; Cleveland Rotary Club;YWCA where she served as named Woman of Achievement, Federation for Community Planning; Cleveland Ad Club; Junior Achievement; Friends of the Cleveland Library; Better Business Bureau, and Cleveland Ballet. Pat also served on the board of COSE and the board of trustees and executive committee of the Greater Cleveland Growth Association, chairing their first executive network committee.

Pat is also a longtime member of the Women's City Club. She served on the board of directors, as vice president, and as a member, and women. We can win the information struggle just as decisively as we have in the past won military struggles, if we will engage as civilian warriors, if you will, as information warriors. If we will be prepared to be militant and direct and clear, I believe in a year we will be in a different environment. The burden will clearly be on those who are in control, who have been in control, who are talking to the older men and women who tell us how to engage in the region and would threaten the survival of millions of decent people who ask only that they be allowed to pursue happiness, live in freedom, and have their children grow up in security. Thank you. Good luck, and God bless you.

CAMPAIGN FINANCE REFORM
HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 9, 1997, into the CONGRESSIONAL RECORD.

CAMPAIGN FINANCE REFORM
There is surprisingly little pressure from constituents on Members of Congress to act on campaign finance reform, even though we have seen a series of revelations about unethical behavior and corruption in the past few years. The growing sense in American politics today is that dollars speak louder than ideas, access is bought and sold, and the priorities of a few are the priorities of all. Of course, the fact that many of the best people are discouraged from running because of the fundraising burden.

PROBLEMS WITH SYSTEM
Campaign finance reform is a constant game of catch-up, with excesses followed by reforms followed by new ways to get around the reforms. The present campaign finance laws passed two decades ago have been strengthened by a proposal more than $2 billion in the last election—and with every election the problem gets worse. The laws are more loophole than law, and politicians defend their practices by resorting to legal mumbo-jumbo.

Political campaigning has become distorted. Members spend large amounts of time making phone calls to raise money and attending fundraisers, which means a lot of time with people who already support them and too little time with ordinary voters who may decide how a system that drives a wedge between the elected representatives and those they represent. When people feel they become more important by raising campaign money, that also crowds out other activities like writing laws and thinking about public policy.

Those who contribute money are very concerned about a “shakedown” atmosphere. They often feel they cannot get their view across unless they contribute generously to politicians they may dislike. The constant feature of the great debates in Congress over the last few years—including health care reform, clean water, telecommunications, and regulatory changes—is that people who are all awash with money. Members used these debates skillfully to get money from people who were interested in certain legislative outcomes.

The rising flood of money that flows into campaigns undermines public trust. Nothing more important in our democracy today than restoring the confidence of the public in the integrity of the political system. To many Americans it is money, not ideas and principles, that reigns supreme in our political system. Many people tell me the political process is run by special interest groups, powerful organizations, and foreign donors, so they see little reason to vote. Corruption is always the worst enemy of democracy and it has certainly been strengthened by the campaign finance system.

Getting campaign reform is terribly difficult. The blunt fact is that most Members of Congress and both political parties prefer the system under which they were elected and they may dislike it, but they have decided how the system under which they were elected. Moreover, it is very difficult to devise a system that will reduce the role of special interest money in politics and still not trample on constitutional rights to express political views. It is easy to be cynical and assume that nothing will happen on reform, but we really do have a chance to break the cycle of fundraising that demeans our politicians and our political system.

CURRENT SYSTEM
Some progress in campaign finance reform has been made in recent years. After the Watergate scandals, Congress instituted public financing of presidential campaigns, limits on contributions, and more disclosure of where money comes from. These were major and important changes, but the reforms did not go far enough, and means were devised to get around existing law.
The current system is plagued by: rapidly rising costs, driven largely by the growing importance and cost of television in campaigns; major reliance on special interest money; soft money; and “independent expenditures” which allow organizations to communicate with voters for or against a candidate so long as there is no coordination with the candidate. To illustrate the extent of these loopholes, the amount of soft money raised by both parties in recent elections has tripled in four years from $88 million in 1992 to $263 million in 1996.

I believe that reform has to move forward step by step. That’s why it is very important for the congressional inquiries into White House fundraising and congressional campaign proceeds to proceed. I favor hearings with the broadest scope. Many Hoosiers tell me the real scandal is not how the law is broken but what’s legal under the present system. Congress can recognize these problems and help us enact legislation to solve them.

A principal aim of a campaign finance bill must be to create the conditions for more equal competition for more offices, and that could include easier access to television time for candidates. We should also close the loopholes in the current law on bundling, soft money, and independent expenditures. We should look at public financing for federal elections, which I personally support, and limit the role of political action committees. Certainly disclosure of spending in politics has to be broadened and speeded up, and penalties for overstepping the line should be made harsher and immediate. The Federal Election Commission must be more aggressive and vigilant in enforcing the election law.

CONCLUSION

Our failure to have effective campaign finance laws in this country represents a major failure in American public policy. We have a choice in moving forward: a system that is gradually eroding the public’s trust and confidence. It is a slow-motion crisis, but it is a crisis.

As we try to reform the system, we must not let the perfect be the enemy of good. It is not possible to enact a perfect, sweeping campaign finance reform bill today and perhaps not in the future. But the worst abuses can be dealt with one by one. We simply must keep at it and address the problems and plug the loopholes in the law as they become evident. A long journey begins with a single step.

CHIEF MASTER SERGEANT DIX RETIRES FROM AIR FORCE AFTER 24 YEARS; A DISTINGUISHED CAREER IN ACTIVE DUTY, RECRUITING, AND SERVICE

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. WALSH. Mr. Speaker, I rise today to congratulate Chief M. Sgt. Ronald W. Dix upon his retirement and to ask my colleagues to join me in thanking Chief Dix for his 24 years of service and for his symbolic representation of all that is good about our Armed Forces, and particularly those of the U.S. Air Force and Air National Guard.

Chief Dix was on active duty with the Air Force from September 5, 1961 to September 4, 1985, serving as protocol NCO at Wheelus AFB, Tripoli, Libya and at Lindsay Air Station, Weisbaden, Germany. During this time, Chief Dix was also a member of the 37th Air Defense Missile Squadron at Kinchloe AFB, Sault St. Marie, Michigan.

In January 1978, he joined the Air National Guard, accepting an assignment in the Base Preparedness Office. In 1981, he was reassigned to active duty as a recruiter. Chief Dix was instrumental in attracting and inspiring young men and women to join the Air Guard in serving to their country. In 1984, he was assigned as training NCO in the Civil Engineer Squadron of the 174th Fighter Wing and participated in many overseas deployments.

During his final time with the New York Air National Guard, Chief Dix served as the facilities manager for the entire Hancock Field Air National Guard Base. Some of his decorations for meritorious service include: the Air Force Good Conduct Medal, the Air Force Achievement Medal with four devices, the Air Reserve Personnel Center Presidential Unit Award with five devices, the National Defense Service, the Armed Forces Expeditionary Medal, the Air Force Outstanding Unit Award, the Air Force Overseas Long and Short Tour Ribbon, the Air Force Longevity Service Award, the Small Arms Expert Marksmanship Ribbon, the New York State Citation, the New York State Stamp Medal, and the New York Conceited Service Cross.

Upon completion of such exemplary service to our Nation, I commend Chief Dix and wish him well in retirement.

A TRIBUTE HONORING LEO K. FARRALL, III

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. HOYER. Mr. Speaker, I rise to pay tribute today to the life and legacy of one of Charles County’s finest individuals, Mr. Leo K. Farrall, III who recently passed away on Feb. 13, 1997 after a bout with cancer.

Mr. Speaker, there are multiple ways to recognize the impact of an individual. Society often dictates one’s worth by professional accomplishments, personal credentials, and how much wealth one has accumulated. Although, these are often the gauges by which we sometimes measure another, these standards are often ephemeral compared to the commitment of family and community, and the regard peers cast on an individual. It has been noted that the true measure of an individual’s success is in the number of people he or she calls “friend.” In either category, L.K. Farrall was a success.

In 1979, Mr. Farrall opened the doors of the very first L.K. Farrall Realtors, Ltd. To date, his efforts and expertise are mirrored to four additional offices in the southern Maryland region, employing over 175 people. Mr. Farrall labored to build his company not only through the avenues of sales but its service to the surrounding communities. According to his close friend Delegate Van Mitchell, Mr. Farrall had a saying “You can get everything in life you want . . . if you help enough people get what they want.” His selfless emphasis on others and his love for his family and community are remembered in testimonials from friends and colleagues which appear in a tribute in the April newsletter for the Charles County Chamber of Commerce.

Mr. Farrall served as a member of the Charles County Chamber of Commerce Board of Directors; he was the former chairman of the Charles County Economic Development Commission, a member of the Naval Industrial Alliance, and a generous contributor to Special Olympics, Habitat for Humanity, and to the American Cancer Society.

Mr. Speaker, it was through his giving that he gained, and through his example and his leadership that others learned to love and respect him. Charles County Commissioner William Daniel Mayer noted: “as a friend you knew L.K. would always be there for you. He was unassuming. He shunned the limelight and took as much joy in your success as if it was his own. It is a privilege to have grown up with, to have worked with, and to have shared L.K. His wit, unflinching loyalty, love of family and a sincere dedication to his community will not be missed. We must all be grateful that we had, even for a short time, L.K.”

Mr. Farrall is survived by his wife, Judy and two beautiful daughters. Although, Mr. Farrall passed away at the very young age of 51, his life and legacy will continue to serve as an example to others in southern Maryland because of his leadership and compassion for others. I ask the Speaker and all my colleagues to join me in saluting the life of Mr. Leo K. Farrall, III and extend with me condolences to the Farrall family and the employees of his company.

TRIBUTE TO WILLIAM EDWARD GLOVER

HON. TERRY EVERETT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. EVERETT. Mr. Speaker, I offer tribute today to a tireless public servant and advocate of the elderly in southeast Alabama, Mr. William Glover.

William Glover retires this year from his post as executive director of the Southern Alabama Regional Council on Aging in Dothan. This vital organization sponsors the Area Agency on Aging and the Medicaid Waiver Program in a seven county area. Mr. Glover has been the executive director since the Alabama Regional Council on Aging’s founding in 1986.

William Glover’s name has become synonymous with voluntarism and compassion for the elderly in south Alabama. Through his years of service, he has been instrumental in benchmark efforts like the acquisition of 52 vans, badly needed for elderly transportation programs, and the establishment of the Older Americans’ Day celebration which is now in its eighth year with some 3,000 persons in annual attendance.

Mr. Glover’s interest in the welfare of the aging shows no limit as he has worked closely
with private enterprise, civic and local organizations to provide services where Federal or State funds were not available. His activities range from working on an elderly housing plan with AARP, to assisting utility companies in affording vulnerable senior citizens with reduced rates.

A member of numerous area health and elderly advisory boards, William Glover was inducted into the Alabama Senior Citizens Hall of Fame in 1993. To be sure, he leaves his successor with a very large pile of shoes to fill. Knowing William, I’m convinced that his concern for seniors and community will not end with his retirement. I congratulate him for a remarkable career of selfless generosity, and I wish he and his family the very best in the years ahead.

CHINESE SALES OF WEAPONS OF MASS DESTRUCTION THREATEN AMERICAN TROOPS

HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. SOLOMON. Mr. Speaker, the Chinese have exported, in violation of international law, weapons of mass destruction to terrorist states, including Iran. These actions have contributed to regional instability and pose a significant potential threat to American Armed Forces.

As we all know, it is American troops, whether as part of a U.N. force, an Allied mission, or operating independently which are called upon to quell regional conflicts. The strong correlation between the volatility of a region, the deployment of weapons of mass destruction, and the likelihood of U.S. troop involvement may culminate in American suffering and deaths when the tension in these areas boils over. The weapons of mass destruction, which China willfully placed in Iran, will be capable of deploying nuclear weapons. However, soon after this treaty violation, the Clinton administration determined that China would not be sanctioned stating that China had reaffirmed its commitment to nuclear nonproliferation.

Despite this promise, however, China sold a special industrial furnace to an unsafeguarded nuclear facility in Pakistan, and high level Chinese officials planned to submit false documentation related to the sale.

The practice of selling weapons of mass destruction is just one more example of China’s disregard for the value of human life. The Daily Gazette, one of my hometown newspapers, captured the true nature of China in a recent editorial entitled “New China Policy Needed” when it stated, “The Chinese government persecutes political dissidents, Buddhists, Christians, pregnant women, orphan girls, labor activists and anyone else who declines to toe the party line * * * It pledges to reverse the democratization of Hong Kong, and has threatened to go to war over Taiwan. It moves no closer toward liberty and democracy, but it does get richer. Armed with nuclear weapons, it is clearly the most dangerous country in the world * * * As long as China remains totalitarian, and no matter how capitalist it becomes, it will likely remain not just an oppressor of its own people but a threat to peace.”

The United States can no longer continue to implicitly approve of China’s weaponry sales and other abuses of international law by accepting China’s routine and transparent denials of wrongdoing. It is time to revise our China policy in such a way that makes it unacceptable for China to engage in reckless activities, including those that threaten the lives of the young men and women who serve in America’s Armed Forces.

ON CORY DUNN’S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Cory Dunn of North Olmsted, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the scouting law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

Cory’s Eagle project was the restoration of a trail and opening of an outdoor clearing suited to contemplation and peace for parishioners of John Knox Presbyterian Church, his parents’ parish.

My fellow colleagues, let us join boy scouts of America Troop 53 in recognizing and praising Cory for his achievement.

DRUGS

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 9, 1997, into the CONGRESSIONAL RECORD.

DRUGS IN AMERICA—A REPORT CARD

A few weeks ago, the White House unveiled the 1997 National Drug Control Strategy. The 1997 strategy is noteworthy because for the first time the federal government specifically identifies education and prevention as the most effective approaches to reducing illegal drug use. I agree with this emphasis, especially with the need to educate young Americans about the dangers posed by illegal substance abuse. I recently began meetings with community leaders in southern Indiana to discuss how we can work together toward a drug-free Indiana.

DANGERS OF OVERLOOKING THE PROBLEM

Opinion polls show that most Americans, including Hoosiers, rank problems such as the budget deficit, the future of social security, even bad roads, ahead of worries about drugs. These are all serious issues, but we downplay the drug problem at our peril.

You may remember the “just say no” campaign of a few years ago. Anti-drug messages were prominent in our government, media, and schools, and usage dropped. But starting about 1990 we stopped paying enough attention to the problem. In some ways, the drug problem is getting worse today.

Fewer Americans are using illegal drugs today than a decade ago. In 1985, there were some 23 million regular drug users. Today, we’ve almost halved that number to about 13 million. The overall number of cocaine users has dropped to about 1.4 million, down from 5.7 million in 1985. Drug-related murders fell 25 percent during the same period.

GOOD NEWS

Since 1991, though, drug use has increased again. I am especially worried that this increase is concentrated among young people.
Currently, more than 1 in 10 young people in America are regular users of illicit drugs—that’s double the rate of just five years ago. Marijuana use is especially widespread. In the average class of 25 eighth graders, 5 have tried it.

The bad news is not just about marijuana. We have seen a dramatic rise in regular use of all sorts of so-called “hard” drugs, including stimulants such as cocaine and inhalants such as glue, paint, and lighter fluid. Use of LSD is at its highest recorded level. There are now about 2.7 million “hardcore” drug users in America, more than triple the number in 1991. These “hardcore” addicts are the ones most likely to commit crimes to obtain drugs.

DAMAGE CAUSED BY DRUGS

Some people say that a little experimenting with drugs can’t cause any harm. They are wrong.

For example, today’s marijuana is 2 to 5 times more powerful than a generation ago. Every reputable scientific study concludes that marijuana use impairs judgment and learning and hurts the heart, lungs, and other organs. Perhaps most damaging, evidence shows that marijuana can be a “gateway” to stronger drugs. A teenager who smokes marijuana is 70 times more likely to have an addictive problem later in life. Over 25,000 people die every year in America from causes related to illegal drugs. Drugs are involved in over half of the murder and violent crime in this country. Children who use drugs are much more likely to drop out of school. One-quarter of America’s trillion-dollar health bill each year is drug-related. Abuse of illegal drugs costs businesses an estimated $60 billion each year in lost productivity due to absenteeism, accidents, and medical claims.

EROSION OF ATTITUDES

Why are more people using drugs? The simple answer is attitudes. In recent years, there has been a significant erosion of our negative attitude towards drugs.

1. Social approval
When a society regards the message that drug abuse is wrong—as we did a decade ago—drug use declines. When it fails to send this message, drug abuse rises—as it has since the 1970s. Marijuanists in Washington and throughout the country stopped speaking out enough on the dangers of drugs. The recent efforts in Arizona and California to legalize marijuana for medical purposes will only spread that message.

2. Perception of risk
There is another, related factor: perception of risk. Kids will not stop using drugs unless they understand the real physical dangers drug cause. Last year in Boston, Massachusetts 50,000 people attended a so-called rally supporting the legalization of marijuana. On the same day, a few blocks away, an anti-drug rally drew only 500. We are clearly failing in our duty to educate the younger generation about the dangers of drugs, and to express our disapproval of them.

SUPPLY VS. DEMAND

Some argue that we focus on education and prevention at the expense of cracking down on drug suppliers. We need to fight the drug supply, and I have supported steps to penalize both domestic and foreign drug producers and dealers. But we should recognize that the American people are willing to spend billions of dollars a year on illicit drugs, the traffickers and pushers will find ways to meet that demand.

CONCLUSION—RESOURCES SHOULD MATCH RHETORIC

I am pleased that our 1997 National Strategy emphasizes education and prevention. The old adage says “an ounce of prevention is worth a pound of cure.” When it comes to drugs, for each dollar we spend on prevention, we save seven dollars in crime, health, and welfare costs. And the moral benefit of saving our young people from the scourge of drugs is incalculable.

Nevertheless, while we have increased the federal anti-drug budget by more than $5 billion for 1997, over two-thirds of this is going to international and domestic efforts to stop supply. We should allocate more resources to our top priority of demand reduction.

The real irony of the drug problem, then, is that we know what to do about it—but we’re not doing it. It is encouraging that education and prevention are the top priorities of our national strategy. We should make them our top priorities in southern Indiana, too.

SOLVAY, NEW YORK HIGH SCHOOL BAND WINS TOP HONORS IN THE NATIONAL HERITAGE MUSIC FESTIVAL

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Solvay, New York High School band and jazz combo for their first place honors at the national American Heritage Music Festival. This dedicated group of 76 musicians traveled to Washington on Friday, April 4 and competed against bands from all over the Nation. The jazz band and the high school band each won separate first place awards.

Solvay High School won the award for best overall performance and both bands received scores above 90, putting them in the highest category for their performances.

The event that made Solvay’s performance unique came in the middle of the concert band’s slow song, where the musicians put down their instruments to sing. This added theatrical touch impressed the judges, and invigorated spectators. Indeed, when this talented group arrived back in Solvay, with police cars and fire engines escorting them to the high school where they received their heroes welcome, parents and classmates cheered, still displaying the excitement of the competition.

Our central New York community is proud of the hard work and dedication displayed by the Solvay bands.

Congratulations to the 76 members of the Solvay High School concert band and jazz combo for their impressive achievement.

CELEBRATING THE 50TH ANNIVERSARY OF THE ALIQUIPPA QUIPS

HON. CHARLIE NORWOOD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. NORWOOD. Mr. Speaker, I rise today to salute the Pennsylvania Interscholastic Athletic Association Class AA Men’s Basketball Champions, the Aliquippa High School Quips.

Located in Beaver County in the once thriving steel town of Aliquippa, the players of this team demonstrated that strong character and rich tradition that embodies the people of their hometown. This marks the fourth time in eight seasons that the Quips have been crowned State champions in men’s basketball. They finished the season with a record of 29–3.

Led by senior point guard and cocaptain Mike Lundy’s 13 points Aliquippa defeated cross-state rival Wilkes Barre by a score of 57–50 in the championship game. In a post-game interview with the Beaver County Times, senior center Damian Crute is quoted as saying, “Climbing the ladder (to cut the nets), I felt like I was on top of the world. We climbed the mountain and we’re sitting on top now.” Indeed Damian, your team has climbed the mountain and the people of Aliquippa and the entire Fourth Congressional District of Pennsylvania are proud of your efforts.

Once again, congratulations to the students, faculty, and the city of Aliquippa. You have produced a champion in the finest sense of the word. And a special salute to first year coach Mike Zmijanac and his assistants Doug Beiga, Sherman McBride, Marvin Emerson, and Pete Carbone for a job well done.

And so I urge my colleagues to join me in the celebration of the Aliquippa Quips and all of the high school basketball teams in Pennsylvania for a terrific season.
March 26, 1997

Mr. Speaker, according to the INS, 4,900 work site enforcement operations were conducted last year resulting in the removal of 14,000 unauthorized workers. My bill would bring together Federal, State, and local governments in an effort to tackle this pressing problem by enlisting the aid of workers in the workplace. The legislation would: identify and remove workers who are not authorized to work in the United States; deny workers who are not authorized to work in the United States the right to receive Federal benefits; and deny employers who hire unauthorized workers the opportunity to receive Federal benefits.

Before I introduce the bill, I would like to recognize the importance of Federal immigration enforcement and the role it plays in our community. The bill would give Federal immigration enforcement authorities the necessary tools to do their job and to do it better. The legislation would strengthen the ability of Federal immigration enforcement authorities to identify and remove unauthorized workers, to deny employers Federal benefits, and to require employers to verify the identity and work eligibility of their employees. The legislation would be a significant step forward in our efforts to control illegal immigration and to reduce the fiscal burden that unauthorized workers place on our society.

Mr. Speaker, according to the Federal Government, a significant number of unauthorized workers are engaged in activities that are illegal. For example, according to the INS, 4,900 work site enforcement operations were conducted last year resulting in the removal of 14,000 unauthorized workers. My bill would bring together Federal, State, and local governments in an effort to tackle this pressing problem by enlisting the aid of workers in the workplace. The legislation would: identify and remove workers who are not authorized to work in the United States; deny workers who are not authorized to work in the United States the right to receive Federal benefits; and deny employers who hire unauthorized workers the opportunity to receive Federal benefits.

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CONCLUSION

My strong suspicion is that if the cloning of human embryos is possible it will happen somewhere, sometime. The history of science is the history of the dominance of science and technology, and Presidents and Congresses do not have the power to defy it. I am extremely reluctant to see government poking around in the business of deciding what scientific research can go forward and what cannot, but it is also true that while we want science to be free we also want it to be responsible. Here we are dealing with matters of very grave consequence.

This new technology may be a little scary. The dilemma and the risks of it need to be carefully evaluated. Rational debate, perhaps followed by legislation, may be necessary, but we must be very careful not to turn away from what biology and medicine can do. Scientists are telling us that some types of human suffering could be alleviated by cloning, so we must not overreact.

As I think about the potential of the post-Dolly world, I have a sense that a towering challenge is around the corner. We have so far embarked on the path of a scientific history capable of creating a world that is a vast, far-removed and different place from the one we know today. We must continue to embrace. His outstanding characteristics include embodying the American virtues of honesty, industry, creativity, and self-sufficiency, having built several houses for himself and others. Mrs. Cotner has served the Democratic Party in many capacities. She was an executive committee member, precinct committee member, and vice-chair of the Cuyahoga County Democratic Party. She worked closely with her neighbors through politics, service as a booth worker on election day, and as ward leader. Mrs. Cotner is a veteran of many contests for the heart and soul of Cleveland. She has shown her dedication to that sacred enterprise over many decades. And she reminds us of the essential value of persistence and patience. Mr. Tully is a life-long resident of Wilmer, AL. He is married to the former Velma Eloise Cravey, and has three children, three grandchildren, and one great-grandchild.

To Mercedes R. Cotner for a Lifetime of Achievement

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise today, April 9, 1997, to honor Mercedes R. Cotner, whose lifelong dedication to the civic body, to the Democratic Party, and to the city of Cleveland is being recognized on April 10 at the annual meeting of the Cuyahoga Women’s Political Caucus.

For most of her 90 years, Mrs. Cotner has sought to involve and lead the people of the city of Cleveland to achieve a better life for themselves and their children.

Mrs. Cotner has served in public office. She was a clerk of the Cleveland Council and she served her constituents from the old ward 2 as a Cleveland councilwoman.

Mrs. Cotner also served the Democratic Party in many capacities. She was an executive committee member, precinct committee member, and vice-chair of the Cuyahoga County Democratic Party. She worked closely with her neighbors through politics, service as a booth worker on election day, and as ward leader.

Mrs. Cotner is a veteran of many contests for the heart and soul of Cleveland. She has shown her dedication to that sacred enterprise over many decades. And she reminds us of the essential value of persistence and patience. Mr. Speaker, let the Congress of the United States acknowledge today the great example Mercedes Cotner has set.

WOODY GRANVIL TULLY'S 90TH BIRTHDAY

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. RILEY. Mr. Speaker, I rise today, April 9, 1997, to salute an esteemed citizen of Alabama, Woodie Granvil Tully, on the occasion of his 90th birthday. Mr. Tully is a life-long resident of Wilmer, AL. He is married to the former Velma Eloise Cravey, and has three children, three grandchildren, and one great-grandchild.

During the 90 years of his life, Mr. Tully has exemplified those attributes we all attempt to embrace. His outstanding characteristics include embodying the American virtues of honesty, industry, creativity, and self-sufficiency, having built several houses for himself and others. Mrs. Cotner has served the Democratic Party in many capacities. She was an executive committee member, precinct committee member, and vice-chair of the Cuyahoga County Democratic Party. She worked closely with her neighbors through politics, service as a booth worker on election day, and as ward leader.

Mrs. Cotner is a veteran of many contests for the heart and soul of Cleveland. She has shown her dedication to that sacred enterprise over many decades. And she reminds us of the essential value of persistence and patience. Mr. Speaker, let the Congress of the United States acknowledge today the great example Mercedes Cotner has set.
along their length of their body. They are grayish with five pairs of blue spots and six pairs of red spots along their backs. They also have yellow markings on their heads.

Oak trees are the favorite food of the gypsy moths, but they also feed on 500 different species of trees and shrubs. And because northwest Ohio is known for its hardwood forests, we are the targets of hungry gypsy moth larvae.

The answer is not for individuals to spray their own trees and yards with harmful toxic pesticides. In fact, toxins could do more harm then good when thousands of citizens act independently.

Call the Lucas County Agricultural Extension Office at 245–4254 or the Agriculture Business Enhancement Center at 1–800–358–4678 to learn what you can do to control these destructive insects.

You can help by getting your local Boy Scout and Girl Scout troops or other community groups to collect signatures to give the State of Ohio permission to spray affected areas with safe biological control agents. This approach can save you money. If you decide to spray your property on your own—which can be expensive—then use only licensed, certified professional firms that have been trained to handle the proper control agents safely and responsibly.

TRIBUTE TO COMDR. HENRY J. BRANTINGHAM

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedication of Comdr. Henry J. Brantingham, whose career in the U.S. Navy spanned three decades and which included over eight awards and recognitions. Commander Brantingham recently passed away, and I would like to take a moment to commend him for this individual's exceptional service to our country.

Henry began his career with the U.S. Navy 58 years ago with his graduation from the U.S. Naval Academy with the class of 1939. Following graduation, he served on the cruiser Minneapolis and several destroyers, later volunteering for a torpedo boat training. He was subsequently ordered to duty in the Philippines at the outbreak of World War II. It was here that Henry accompanied Gen. Douglas MacArthur in his historical trip from Manila to the island of Cebu and onto the United States.

After returning to the United States, Henry was assigned to P.T. boat training duties at Newport, R.I., and was subsequently sent to the South Pacific for the duration of the Solomon Islands campaign where he commanded a force of 1,100 personnel. Henry was also a member of the unit sent to rescue John F. Kennedy and his crew when their P.T. boat had been cut in two by a Japanese destroyer.

Following World War II, Henry was ordered to icebreaker duties and served on five expeditions to the Arctic aboard the Edisto. His final sea command was aboard the icebreaker Burton Island, which he took to both the Arctic and the Antarctic. While in the Antarctic, Henry rescued a number of Japanese scientists whose icebreaker had become stranded and led them to open seas enabling their return to Japan. In 1964, Comdr. Henry Brantingham voluntarily retired from the U.S. Navy having earned several decorations that included two Silver Stars, a Legion of Merit with combat "V", a Presidential Unit Commendation, and four campaign ribbons for his actions in the Pacific.

Henry and his wife, Elaine, had two children, William and Nancy. William served honorably in the Vietnam war with the United States Army and was, unfortunately, fatally injured in an automobile accident after coming home. Nancy currently lives in the San Diego area with her husband David and their 6-year-old son Bill. Mrs. Brantingham lives in La Jolla, CA, where she remains active in community affairs, including the La Jolla Unit of Pro America, the La Jolla Republican Women Federation, and in assisting new citizens with their voter registration.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders such as Commander Brantingham, exemplify the commitment our Armed Forces has to superior performance.

TRIBUTE TO JESSE AND LOIS STRANAHAN

HON. ELIZABETH FURSE
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Ms. FURSE. Mr. Speaker, I rise today to recognize two very special people who have distinguished themselves since the 1930's as tireless advocates for our working Americans. Jesse and Lois Stranahan have been called the standard setters for the labor movement and it is no wonder. Jesse, a member of the International Longshoremen's and Warehousemen's Union, and Lois, a 30-year member of the ILWU Auxiliary, have championed the causes that affect not only the lives of longshore families, but those of all working people. They have fought for social justice, safe working conditions, fair wage compensation, and comprehensive health care.

The dedication, determination and extraordinary hard work that Jesse and Lois have selflessly given over these many decades have shown the way for countless others. They serve as testaments to the philosophy that I have always held dear: one person can make a difference. I applaud their work, and I am privileged to have this opportunity to recognize Jesse and Lois Stranahan before this body.
Mr. FORBES. Mr. Speaker, for years we have heard a lot about what is wrong with our Government’s efforts to solve poverty, hunger, and abuse. Last Congress, we passed welfare reform and turned the bulk of those efforts over to the States, communities, and individuals. Today, I am here to share with this body success stories—stories from my district about communities coming together to help people one at a time. Last week, while back in my southern California district, I was delighted to visit places like Saint Clare’s Home in Escondido, CA. Sister Claire runs the program that houses and cares for battered women and their children until they can re-enter society and provide for themselves. This place offers much more than a check every week. Counselors provide one-to-one nurturing, job counseling, and a friendly face to turn to when troubles arise.

Also, I had the opportunity to tour the food distribution center in Orange County, CA, which sorts and distributes surplus foods to charities throughout the county. This center takes perfectly good surplus food and instead of it going to the dumpster it feeds the hungry.

Finally, I witnessed the therapeutic miracles of the Fran Joswick Therapeutic Riding Center in San Juan Capistrano, CA. This riding facility provides a truly unique and enjoyable alternative therapy for developmentally and physically disabled children through horse riding and grooming. Children achieve physical and mental feats they otherwise would not have.

These groups have something truly significant in common—they were not thought up by some Government bureaucrat, not powered by some Government employee, and not entirely dependent on taxpayer dollars for their existence. Instead, their success rests on the basic principle that local citizens know best what the needs of their communities are; that families, churches, and service groups will always do a job better in a spirit of helping others is both genuine and infinite in nature. My colleagues and I, participating in the Renewal Alliance, will continue to highlight these and other community efforts that are rebuilding lives and restoring hope.

**Families and the American Dream**

**HON. MICHAEL P. FORBES**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 9, 1997**

Mr. FORBES. Mr. Speaker, I rise today to speak about the American Dream. Nothing drives our society and stirs our passions more than this dream, and Mr. Speaker, nothing is more fundamental to the success of our American Dream than the family.

Our families are the cornerstone of our republic, and throughout our history, the family has been the source of our Nation’s strength and values. A great deal of love, compassion, understanding, and patience go into building a successful family. It also takes courage and commitment to begin one, but no one would question its value.

On April 19, 1997, at St. Patrick Roman Catholic Church in Smithtown, Long Island, two young people, whom I have the privilege to know and respect in this House, enter into the bonds of holy matrimony. Ms. Mary Beth Fauls, only daughter of Thomas Joseph Fauls, Jr., and Judith Anne Fauls, and Theodore Vincent Peck III, only son of Theodore Vincent Peck, Jr., and Christine Helen Peck, will on that day, joined by 140 of their friends and family, exchange their love and lifetime commitment to each other. Once again, this celebration held throughout our history, will be reenacted in a small corner of our land, and two of our young citizens will begin their personal journey toward fulfilling the American Dream.

Few will notice beyond those attending, Mr. Speaker, but considering that so much of what we here in this Congress debate concerns the welfare and security of our families, it is wholly fitting that we should pause for a moment to honor and reflect on this small event, which is so vital to the perpetuation of our country. I urge my colleagues to join with me in extending the happy couple best wishes for a long, healthy, and successful marriage.

**CCBC WINS NJCAA NATIONAL CHAMPIONSHIP**

**HON. RON KLINK**

**OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 9, 1997**

Mr. KLINK. Mr. Speaker, I rise today to recognize the Community College of Beaver County men’s basketball team for their terrific season culminating with the National Junior College Athletic Association Division II National Championship.

The Titans, coached by Mark Javens, finished the season with an impressive 36–1 record. Additionally, they spent 15 weeks as the Nations No. 1 ranked division II junior college basketball team. In a post game interview with the Beaver County Times, guard Juan Patterson said, “We won 36 games, we lost only 1, and we won a national championship. There aren’t too many teams on any level that can do that!” The poise, professionalism, and pride which CCBC has exuded during this most memorable season are indicative of the manner in which the students and faculty of this fine institution of higher learning conduct themselves on a daily basis.

With the help of some last second heroics provided by guard Jeff Benson, CCBC defeated Penn Valley Community College, Kansas City, MO to win the division II tournament, played at Danville Area Community College, in Danville, IL. The depth, and commitment of this team are what made this victory possible. In winning a national championship, the Titan’s elevated themselves to a level that few will ever reach.

On behalf of my colleagues in the House of Representatives, I would like to congratulate the players, Al Franklin, Wayne Copeland, Larry Walker, Juan Patterson, Quincy Davidson, Jeff Benson, Ahmal Bodden, Larry Cottrill, Mark Foust, Matt Fondrk, as well as coach Javens and his assistants, Von Jeffrey Jones and Ron Rowan, trainer, Jeff Cienik and the athletic director, Michael Macon. You have made your school, your community, and the entire Fourth Congressional District proud.

**REMEMBERING A PIECE OF AMERICAN HISTORY: ALABAMA’S HISTORIC BURNT CORN POST OFFICE**

**HON. TERRY EVERETT**

**OF ALABAMA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 9, 1997**

Mr. EVERETT. Mr. Speaker, today I call attention to a little known occurrence that brings to a close a 179-year-old chapter in American and Alabama history. I’m speaking of the closing of the historic Burnt Corn Post Office in rural Conecuh County, AL.

On this day, the Burnt Corn Post Office stamps its last letter. Looking like a scene from a Norman Rockwell painting, the small, single window, wood-paneled post office, tucked away in the corner of a general store in Burnt Corn has become a local landmark. But it is more than just a relic, it is a link to America’s adventurous past.

Located on what was once known as the Federal Road, the Burnt Corn Post Office was first established in 1817 and served weary travelers on their way to America’s growing western frontier.

According to the Conecuh Countian, Burnt Corn was first mentioned in the acts of Congress establishing post roads, authorizing a post road from “Fort Mitchell, by Fort Bainbridge, Fort Jackson, Burnt Corn Spring, Fort Claiborne and the town of Jackson to St. Stephens.”

When it was created, the Burnt Corn Post Office was located along a route from Washington City, by way of Athens, GA to New Orleans in the new Louisiana Territory.

The Burnt Corn Post Office possibly served many famous persons, among them Francis Scott Key, Andrew Jackson, and Vice President Aaron Burr while on their official travels.

The Burnt Corn Post Office, once a vital communications link for frontier travelers of the 19th century, is now destined for the history books. It is a time capsule from a simpler and more adventurous past when horseback riders and clipper ships conveyed citizens of an ambitious adolescent republic called the United States of America.

**SIXTH ANNIVERSARY OF THE REPUBLIC OF GEORGIA’S RE-INDEPENDENCE**

**HON. BENJAMIN A. GILMAN**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 9, 1997**

Mr. GILMAN. Mr. Speaker, I rise today to commemorate the sixth anniversary of the Republic of Georgia’s re-independence.

Georgia, one of the most ancient countries in the world, is situated in the Caucasus region, the crossroads of Europe and Asia. The country’s rich culture and heritage is exemplified by its language, Georgian, which is over 2,000 years old, and which employs the
unique Georgian alphabet, 1 of only 14 in use in the world today.

While Georgia was annexed by Russia in 1801, it never gave up its fight for independence. In 1918, those efforts were successful as Georgia regained its independence and relinquished its monarchy for a democratically elected government. Sadly, this newfound independence was to be short-lived. In 1921, the Communist Iron Curtain descended over this small yet proud country. Georgia suffered terribly under the heavy hand of Soviet communism, characterized by centrally planned economy. Through it all, the Georgian people never gave up their desire for independence.

On April 9, 1989, Soviet troops broke up a throng of 10,000 Georgian nationalists who were peacefully demonstrating for independence in Georgia's capital, Tbilisi. More than 200 people were injured and 19 killed, many of them women and children. Some were brutally beaten to death with shovels. This tragic event marked both the beginning of the end of Soviet domination and the rebirth of Georgia. After 70 years of Soviet domination, Georgia officially redeclared its independence on April 9, 1991. Thus, it is April 9 that is observed as both a commemoration of a tragedy and as the anniversary on which Georgia's long-fought-for independence was again regained.

Over recent years, under the leadership of President Eduard Shevardnadze, Georgia has made remarkable strides toward a free market economy and democracy. A constitution grounded in democracy values has been adopted, free and fair presidential and parliamentary elections have been held. A new generation of leaders, including Zurab Zhvania, the 34-year-old Chairman of the Parliament who just last month visited us here in Washington, has begun to emerge. On the economic front, Georgia's new currency, the Lari, has remained stable since it was introduced in the fall of 1995. The International Monetary Fund has praised Georgia's economic initiatives and our own State Department has noted the significant progress Georgia has made in restructuring its economy. Several major United States corporations have already established a presence in Georgia.

Accordingly, Mr. Speaker, I rise today to commemorate the sixth anniversary of Georgian independence. I urge my colleagues to join in congratulating Georgia on its progress toward democracy and a free market economy.

**ALASKA NATIVE SUBSISTENCE WHALING EXPENSE CHARITABLE TAX DEDUCTION**

**HON. DON YOUNG**

**OF ALASKA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 9, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce a measure that would provide critically needed tax relief to a few Alaska Native whaling captains who otherwise may not be able to continue their centuries-old tradition of subsistence whaling. In brief, this bill would provide a modest charitable deduction to those Native captains who organize and support traditional whaling activities for their communities.

The Inupiat and Siberian Yupik Eskimos living in the coastal villages of northern and western Alaska have hunting the bowhead whale for thousands of years. The International Whaling Commission [IWC] has acknowledged that “whaling, more than any other activity, fundamentally underlies the total way of life of these communities.”

Today, under the watchful eye of the IWC and the U.S. Department of Commerce, these Natives continue a sharply restricted bowhead subsistence hunt out of 10 coastal villages. Local regulation of the hunt is vested in the Alaska Eskimo Whaling Commission (AEWC) under a cooperative agreement with the Department of Commerce, Office of Oceanic and Atmospheric Administration.

The entire Native whaling community participates in these hunting activities. However, Native tradition requires that the whaling captains are financially and otherwise responsible for the actual conduct of the hunt; meaning they must provide the boat, fuel, gear, weapons, ammunition, food, and special clothing for their crews. Furthermore, they must store the whale meat until it is used.

Each of the approximately 35 bowhead whales landed each year provides thousands of pounds of meat and muktuk—blubber and skin—for these Native communities. Native culture dictates that a whaling captain whose crew lands a whale is responsible for feeding the community in which the captain lives. Customarily, the whale is divided and shared by all of the people in the community free of charge.

In recent years, Native whaling captains have been treating their whaling expenses as a deduction against their personal Federal income tax. While this is entirely legal, because their expenses have skyrocketed due to the increased costs in complying with Federal requirements necessary to outfit a whaling crew, the IRS has refused to allow these deductions, placing an extreme financial burden on those who use personal funds to support their Native communities’ traditional activities. Currently five whaling captains have appeals of these disallowances pending before the tax court of the IRS.

The bill I am introducing today would amend section 170 of the Internal Revenue Code to provide that the investments made by this relatively small and fixed number of subsistence Native whaling captains are fully deductible as charitable contributions against their personal Federal income tax. Such an amendment should also retroactively resolve the disallowance and assessment cases now pending within the statute of limitations.

The expenses incurred by these whaling captains are for the benefit of the entire Native community. These expenses are vital contributions whose only purpose is to provide food to the community and to perpetuate the aboriginal traditions of the Native subsistence whaling culture.

Each Alaskan Native subsistence whaling captain spends an average of $2,500 to $5,000 in whaling equipment and expenses in a given year. A charitable deduction for these expenses would translate into a maximum revenue impact of approximately $230,000 a year.

Such a charitable deduction is justified on a number of grounds. The donations of material and provisions for the purpose of carrying out subsistence whaling, in effect, are charitable contributions to the Inupiat and Siberian Yupik communities for the purpose of supporting an activity that is of considerable cultural, religious, and subsistence importance to those Native people. In expending the amounts claimed, a captain is donating those amounts to the community to carry out these functions.

Similarly, the expenditures can be viewed as donations to the Inupiat Community of the North Slope [ICAS], to the AEWC and to the communities’ participating churches. The ICAS is a federally recognized Indian tribe under the Indian Reorganization Act of 1934 (48 Stat. 984). Under the Indian Tax Status Act, donations to such an Indian Tribe are tax deductible (28 U.S.C., 7871(a)(1)(A)). The AEWC is a 501(c)(3) organization. Both the ICAS and the AEWC are charged with the preservation of Native Alaskan whaling rights.

Also, it is important to note the North Slope Borough of Alaska, on its own and through the AEWC, spends approximately $500,000 to $700,000 annually on bowhead whale research and other Arctic marine research programs in support of the United States’ efforts at the International Whaling Commission. This money that otherwise would come from the Federal budget to support the U.S. representation at the IWC.

Given these facts and internationally and federally protected status of the Native Alaskan subsistence whale hunt, I believe expenditures for the hunt should be treated as charitable donations under section 170 of the Internal Revenue Code. I ask my fellow Members to join with me in clarifying the Federal Tax Code to make this a reality for these Native whaling captains.

**THE ERISA CHILD ABUSE ACCOUNTABILITY ACT**

**HON. CAROLYN B. MALONEY**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of child abuse victims everywhere. The legislation I have introduced, the ERISA Child Abuse Accountability Act, H.R. 1142, empowers people in a system that seems to be set against them.

Abuse survivors may have moved past the physical pain, but the scars, and emotional turmoil remain. Some have turned to the judicial system to hold their abusers accountable for their crimes. They endure traumatic trials, reliving the years of torment, and dredging up suppressed memories, in order to put their pasts behind them.

But too often, a court battle is only the beginning of the struggle. Even if a court finds the abuser guilty and awards the victim compensation, the money often eludes them. The logical target might be the abuser’s pension. However, although private pensions are attachable for child support or alimony settlements, current law protects private pensions from court ordered monetary awards in child abuse cases that otherwise would come from the Federal budget to support the U.S. representation at the IWC.

Under legislation authored by Representative Patricia Schroeder and passed during the 103d Congress, victims of child abuse are permitted to collect awards from Federal pensions. The ERISA Child Abuse Accountability Act is a natural extension of the original bill, to include private pensions.

Those who would commit a crime against a child must be held accountable. We cannot
allow abusers to hide behind the law. I urge my colleagues to support this bill and put the law on the side of the victims.

“THERE IS HOPE FOR THE CHILDREN”

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of my colleagues the following article, “There is Hope for the Children” by Judy Mann in the Washington Post on Friday, March 14. This article ably describes how children are helping themselves through programs funded by UNICEF and the U.S. Agency for International Development. The article also presents an excellent summary of the UNICEF report, “America’s Partnership with UNICEF,” written by former House Appropriations Committee staff member Terry Peel. Terry’s efforts to promote child survival have given tens of millions of children the chance for a decent life. I commend this important article to your attention:

[From the Washington Post, Mar. 14, 1997]

THERE IS HOPE FOR THE CHILDREN

(BY JUDY MANN)

Ten years ago, less than 40 percent of the children in Uganda and Kenya were immunized. Twenty percent of them were dying of preventable diseases. Today, the immunization rate has reached 80 percent. Uganda’s under-5 mortality rate has dropped from 218 per 1,000 live births in 1960 to 185 in 1995, and Kenya’s has dropped from 202 to 90.

This success story is one of many included in two reports that indicate a decade of genuine progress in child survival led by UNICEF and the U.S. Agency for International Development. In the pictures of the children at health centers and schools, in the faces of mothers, fathers, health care workers and teachers, there is hope and a determination to beat malnourishment and disease.

The UNICEF report was written by Terry R. Peel, a former staff director of the House Foreign Affairs Committee, who traveled to Latin America, Africa and Asia to find out how U.S. support for UNICEF—which has amounted to $840 million during the last decade—has taken practices developed to increase child immunization in Kenya to Baltimore—and the city’s immunization rate has risen from 62 percent to 96 percent for school-age children.

In its report, AID estimates that the therapy saved 1.5 million children a year. It was critical during a cholera outbreak that began in Latin America in 1991.

At a program marking International Women’s Day at the U.S. State Department yesterday, first lady Hillary Rodham Clinton referred to the program: “We can learn from our neighbors around the world,” she said. “Countless lives can be improved, and we can improve lives here at home.”

Clinton, who leaves this weekend for Africa, said she hoped her trip would give “American people a renewed sense of the importance of our commitment to Africa.”

“In this time of interdependence and interconnection, we all have a stake in each other,” she said. “American interests are at stake. Far more importantly, America’s values are at stake.”

One of those values is a commitment to the welfare of children. Through AID and its support of UNICEF and other international child and family organizations, the United States has prevented millions of child deaths and improved the quality of life for millions of children. In the last decade, AID has spent $2 billion on child survival.

Americans can take heart from these two reports:

This is taxpayers’ money well spent.

LET’S MAKE IT CLEAR THAT WE ARE UNITED IN PROVIDING TAX RELIEF FOR AMERICAN FAMILIES

HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. PITTS. Mr. Speaker, today I introduced a House resolution calling upon the Congress and the President to come together to enact permanent tax relief for American families. I urge you and the rest of my colleagues to join me in a bipartisan effort to give tax relief to those who need it most; the hardworking American family.

Mr. Speaker, according to a recent study, American families pay more in taxes than they spend on food, clothing, transportation, and shelter. Further, every American will spend at least 120 days of this year to pay his or her share of taxes. Only after that point can an American begin to enjoy the rewards of a hard day’s work. I think it’s time to let American families keep more of what they earn.

My tax freedom resolution will send a reminder to the American taxpayer that we hear their cries for tax relief. As April 15 is around the corner, many Americans are wondering what their Federal tax paychecks will buy. Americans want and need real, permanent tax relief, and they need a smaller Federal Government that spends less. I believe that my tax freedom resolution will unite the House of Representatives under the cause of serving the American people.

Mr. Speaker, I urge you to endorse this bipartisan effort to enact real, permanent tax relief for the American family in the coming months. I look forward to working with you on this important issue, and urge that the tax freedom resolution be brought to the House floor so that Americans know that we are working for them.

CHICAGO FAMILY CENTER 25TH ANNIVERSARY

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1997

Mr. GREEN. Mr. Speaker, for as long as I have been representing Houston in the Texas House and Senate and now in the U.S. House of Representatives, our community has benefited from the presence of the Chicano Family Center.

This month, the Chicano Family Center celebrates its 25th anniversary. April 17 will mark one-quarter of a century of the center’s commitment to providing family counseling, intake and referral services, emergency food and clothing, substance abuse prevention and intervention programs for children and families, afterschool and summer programs, recreation and sports activities, juvenile delinquency and teen pregnancy prevention, HIV/AIDS education and English as a second language instruction.

The Chicano Family Center has left an indelible imprint on the lives of families throughout Houston through these meaningful programs. Though the center serves a predominantly Hispanic community, its doors are open to any person who asks for help or who seeks to participate in its programs. The Chicano Family Center’s simultaneous empowerment of the Hispanic community and fostering of cross-cultural interaction and understanding have enriched the lives of Houston area residents from all ethnic backgrounds.

In recognizing Houston’s Chicano Family Center today, I am echoing the words of praise the center has earned from the Houston Chronicle, the United Way, Governor George Bush’s office and the mayor of the city of Houston Robert Lanier, among others.

Thank you, Chicano Family Center, for your 25 years of service to our community, inspiration to our citizens and promotion of the highest ideals.

[From the Houston Chronicle]
field some 1,500 citizens for a day of community service. The project combines teams of volunteers from schools, churches, neighborhoods, businesses and families with corporate sponsors and aims to demonstrate the power of citizens to improve their communities.

The volunteers will, among other things, make repairs to schools, houses and church buildings, including wheelchair ramps and conduct field trips for children with special needs. The project also will raise money to support the AmeriCorps intern who will be assigned to the school and afterschool programs for more than 1,000 children every day.

One of Serve Houston's important community partners is the Chicano Family Center, which celebrates its 25th anniversary on Monday, located on Avenue E on Houston's east side, the center serves a largely Hispanic neighborhood and clientele but provides help to any person who asks for it, regardless of ethnicity and with no questions asked.

The center efficiently and productively provides a broad array of social services for children, young parents and the elderly: education and literacy training; tutoring and counseling for students; an award-winning scouting troop; family and drug abuse counseling; nutrition and sewing classes; and medical referrals. The list continues much further and covers virtually everything families need to correct problems, survive crises and learn the skills and habits necessary to live successful and fulfilling lives. In short, the Chicano Family Center serves as a model for delivery of social services to the community.

As welfare reform proceeds and welfare recipients used up their rationed benefits, community service organizations such as Serve Houston and the Chicano Family Center, which combine public and private resources, professionals and volunteers, will play an increasing role in providing help for those who need it.

PERSONAL EXPLANATION
HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997
Mr. EHLERS. Mr. Speaker, on rollcall No. 73, I was involved in other legislative business and was not able to vote in time. Had I been present, I would have voted "yes."

EXPLANATION OF ABSENCE
HON. EARL POMEROY
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997
Mr. POMEROY. Mr. Speaker, yesterday I was in North Dakota participating in the emergency relief efforts that are underway to help the victims of the latest winter storm to hit the Upper Great Plains. As a result, I was absent for rollcall votes No. 72 and 73. Had I been present, I would have voted "aye" on both measures.

EXTENDING EFFECTIVE DATE OF INVESTMENT ADVISORS SUPERVISION COORDINATION ACT
SPEECH OF
HON. TOM BLILEY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 18, 1997
Mr. BLILEY. Mr. Speaker, at the time S. 410 was brought up for consideration in the House and passed, the Congressional Budget Office had not completed its cost estimate for the bill. The Congressional Budget Office has since completed its estimate and I ask that it be inserted in the CONGRESSIONAL RECORD at the appropriate place in the debate on S. 410.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Hon. Thomas B. Sullivan,
Chairman, Committee on Commerce, House of Representatives, Washington, D.C.

DEAR Mr. CHAIRMAN: At your request, the Congressional Budget Office has prepared the enclosed cost estimate for S. 410, an act to extend the effective date of the Investment Advisors Supervision Coordination Act, as passed by the House of Representatives on March 18, 1997. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Forward and Pepper Santalucia.

Sincerely,
JUNE E. O'NEILL, Director.

CBO estimates that S. 410 would have no significant effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. In addition, S. 410 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

S. 410 would be enacted on April 9, 1997, to July 8, 1997, the effective date for the Investment Advisors Supervision Coordination Act, enacted on October 11, 1996, as title III of the Public Company Accounting Oversight Board Act of 1993. The Investment Advisors Supervision Coordination Act eases registration and bookkeeping requirements for certain investment advisers. The law exempts investment advisers already regulated by a state from registering with the Securities and Exchange Commission (SEC) unless the investment adviser manages assets greater than $25 million and at least $25 million would be expected to conduct an investment or business development company. In addition, the law restricts the ability of a state to impose certain requirements on investment advisers that conduct business in a state but maintain their principal place of business elsewhere.

Enacting S. 410 would provide the SEC and states with more time to prepare for the changes required by the 1996 act. CBO estimates that the SEC's workload would not change significantly as a result of the 90-day extension.

The CBO staff contacts for this estimate are Rachel Forward, for the federal budgetary impact, and Pepper Santalucia, for the intergovernmental and private-sector mandates.

Approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

IN RECOGNITION OF JANET CONKLIN KIREKER AND FANNIE CALDWELL ALLEN
HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997
Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate Janet Conklin Kireker and her grandmother, the late Fannie Caldwell Allen, on their recent recognition by the Social Service Association of Ridgewood and Vicinity Inc. I would like to add my own recognition of the work they have done.

Fannie Caldwell Allen, Janet Conklin Kireker, and the Social Service Association of Ridgewood and Vicinity are the embodiment and personification of what has made America the greatest democracy on Earth and a beacon to the world.

Now I know that is easy to say. The rhetoric rolls too easily off the tongues of politicians. But this is genuine testimony that have been associated with the Social Service Association both today and through its 100-year history. These are the Americans—faithful to the principles of our Founding Fathers—who have been there when their neighbors turned to them for help.

Whether due to illness, disability, advanced age or economic hardship not of their making, these friends and neighbors in need have relied upon the Social Service Association. The Social Service Association has been there with material and emotional support delivered personally and courtesy of volunteers who have been volunteered and donated by the helping people of the community.

In honoring Fannie Caldwell Allen, we recognize that she set a very high standard as the association's longest-serving president. Born in New York City in 1871, she moved to Ridgewood as a young mother in 1903 and, with her husband, William, raised four children in their Woodside Avenue home. She joined the association in 1916, was named to the board in 1917, became recording secretary in 1918 and became president in 1919. She held that position until October 1937. During the aftermath of World War I, the prohibition era and the Great Depression, she led the women of the association as they helped their neighbors deal with both the special problems of the times and the ordinary problems of everyday life.

During Mrs. Allen's tenure, the association's caseload, range of services, budget and community profile all grew tremendously. Among the highlights were the establishment of a preschool at local schools as an extension of Thanksgiving in 1924, establishment of the association's long-standing relationship with the Community Chest in 1926 and the opening of the Thrift Shop in 1930.

Upon her retirement as president in 1937, Mrs. Allen was named honorary president in recognition and appreciation of her many years of devoted leadership. She died in 1961. Following in that heritage of dedicated altruism, Mrs. Allen's granddaughter, Janet Conklin Kireker, has been a true friend to the Social Service Association. For many years, she and her husband, Frank, have generously supported the association and its goals. In addition to the association, she has been a long-standing member of the Woman's Club of...
Ridgewood, where she serves as a member of the Board of Trustees; the College Club; the American Red Cross; and Valley Hospital, where she has volunteered with distinction for 25 years and is a patient representative. She and Frank raised three children in Ridgewood. It has been with the support and generosity of caring citizens like Janet that the association has thrived and admirably served those in need. It is thanks to the longstanding commitment of volunteers like Fannie and Janet and all the other women who have worked with the Social Service Association that the association has established the outstanding, noble reputation it enjoys throughout the State of New Jersey.

Many people speak of helping others but few back up their words with deeds. The members of the Social Service Association are among those few. When a family has needed a meal, they were there. When a child needed clothing, they were there. When a hand-capped child needed a wheelchair, they were there. There are many stories I could tell, many superlatives I could apply and many plaudits I could offer. In plain language, when someone needs help, the Social Security Association is there.

The women of the association are selfless, dedicated individuals who have tremendous compassion for their fellow human beings. They are examples for us all.

I also have a few words of personal testimony. Janet has meant so much to me. She was always there whenever I needed her. In my early days of running for office, when nobody thought that housewife from Ridgewood could ever be elected, she was there. This housewife from Ridgewood would never have become a Congresswoman serving our Nation had it not been for her loyalty and generous support.

And America—now, as we face the millennium—is looking back to restore those values and qualities that built our great Nation. As we face a new world of technological change, a global economy, and the challenges of cultural change we must retain our commitment to the enduring values of our 200 years of history. The tradition of neighbor helping neighbor—holding up a hand, generously donating financial resources, willingness to help those who cannot help themselves—is kept alive because of people like the women of the Social Service Association of Ridgewood.

Those are the sterling qualities we celebrate today. Those are what Janet and her grandmother have given to our community. For that we praise her.

She is a role model for the future. Janet said at this month’s award ceremony that she was certain her grandmother was smiling down from above. Today, as I write this, I am certain that Fannie Allen and many others of her generation are looking with favor upon Janet Conklin Kireker and the many others who have carried on in their tradition.

UNITED STATES MUST SUPPORT HUMAN RIGHTS AND FREEDOM FOR SIKHS OF KHALISTAN

HON. PETER T. KING
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. KING. Mr. Speaker, I was alarmed to read of the death of Kashmir Singh, the Public Secretary of the Akali Dal, Amritsar, for the district of Hoshiarpur. This incident has, once again, raised serious questions about the Indian Government's policies on political dissent.

According to media reports, Kashmir Singh and his father were taken from their home by Indian police at about 1:30 a.m. on March 15. Kashmir Singh died in police custody. Although the police declared the incident an "encounter," there is a long history of such extrajudicial killing in India's campaign of oppression against the Sikhs and other minorities in South Asia.

Even the pro-Government Indian Express called Singh's death "a cold-blooded killing." Unfortunately the death of Kashmir Singh was not an isolated incident. There is an established pattern of repression in India. Countless political critics of the regime have been unfairly imprisoned, tortured, or disappeared.

The United States must support human rights and democracy throughout the world. Our Nation is a beacon of hope for people seeking self-determination and freedom. The people of Khalistan deserve that support.

INTRODUCTION OF THE DOLPHIN-SAFE FISHING ACT

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. MILLER of California. Mr. Speaker, we are about to enter into another round of debate on legislation to weaken one of our most popular environmental laws. Why? Because a foreign government demands it, and it has threatened to kill thousands of dolphins if we don't.

During the last Congress, a small number of environmental groups secretly negotiated an agreement with Mexico and other Latin American nations to change the United States law assuring our children that the tuna they eat in their school lunches wasn't caught at the expense of dolphins. That deal was then presented to the Congress as something to leave it, and if we don't, it will be allowed its way—because Mexico has wanted it that way, because Mexico has charged that we are flouting the rules of international free trade.

Is this where free trade principles have brought us? To a demand that we either open our markets to Mexican tuna or they'll slaughter even more dolphins?

There has to be a better way. And there is. Today I am introducing the Dolphin-Safe Fishing Act, alternative legislation that would reward fishermen of other nations who choose to follow the rules by allowing their tuna to be sold in the United States under the famous "dolphin safe" label. Unlike other legislation on this issue, my bill would resolve the current trade dispute with Mexico without weakening United States laws.

The Dolphin-Safe Fishing Act would allow tuna to be sold in the United States by nations whose fishing fleets continue to reduce dolphin deaths beyond last year's mortality level of just over 2,700 animals. By contrast, other legislation promoted by foreign tuna interests would authorize dolphin deaths of more than 5,000 dolphins next year.

Countries which wish to sell their tuna in our market would have to be certified by the Secretary of Commerce as not being involved in the transport of illegal drugs. The need for this provision has been established in recent articles in the Latin American and United States press and in testimony before Congress.

For example: At least 275 tons of cocaine transit the eastern tropical Pacific Ocean every year. In July 1995, a Panamanian tuna vessel was caught off the coast of Peru with more than 12 tons of cocaine. This vessel was registered by a fishing company, Pesquera Azteca, owned by Colombian Oal Cartel drug trafficker Jose Cardalll Heno.

In August 1996, a Honduran-registered fishing ship crewed by Colombians and Ecuadorians was seized off the Colombian coast with 2 tons of cocaine.

In January 1997, a Mexican fishing vessel was intercepted off Mexico's Pacific coast carrying 3.5 tons of cocaine.

In September 1996, Manuel Rodriguez Lopez, owner of Gigante—a practice prohibited by the Marine Mammal Protection Act and the Endangered Species Act—and permit that tuna to be deceptively labelled "safe" for dolphins.

The Dolphin-Safe Fishing Act specifically addresses by-catch problems in the tuna fishery by requiring that all threatened and endangered species, such as sea turtles, be released alive, and requires fishing nations to adopt a by-catch reduction program to reduce the harvest of nontarget species.

Finally, the bill expresses the Sense of the Congress that each nation participating in the tuna fishery should contribute an equitable amount to the expenses of the Commission that oversees this fishery. Currently, the United States pays more than 90 percent of the expenses, although the United States has the smallest eastern Pacific tuna fishing fleet. The United States also houses the Commission, rent-free, in a waterfront property in La Jolla, CA, which would generate approximately $500,000 annually for the United States.

The Dolphin-Safe Fishing Act is supported by a coalition of more than 80 environmental consumer protection, and labor organizations, including the Sierra Club, Defenders of Wildlife, Public Citizen, the National Consumers League, Humane Society of the United States, the National Family Farm Coalition, the International Brotherhood of Teamsters, the Oil Chemical and Atomic Workers International, and Clean Water Action.
The Dolphin-Safe Fishing Act is the responsible way to respond to concerns about the tuna trade, and I urge my colleagues to get the facts before they support any other legislation.

RICHARD BURSTEIN—VALLEY BETH SHALOM MAN OF THE YEAR

HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SHERMAN. Mr. Speaker, it is my honor to commend Mr. Richard Burstein, an outstanding citizen. On June 1, 1997, Richard will be named the Valley Beth Shalom in Encino, CA.

Richard, who lives in the San Fernando Valley with his wife, Irene, and their two sons, received his undergraduate degree at the University of California at Los Angeles where he graduated with a bachelor of arts degree in Political Science in June 1970, awarded magna cum laude. After graduating college, Richard enrolled in the University of California at Berkeley, Boalt Hall School of Law, graduating with a juris doctor degree in June 1973.

During 1972–73, Richard served on the Moot Court Board.

Richard has been a practicing attorney in California for 24 years. Richard specializes in general civil litigation, commercial real estate, business, tort contract, and corporate matters. His practice includes matters in both state and Federal court and also issues of attorney conduct. He is a member of the California State Bar where he has served as a judge pro tem in the Hearing Department of the State Bar Court.

Not only has Richard excelled in his professional life, but he has been a great community leader as well, enhancing the lives of his fellow citizens in the community. He has devoted countless hours of service at his synagogue, Valley Beth Shalom, where he served as president from July 1994 through June 1996. During his presidency, with his collegial style he found solutions to difficult problems as he coordinated the Temple’s successful efforts to complete the repairs caused by the devastating January 17, 1994 Northridge earthquake. He worked to ensure that the earthquake repairs and events at the Temple were conducted in a way that was sensitive to the needs and concerns of the Temple’s neighbors and the conditions established by the city of Los Angeles.

He previously served as President of the Valley Beth Shalom Day School for 3 years, and as Temple vice president of Administration and Education. As the immediate past president, Richard serves on the executive committee and the board of directors of Valley Beth Shalom. Richard’s emphasis on the needs of our community has had a great impact on all our lives; his values and ethics have set an example for others to follow—that is why it is with great pleasure and esteem that I stand here today to pay tribute to a great citizen of our Nation.

Mr. Speaker, I ask my colleagues to join me in congratulating Richard on being honored as Valley Beth Shalom’s Man of the Year. His wife, his children, and his community can be proud of Richard’s accomplishments. His unselfish dedication will be marked forever in our history.

THE BIRTHDAY OF THE SIKH NA- TION: A TIME TO SPEAK OUT FOR FREEDOM

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to take this opportunity to wish our Sikh friends a happy Vaisakhi Day. This day commemorates the anniversary of the founding of the Khalsa by Guru Gobind Singh in 1699. It is an extremely important day in the Sikh calendar.

In 1999, only 2 years from now, the Sikh Nation will celebrate its 300th anniversary. This will be a major celebration for the Sikh Nation and its friends. However, it will be diminished if the Sikhs continue to live under the kind of brutal tyranny and repression where human rights violations are committed by the occupiers, Indian forces.

A recent example on March 15, 1997, involved the abduction and murder of Kashmir Singh, an official of the Akali Dal or Amritsar. Kashmir Singh was picked up by the police in the middle of the night by the police and mule-dered. His lifeless body was then dumped at the district hospital. On September 6, 1995, the police kidnapped human rights activist Jaswant Singh Khalra, who had published a report exposing their policy of mass cremations. Last year it was reported that the police picked up and murdered a 3-year-old Sikh boy, his father, and his uncle, who were all suspected terrorists. Quite frankly, it is difficult for me to believe that a 3-year-old boy could be a terrorist. The regime has also detained and harassed Ram Narayan Kumar, a Hindu human rights activist who produced the video, “Disappearances in Punjab,” which was provided to me last year by the Council of Khalistan. The list goes on and on.

All told, it is estimated that over a quarter of a million Sikhs have been persecuted for speaking out in India. In America, we call it free speech. In India, they call it subversive. I hope my colleagues will take a few minutes to review the following article on the murder.

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A COLD-BLOODED KILLING?

[From the Indian Express, Mar. 17, 1997]

Wednesday, April 9, 1997

A COLD-BLOODED KILLING?

[From the Indian Express, Mar. 17, 1997]
The bill authorizes $100 million in fiscal year 1998 and such sums as may be necessary in fiscal years 1999 and 2000 to expand basic and clinical research, establish up to 10 Morris K. Udall Parkinson's research centers across the country, provide for a coordinated program of research and training with respect to Parkinson's disease at the National Institutes of Health, and establish a grant awards program to support researchers who demonstrate the potential for making breakthrough discoveries in Parkinson's.

Parkinson's disease is a chronic, progressive disorder affecting 1 million Americans. In its final stages, the disease robs individuals of the ability to speak or move. Although Parkinson's disease costs society an estimated $26 billion a year in medical and lost productivity costs—costs which will escalate as the baby boom generation ages—Parkinson's research is severely underfunded. The research funding level has essentially been flat for the past 5 years, averaging about $26 million a year, or only $26 per patient in direct research funding.

I encourage my colleagues who have not already done so to cosponsor the Morris K. Udall Parkinson's Research Act and join us in the search for a cure for this devastating disease.

INTRODUCTION OF THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY COMPLIANCE ACT OF 1997

HON. ANNA G. ESCHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Ms. ESCHOO. Mr. Speaker, I rise today to introduce the Federal Electronic and Information Technology Accessibility Compliance Act of 1997. This legislation would strengthen current law that requires information technology purchased by Federal agencies to be accessible to their employees with disabilities. It also would continue the existing expectation that States receiving Federal funds for disability programs meet accessibility guidelines in their information technology acquisitions.

There are approximately 145,000 Federal employees with disabilities, and they comprise 7.5 percent of the Federal work force. While they are employed in a variety of agencies, most of their work is in the Department of Defense, the Department of Veterans' Affairs, and the Department of Agriculture. We can be proud that the Federal Government is offering solid employment opportunities to so many people with disabilities and taking advantage of the talents, insights, and knowledge that they have to share.

Information technology has played a large role in opening jobs in the Federal Government and elsewhere to people with disabilities. For example, an estimated 43 percent of employed people who are blind or visually impaired use computers to write. However, information technology can also shut the door to employment for people with disabilities if it isn't accessible to them. Web sites with heavy graphics content may not be designed to be compatible with software commonly used by people who are blind or visually impaired to read information on computer screens.

So it is imperative to Federal employees with disabilities for Federal agencies to purchase information technology that gives them a chance to do their jobs instead of cutting them off from full participation in the work force.

Section 508 of the Rehabilitation Act was designed to achieve this goal. It calls on Federal agencies to follow guidelines established by the General Services Administration and the Department of Education to ensure that their information technology is accessible to people with disabilities. Unfortunately, section 508 contains no mechanism, and many Federal agencies are not in compliance with the guidelines.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 would add teeth to section 508 by establishing a way to enforce agency compliance with the guidelines. It asks the Office of Management and Budget (OMB) to develop uniform procedures for Federal agencies to use each year to certify whether or not they are in compliance with section 508 guidelines. OMB also is given authority to review agency compliance statements and assist agencies in making their information technology systems accessible to their employees with disabilities.

Additionally, the legislation addresses another problem related to section 508 guidelines. The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 contain a mechanism to encourage States to follow section 508 guidelines as a condition for receiving Federal funding for disability related projects. However, this law is expected to expire in a few years. My legislation takes the language from the Technology Act and inserts it into the Rehabilitation Act as one of the expectations for States to meet in exchange for vocational rehabilitation funding from the Federal Government.

Mr. Speaker, this legislation will help make the Federal Government a better workplace for people with disabilities. I urge my colleagues to join me in this effort by supporting the Federal Electronic and Information Technology Accessibility Compliance Act of 1997.

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THE MORRIS K. UDALL PARKINSON'S RESEARCH ACT OF 1997

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. UPTON. Mr. Speaker, it is my pleasure and privilege today to join with Represenatative HENRY WAXMAN and 106 of our colleagues in introducing H.R. 1260, the Morris K. Udall Parkinson's Research Act of 1997. This legislation is designed to expand and coordinate research on Parkinson's disease to speed the discovery of a cure for this devastating disorder.

The bill authorizes $100 million in fiscal year 1998 and such sums as may be necessary in fiscal years 1999 and 2000 to expand basic and clinical research, establish up to 10 Morris K. Udall Parkinson's research centers across the country, provide for a coordinated program of research and training with respect to Parkinson's disease at the National Institutes of Health, and establish a grant awards program to support researchers who demonstrate the potential for making breakthrough discoveries in Parkinson's.

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I encourage my colleagues who have not already done so to cosponsor the Morris K. Udall Parkinson's Research Act and join us in the search for a cure for this devastating disease.

THE INTRODUCTION OF THE JUDICIAL REFORM ACT OF 1997

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 1997

Mr. HYDE. Mr. Speaker, I am pleased, along with many of my colleagues on the Judiciary Committee, to introduce the Judicial Reform Act of 1997. This necessary legislation addresses one of the most disturbing problems facing our constitutional system today—the infrequent but intolerable breach of the separation of powers by some members of the Federal judiciary.

The first reform contained in this bill was developed originally by a valued member of the committee, Representative BONO of California. Recognizing the unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in propositions 187 and 209, this bill provides that requests for injunctions in cases challenging the constitutionality of measures passed by a State referendum must be heard by a three-judge panel. Unlike other Federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the Judicial Reform Act of 1997 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the citizens of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 where an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, it would be up to three judges at the trial level, according to procedures already provided by statute, to hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a State is redistricted...
for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these 3-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the Federal judiciary, while substantially protecting the rights of the voters of a State.

This bill recognizes that State referenda reflect, more than any other process, the one-person-one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that does not upset proper balance between Federal-State relations. I applaud Mr. BONO for his efforts in extending the protection afforded to Voting Rights Act cases to direct initiatives of the people.

The second reform contained in this bill was developed by the chairman of the Subcommittee on the Constitution, Representative CANADY of Florida. It allows immediate [interlocutory] appeals of class action certifications by a Federal district judge. When a district judge determines that an action must be maintained as a class action, the provisions contained in the Judicial Reform Act allow a party to that case to appeal that decision immediately to the proper court of appeals without delaying the progress of the underlying case. This prevents automatic certification by judges whose decisions may go unchallenged because the parties have invested too many resources into the case before an appeal is allowed.

This bill will also prevent abuses by attorneys who bring class action suits when they are not warranted, and provides protection to defendants who may be forced to expend unnecessary resources at trial, only to find that a class action was improperly brought against them in the first place.

The third reform contained in this bill was developed by another valued member of the committee, Representative BRYANT of Tennessee. It requires that a complaint brought against a Federal judge be sent to a circuit other than the one in which the judge who is the object of the complaint sits for review. This will provide for a more objective review of the complaint and improve the efficacy of the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. 372—The 1980 Act—which established a mechanism for the filing of complaints against Federal judges.

Under those procedures, a complaint alleging that a Federal judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts may be filed with the clerk of the U.S. Court of Appeals for the circuit in which the Federal judge to be complained against sits. Under section 372, special committees will report to the judicial council of the circuit, which will decide what action, if any, should be taken.

By requiring that complaints filed under the 1980 act be transferred to a circuit other than the circuit in which the alleged wrongdoings more likely appear to exist, the 1980 Act provides protection to defendants who may be subjected to a particular Federal judge, appointed for life, in any specific case. It might be used by litigants in a community to avoid forum shopping by the other side in a case, or to avoid a judge who is known to engage in improper courtroom behavior or who regularly exceeds judicial authority.

This provision is not meant to replace appellate review of trial judges’ decisions, but rather to complement appellate review by encouraging judges to fairly administer their oaths of office to uphold the Constitution. Many judges face constant reversals on appeal, but still force litigants to bear extraordinary costs before them and further bear the burden of overcoming standards of review on appeal. This provision allows litigants some freedom in ensuring that a case is decided by a judge who is not biased against litigants in a particular trial court. The judiciary is not equipped nor given the power to exercise its power to hear cases, but rather to review decisions of trial judges, to ensure fairness in the hearing of cases without stripping jurisdiction, or reclaiming any powers granted by Congress to the lower courts. It does assure that litigants in Federal courts will be entitled to fair rules of practice and procedure leading to the due process of claims.

I commend the entire Committee on the Judiciary for their work in procuring these reforms to our courts, and look forward to hearing on this bill in the middle of May by the Subcommittee on Courts and Intellectual Property, chaired by Representative HOWARD COBLE.

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HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute to the Devil Pups, an outstanding program that has served Ventura County and California for over 40 years.

The Devil Pups Program was started in 1954 with the objective of developing the qualities of good citizenship, self-control, confidence, personal discipline, teamwork, respect for family and country in young men 14 through 17 years of age. Through interaction with Marine Corps leaders and observation of Marine training, Devil Pups instill a greater sense of pride and personal accomplishment in each of the program’s graduates.

As one of the first Devil Pup recruits in 1958, I can personally speak of its merits. I began the program a young boy and emerged a young man. We trained like Marines and we felt like Marines—except we occasionally had access to water while the Marines carried canteens.

Devil Pups gain insight into the principles on which our Nation was founded and thus enhance their pride of country and its flag. During their 10 days at camp, Devil Pups learn first aid, physical conditioning, attend educational lectures on the dangers of drug and alcohol abuse, and much more.

In this time of reliance on Government Expenditure, the Devil Pups are unique. The program is financed entirely by donations from charitable foundations, business corporations, and individuals. They do not solicit grants from the Federal Government. And, more importantly, there is no cost to the pup or his family.

The Devil Pups and the fine volunteers who operate the program are models for our community and our youth. I wish each of them many more successes.

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

PROPERTY CLAIMS IN CENTRAL AND EASTERN EUROPE

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IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SMITH of New Jersey. Mr. Speaker, at the end of the last Congress, I introduced a resolution on the difficult subject of property claims arising from Fascist- and Communist-era confiscations in Central and Eastern Europe. As with the previous resolution, I am joined by my colleagues from the Helsinki Commission in introducing this resolution. Mr. PORTER, Mr. WOLF, Mr. SALMON, Mr. CHRISTENSEN, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN have agreed to be original cosponsors of this resolution.

This resolution stemmed from a hearing I convened in July with Under Secretary of
Commerce Stuart Eizenstat and Chairwoman Delissa Ridgway. In compelling testimony presented to the Helsinki Commission, these two individuals outlined the maze of programs and procedures which govern property claims in Central and Eastern Europe today. Chairwoman Ridgway’s Commission is primarily concerned with adjudicating agreements on behalf of American claimants in those instances where agreements between the United States and foreign governments have already been reached. Under Secretary Eizenstat has sought to engage these governments in a dialog about these issues, to foster a greater acknowledgment of past wrongs, and to discern the ways in which the process of making compensation or restitution can be further advanced. I commend both of these people for the strong leadership they have shown in their work.

Mr. Speaker, the procedures that exist for compensation or restitution differ from country to country, often requiring claimants to travel a road strewn with conditions and qualifications that must be a miracle for anyone to have any property returned. And that, of course, is only in those countries which have actually adopted restitution or compensation laws—many countries in this region have not even adopted restitution and compensation laws themselves. And in particular, any assumptions that ensure that the survivors of Nazi persecution—people who, in many instances, were unable to receive compensation made available to their counterparts in the West or in Israel—receive the belated compensation that may enable them to live their remaining days in dignity. Moreover, I am deeply troubled that several countries in this region have adopted compensation or restitution laws that discriminate on the basis of citizenship or residency, a move that clearly and unfairly discriminates against American claimants.

I hope other Members of Congress will join me in signaling the countries of Central and Eastern Europe and, in particular, calling for the urgent return of property formerly belonging to Jewish communities as a means of redressing the especially compelling problems of aging and often destitute survivors of the Holocaust. In addition, this resolution calls for countries to remove from their books restrictions which require claimants seeking compensation or restitution to have the citizenship of, or residency in, the country from which they seek compensation or restitution.

Mr. Speaker, I would ask that the text of the resolution be printed in the RECORD at this point.

H. Con. Res.—

Whereas Fascist and Communist dictatorships committed unspeakable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained confiscation of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by diverting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongfully stripped of their property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restitution which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws be consistent with international human rights standards; Now, therefore, be it

Resolved by the Senate and House of Representatives (the Senate concurring), That the Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners, in alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on other countries, particularly those whose properties have been wrongfully plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, governments, and other foreign financial institutions to prompt, just, and effective compensation to survivors of Nazi persecutions victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

Encourages post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

In Support of H.R. 582: The Medicare Hospital Outpatient Reform Act of 1997

Hon. Fortney Pete Stark
Of California

In the House of Representatives

Wednesday, April 9, 1997

Mr. STARK. Mr. Speaker, on February 4, Representative COYNE and myself introduced a bill to provide for an immediate correction of a serious Medicare beneficiary problem: the overcharging of seniors and the disabled by hospital outpatient departments. The President’s budget also calls for a correction of this problem, but phases in the correction over a 10-year period.

In Medicare, the program generally pays 80 percent of part B bills and the patient pays 20 percent, but because of the way the HOPD benefit was drafted, currently beneficiaries are paying about 45 percent and Medicare 55 percent. Simply put, the problem arises because Medicare pays the hospital on the basis of reasonable cost, while the beneficiary is stuck with 20 percent of charges—and charges can be anything the hospital wants to say they are. Recently, the American Association of Retired Persons asked its members for examples of problems they had had with HOPD billings. They received an overwhelming response, and over the coming weeks, I would like to enter some of these letters in the RECORD.

These examples are the proof of why we need to fix this problem ASAP.

The first is from Mrs. Patterson of Chico, CA, who was in the hospital 5 hours, and Medicare paid the full bill—less than 20 percent of charges. Medicare then had to fix this problem ASAP.

Mrs. Patterson, or her medigap policy if she had one, should have paid $818.80. In my letter, the hospital books by Medicare. Medicare then had to fix this problem ASAP.

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Robertson family of Alhambra, CA, for cataract surgery. Medicare paid the full bill—less than 20 percent of charges. Medicare then had to fix this problem ASAP.

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surgery. In this case, the total Medicare allowed cost of the procedure was $2114.80, but Medicare didn’t pay 80 percent—it only paid 47 percent and the patient paid 53 percent.

The last letter is also printed below, from a man in north central California. It reflects the absolute nonsense hospitals are telling patients when they question these bills. When you examine the bills—not reprinted below—it is clear that on a bill showing charges of $2522.50, the patient paid 20 percent of the charges or $504.50. Medicare determined that the cost of the procedure was worth $933.33, but since the beneficiary had already paid $504.50, Medicare only owed another $428.83. In this case, the beneficiary paid 54 percent of the fair cost, while Medicare escaped with only paying 46 percent.

These letters are a testament to the need to pass H.R. 582.

ROBERTSON, Alhambra, CA, September 17, 1996.

AARP, OUTPATIENT STORIES, Dept. 601 E St. NW, Washington, DC.

The enclosed Medicare EOMB copy is for cataract surgery services, surgeons fee not included.

Medicare paid the hospital $988.45. This payment is not disclosed on the EOMB.

As shown on the EOMB, the patient is responsible for $1,126.35.

GENTLEMEN: I am glad to see that you are concerned about the Medicare outpatient matter. At the time of my cataract surgery (see dates) I could not get anybody interested.

As you say in your article and also in the latest Medicare Handbook (Page 15 under heading “What You Pay”) the patient pays 20% of the charges not of the amount that Medicare approves of, as is usually the case with part B of Medicare. It does not say that Medicare is responsible for 80% of the charges and indeed, in my case it only paid 17% of the charges (see copy of the bill) although I paid my 20%. As you can see, the remaining 63% was written off and no one paid it.

At the time, I called the hospital on the phone and the representative said that the hospital has a special contract with Medicare allowing them to pay the tiny fraction of the charges (17%). She claimed that the $1,589.17 write-off was a “loss” to the hospital.

As I said in the beginning, I am glad that someone with clout is interested in this unfairness.
<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Time</th>
<th>Committee</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>APRIL 11</td>
<td>9:30 a.m.</td>
<td>Judiciary</td>
<td>Administrative Oversight and the Courts Committee</td>
</tr>
<tr>
<td></td>
<td>10:00 a.m.</td>
<td>Labor and Human Resources</td>
<td>To hold hearings to examine the increase in personal bankruptcies and the crisis in consumer credit.</td>
</tr>
<tr>
<td>APRIL 14</td>
<td>1:30 p.m.</td>
<td>Finance</td>
<td>To hold hearings to review the Tax Foundation's report entitled &quot;Tax Freedom Day 1997&quot;.</td>
</tr>
<tr>
<td>APRIL 15</td>
<td>9:00 a.m.</td>
<td>Foreign Relations</td>
<td>East Asian and Pacific Affairs Subcommittee</td>
</tr>
<tr>
<td></td>
<td>9:30 a.m.</td>
<td>Labor and Human Resources</td>
<td>Employment and Training Subcommittee</td>
</tr>
<tr>
<td></td>
<td>10:00 a.m.</td>
<td>Rules and Administration</td>
<td>To resume hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.</td>
</tr>
<tr>
<td>APRIL 16</td>
<td>9:30 a.m.</td>
<td>Labor and Human Resources</td>
<td>To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.</td>
</tr>
<tr>
<td></td>
<td>10:00 a.m.</td>
<td>Appropriations</td>
<td>Defense Subcommittee</td>
</tr>
<tr>
<td></td>
<td>1:30 p.m.</td>
<td>Finance</td>
<td>To hold hearings to examine education tax proposals.</td>
</tr>
<tr>
<td>APRIL 17</td>
<td>9:00 a.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.</td>
</tr>
<tr>
<td></td>
<td>9:30 a.m.</td>
<td>Labor and Human Resources</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Labor.</td>
</tr>
<tr>
<td></td>
<td>10:00 a.m.</td>
<td>Rules and Administration</td>
<td>To resume hearings concerning provisions of the President's proposed budget for fiscal year 1998.</td>
</tr>
<tr>
<td></td>
<td>1:30 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Commerce.</td>
</tr>
<tr>
<td></td>
<td>2:00 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Agriculture.</td>
</tr>
<tr>
<td></td>
<td>3:30 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.</td>
</tr>
<tr>
<td></td>
<td>4:00 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Health and Human Services.</td>
</tr>
<tr>
<td></td>
<td>5:00 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.</td>
</tr>
<tr>
<td></td>
<td>6:00 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Justice.</td>
</tr>
<tr>
<td></td>
<td>7:00 p.m.</td>
<td>Appropriations</td>
<td>To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.</td>
</tr>
</tbody>
</table>

**Governmental Affairs**
- Oversight of Government Management, Reorganization, and the District of Columbia Subcommittee
- To hold hearings to examine the Federal Government's role in television programming.  
  - SD-342

**Judiciary**
- Youth Violence Subcommittee
- To hold hearings to examine the need for more juvenile bedspace and juvenile record-sharing.  
  - SD-226

**April 17**
- 9:00 a.m. | Agriculture, Nutrition, and Forestry | To hold hearings on crop and revenue insurance issues.  
  - SR-332

**Appropriations**
- Interior Subcommittee
- To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Agriculture.  
  - SD-192

**Finance**
- To hold hearings on the budget for the Federal Communications Commission.  
  - S-146, Capitol

**Veterans' Affairs**
- To hold hearings to examine Persian Gulf War issues.  
  - SH-216

**Rules and Administration**
- Business meeting to consider the committee's course of action concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.  
  - SR-301

**Small Business**
- To mark up pending legislation.  
  - SR-428A

**Immigration**
- To hold hearings on immigration issues.  
  - SD-226

**Veterans' Affairs**
- To hold hearings to examine the need for more juvenile bedspace and juvenile record-sharing.  
  - SD-226

**Rules and Administration**
- Business meeting to consider the committee's course of action concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.  
  - SR-301

**Finance**
- To hold hearings on the budget for the Federal Communications Commission.  
  - S-146, Capitol

**Small Business**
- To mark up pending legislation.  
  - SR-428A

**Labor and Human Resources**
- To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.  
  - SD-124
9:30 a.m.  Appropriations  VA, HUD, and Independent Agencies Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.  SD–192

9:30 a.m.  Appropriations  Energy and Water Development Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Energy.  SD–124

10:00 a.m.  Appropriations  Agriculture, Rural Development, and Related Agencies Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the Ag­ricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.  SD–138

10:00 a.m.  Appropriations  Labor and Human Resources  To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.  SD–430

10:00 a.m.  Appropriations  Defense Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.  SD–192

10:00 a.m.  Armed Services  To hold hearings on the Administration's proposal on NATO enlargement.  SH–216

9:30 a.m.  Appropriations  Interior Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the National Endowment for the Arts and Humanities.  SD–192

9:30 a.m.  Appropriations  Energy and Water Development Subcommittee  To hold hearings on proposed budget estimates for fiscal year 1998 for the Corps of Engineers and the Bureau of Reclamation, Department of the Interior.  SD–124

10:00 a.m.  Labor and Human Resources  To hold hearings to examine biomedical research priorities.  SD–430
Wednesday, April 9, 1997

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2865–S2950

Measures Introduced: Seventeen bills and two resolutions were introduced, as follows: S. 528–544, S. Res 69, and S. Con. Res. 19. Pages S2900–01

Nuclear Waste Policy Act: Senate began consideration of S. 104, to amend the Nuclear Waste Policy Act of 1982, agreeing to committee amendments, and taking action on further amendments proposed thereto, as follows:

Pages S2881–S2900

Pending:

Murkowski Amendment No. 26, in the nature of a substitute.

Pages S2893–S2900

Thurmond/Hollings Amendment No. 27 (to Amendment No. 26), to provide that the Savannah River Site and Barnwell County, South Carolina shall not be available for construction for an interim storage facility.

Pages S2893–S2900

A motion was entered to close further debate on Amendment No. 26, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Friday, April 11, 1997.

Pages S2899–S2900

Senate will continue consideration of the bill on Thursday, April 10, 1997.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the biennial report on science and technology policy; referred to the Committee on Commerce, Science, and Transportation. (PM–28).

Messages From the President: Pages S2900

Messages From the House: Pages S2900

Measures Referred: Pages S2900

Measures Placed on Calendar: Pages S2900

Measures Read First Time: Pages S2900

Statements on Introduced Bills: Pages S2901–30

Additional Cosponsors: Pages S2931–32

Amendments Submitted: Pages S2933–45

Authorizations:

APPROPRIATIONS—NAVY/MARINE CORPS

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs, receiving testimony from John H. Dalton, Secretary of the Navy; Adm. Jay L. Johnson, Chief of Naval Operations; and Gen. Charles C. Krulak, Commandant of the Marine Corps.

Subcommittee will meet again on Wednesday, April 16.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces held hearings on S. 450, authorizing funds for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, focusing on Unmanned Aerial Vehicle programs, operations and modernization efforts, receiving testimony from Gen. William W. Hartzog, USA, Commanding General, U.S. Army Training and Doctrine Command; Col. Thomas R. Goedkoop, USA, Commander, 1st Brigade, 4th Infantry Division; Col. Guy C. Swan, USA, Commander, 11th Armored Cavalry Regiment; Charles Heber, Director, High Altitude/Endurance Unmanned Aerial Vehicle (HAE UAV), Defense Advanced Research Projects Agency; and Rear Adm. Barton D. Strong, USN, Program Executive Officer, Cruise Missiles and UAVs, Office of the Secretary of the Navy.

Subcommittee recessed subject to call.
PUBLIC HOUSING REFORM
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing Opportunity and Community Development concluded hearings on S. 462, to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, after receiving testimony from Andrew Cuomo, Secretary of Housing and Urban Development; Cushing N. Dolbeare, National Low Income Housing Coalition; David B. Bryson, National Housing Law Project; and Deepak Bhargava, Center for Community Change, all of Washington, D.C.; Ricardo Diaz, Housing Authority of the City of Milwaukee, Wisconsin, on behalf of the Council of Large Public Housing Authorities; Thomas R. Shuler, Insignia Residential Group, Greenville, South Carolina, on behalf of the National Multi Housing Council and National Apartment Association; David C. Morton, Housing Authority of the City of Reno, Nevada, on behalf of the Public Housing Authorities Directors Association; Billy Easton, New York State Tenants and Neighbors Coalition, Albany; and Deborah L. Vincent, Clearwater Housing Authority, Clearwater, Florida, on behalf of the National Association of Housing and Redevelopment Officials.

NOMINATION
Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Kenneth M. Mead, of Virginia, to be Inspector General, Department of Transportation, after the nominee testified and answered questions in his own behalf.

AVIATION SAFETY
Committee on Commerce, Science, and Transportation: Committee held hearings to examine the accident investigation process for major domestic aviation accidents and safety responses, receiving testimony from James E. Hall, Chairman, Bernard Loeb, Director, Division of Aviation Safety, and Dan Campbell, General Counsel, all of the National Transportation Safety Board; Guy S. Gardner, Associate Administrator for Regulation and Certification, and Dave Thomas, Director, Office of Accident Investigation, both of the Federal Aviation Administration, Department of Transportation; and Dale Watson, Section Chief, International Terrorism Operations Section, National Security Division, Federal Bureau of Investigation, Department of Justice.

MEDICARE REFORM
Committee on Finance: Committee held hearings to examine Medicare fee-for-service system policies, focusing on the growth in Medicare spending on post-acute care services and options to constrain that growth, and related Administrative proposals, receiving testimony from Joseph R. Antos, Assistant Director for Health and Human Resources, Congressional Budget Office; William J. Scanlon, Director, Health Financing and Systems Issues, Health, Education, and Human Services Division, General Accounting Office; Margaret J. Cushman, VNA Health Care, Inc., Hartford-Waterbury, Connecticut, on behalf of the National Association for Home Care; Thomas A. Scully, Federation of American Health Systems, Washington, D.C.; and Michael R. Walker, Genesis Health Ventures, Inc., Kennett Square, Pennsylvania, on behalf of the American Health Care Association.

CHEMICAL WEAPONS CONVENTION
Committee on Foreign Relations: Committee concluded hearings on the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103-21), after receiving testimony from Jeane J. Kirkpatrick, former U.S. Permanent Representative to the United Nations; Richard N. Perle, former Assistant Secretary of Defense for International Security Policy; Fred C. Ikle, former Director, U.S. Arms Control and Disarmament Agency; Douglas J. Feith, former Deputy Assistant Secretary of Defense for Negotiation Policy; Gen. Brent Scowcroft, former National Security Policy Advisor; Adm. E.R. Zumwalt, Jr., USN (Ret.), Member, President’s Foreign Intelligence Advisory Board and former Chief of Naval Operations; and Edward L. Rowney, former Ambassador and Lt. General USA (Ret.) International Negotiation Consultant and former Chief Negotiator for START I and Special Arms Control Advisor.

INTERNATIONAL FINANCIAL INSTITUTIONS FUNDING
Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings on the President’s proposed budget request for fiscal year 1998 for the International Financial Institutions, including the Multilateral Development Bank and the International Monetary Fund, after receiving testimony from Lawrence H. Summers, Deputy Secretary of the Treasury.
FEDERAL STATISTICAL SYSTEM

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 tomorrow.

House of Representatives

Chamber Action
Bills Introduced: 16 public bills, H.R. 1252-1267; and 3 resolutions, H. Con. Res. 59, and H. Res. 108-109, were introduced.

Reports Filed: Reports were filed as follows:

H.R. 1092, to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the United States Court of Veterans Appeals and the National Cemetery System (H. Rept. 105-47).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gutknecht to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Dr. Jerry L. Spencer of Dothan, Alabama.

Motions to Suspend the Rules: The House agreed to H. Res. 107, the rule providing for consideration of motions to suspend the rules on Wednesday, April 9, 1997 or on Thursday, April 10, 1997. Earlier, agreed to order the previous question by a yea-and-nay vote of 213 yeas to 196 nays, Roll No. 74.

Suspension—Veterans Employment Opportunities Act of 1997: The House voted to suspend the rules and pass H.R. 240, amended, to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service.

Committee Meetings
FOREST ECOSYSTEM HEALTH CONDITIONS
Committee on Agriculture, and the Committee on Resources: Held a joint hearing to review forest ecosystem health conditions in the United States. Testimony was heard from Representative Taylor of North Carolina; and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS
Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on Prisons and Related Issues, and on Maritime Programs. Testimony was heard from the following officials of the Department of Justice: Kathleen M. Hawk, Director, Bureau of Prisons, and Eduardo Gonzalez, Director, U.S. Marshall Service; and Judge Richard P. Conaboy, Chairman, U.S. Sentencing Commission; Albert J. Herberger, Administrator, Maritime Administration, Department of Transportation, and Harold J. Creel, Jr., Chairman, Federal Maritime Commission.

Presidential Message—Science and Technology: Read a message from the President wherein he transmits his biennial report on science and technology—referred to the Committee on Science.

Senate Messages: Message received from the Senate today appears on page H1343.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on pages H1358-59. There were no quorum calls.

Adjournment: Met at 11:00 p.m. and adjourned at 4:53 p.m.
ENERGY AND WATER APPROPRIATIONS
Committee on Appropriations: Subcommittee on Energy and Water Development met in executive session to hold a hearing on Atomic Energy Defense Activities. Testimony was heard from the following officials of the Department of Energy: Victor H. Reis, Assistant Secretary, Defense Programs; and Kenneth E. Baker, Acting Director, Office of Nonproliferation and National Security; and Harold P. Smith, Jr., Assistant to the Secretary, Nuclear, Chemical, and Biological Weapons, Department of Defense.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS
Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on Coordinators for the New Independent States. Testimony was heard from the following officials of the Department of State: Dick Morningstar, Coordinator for the New Independent States; and Jim Holmes, Coordinator, Office of Eastern European Assistance; and Tom Dine, Assistant Administrator, AID, U.S. International Development Cooperation Agency.

INTERIOR APPROPRIATIONS
Committee on Appropriations: Subcommittee on Interior held a hearing on the Department of Energy. Testimony was heard from the following officials of the Department of Energy: Patricia F. Godley, Assistant Secretary, Office of Fossil Energy; and Christine A. Ervin, Assistant Secretary, Energy Efficiency and Renewable Energy.

LABOR-HHS-EDUCATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Consolidated Management (DOL, HHS, ED), and on Employment and Training Administration/Veterans Employment. Testimony was heard from the following officials of the Department of Labor: Patricia Watkins Lattimore, Acting Assistant Secretary, Administration and Management; Edmundo A. Gonzales, Chief Financial Officer; James E. McMullen, Deputy Assistant Secretary, Budget; Raymond J. Uhalde, Acting Assistant Secretary, Employment and Training; Mary Ann Wyrsh, Chief of Operations, Employment and Training, and Preston M. Taylor, Jr., Assistant Secretary, Veterans' Employment and Training.

NATIONAL SECURITY APPROPRIATIONS
Committee on Appropriations: Subcommittee on National Security met in executive session to hold a hearing on Intelligence Budget Overview. Testimony was heard from George Tenet, Acting Director, CIA.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on American Battle Monuments Commission, on Court of Veterans Appeals, and on DOD-Civil, Cemeterial Expenses, Army. Testimony was heard from Gen. Frederick F. Woerner, Chairman, American Battle Monuments Commission; Frank Q. Nebeker, Chief Judge, U.S. Court of Veterans Appeals; and H. Martin Lancaster, Assistant Secretary, Army (Civil Works), Department of Defense.

CHARTER SCHOOLS
Committee on Education and the Workforce Subcommittee on Early Childhood, Youth and Families held a hearing on Charter Schools. Testimony was heard from Gerald Tirozzi, Assistant Secretary, Elementary and Secondary Education, Department of Education; Phillip Hamilton, Delegate, House of Delegates, State of Virginia; Scott Hamilton, Associate Commissioner, Charter Schools, Department of Education, State of Massachusetts; Bill Windler, Senior Consultant, School Improvement Accountability and Accreditation, Department of Education, State of Colorado; and public witnesses.

U.N. PEACEKEEPING
Committee on International Relations: Held a hearing to review “Does U.N. Peacekeeping Serve U.S. Interests?” Testimony was heard from Harold J. Johnson, Associate Director, International Relations and Trade Issues, GAO; and public witnesses.

DOD AUTHORIZATION
INTERNATIONAL DOLPHIN CONSERVATION

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 408, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean. Testimony was heard from Mary Beth West, Deputy Assistant Secretary, Oceans, Bureau of Oceans, Environment and Science, Department of State; Elizabeth Edwards, Director, Dolphin Safe Research Program, Southwest Fisheries Science Center, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

NSF AUTHORIZATION

Committee on Science: Subcommittee on Basic Research continued hearings on NSF Authorization Part III. Testimony was heard from the following officials of the NSF: Neal Lane, Director; Paul Young, Senior Advisor, Computer and Information Science and Engineering; Richard Zare, Chairman and Shirley Malcolm, member, Executive Committee, both with the National Science Board; and public witnesses.

MISCELLANEOUS MEASURES


The Subcommittee also held a hearing on fiscal year 1998 Budget Authorization for Department of Energy, Environmental Protection Agency Research and Development, and National Oceanic and Atmospheric Administration Program. Testimony was heard from public witnesses.

NASA AUTHORIZATION

Committee on Science: Subcommittee on Space and Aeronautics continued hearings on fiscal year 1998 NASA Authorization: International Space Station. Testimony was heard from Wilbur Trafton, Associate Administrator, Office of Space Flight, NASA; and public witnesses.

Hearings continue tomorrow.

ETHICS REFORM

Committee on Standards of Official Conduct: Task Force on Ethics Reform met in executive session to continue discussions on Ethics Reform. Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Ordered reported the following bills: H.R. 1001, to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Review Commission; and H.R. 1226, amended, Taxpayer Browsing Protection Act.

WELFARE REFORM TECHNICAL CORRECTIONS ACT


INTELLIGENCE BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the Budget, Part 1: HUMINT and on Budget Hearing Part 2: Covert Action. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 10, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on the nominations of Ann Jorgenson, of Iowa, to be a Member of the Farm Credit Administration Board, and Lowell Lee Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, 2:30 p.m., SR-332.

Committee on Appropriations, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1998 for the Bureau of Indian Affairs of the Department of the Interior and Indian gaming activities, 9 a.m., SD-124.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration, 10 a.m., S-146, Capitol.

Subcommittee on Transportation, to hold hearings on the Administration’s proposed “National Economic Crossroads Transportation Efficiency Act” (NEXTEA), 10 a.m., SD-192.

Committee on Armed Services, Subcommittee on Acquisition and Technology, to hold hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on science and technology research, 10 a.m., SR-232A.

Committee on Commerce, Science, and Transportation, to hold hearings to examine competitiveness in the cable industry and alternatives to cable, 10:30 a.m., SR-253.

Subcommittee on Science, Technology, and Space, to hold hearings on the Earthquake Hazard Reduction program, 2 p.m., SR-253.

Committee on Finance, to hold hearings on estate and gift taxation proposals, 10 a.m., SD-215.
Committee on Foreign Relations, to hold hearings on U.S.
law enforcement interests in Hong Kong, 10 a.m., SD-419.

Full Committee, to hold hearings to examine the outlook for Hong Kong, 2 p.m., SD-419.

Committee on Governmental Affairs, to hold hearings on the Internal Revenue Service, focusing on risks of taxpayers, 10 a.m., SD-342.

Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine proliferation issues, focusing on Chinese case studies, 2 p.m., SD-342.

Committee on Rules and Administration, to hold hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996, 10:30 a.m., SR-301.

Committee on Small Business, to resume hearings on S. 208, to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, 9:30 a.m., SR-428A.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH-219.

Special Committee on Aging, to hold hearings to examine how access to information about Medicare managed care plans can affect consumer decision making, 9 a.m., SD-562.

Notice

For a listing of Senate committee meetings scheduled ahead, see pages E620–21 in today’s Record.

House

Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops, hearing to review the implementation of the risk management provisions in the Federal Agriculture Improvement and Reform Act of 1996, 9:00 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on the Census and Statistical Programs, Commerce Department, 10:00 a.m., and on the Immigration and Border Security, 2:00 p.m., 2360 Rayburn.

Subcommittee on Interior, on the National Park Service, 10:00 a.m., and on Indian Health Service, 2 p.m., B-308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Enforcement Agencies (OSHA, MSHA, ESA); Office of Inspector General, 10:00 a.m., and on the Bureau of Labor Statistics; and the Pension Agencies (PBGC and PWBA), 2:00 p.m., 2358 Rayburn.

Subcommittee on National Security, executive, on the National Reconnaissance Program, 10:00 a.m., H-140 Capitol.

Subcommittee on VA, HUD and Independent Agencies, on the NSF, 10:00 a.m. and 2:00 p.m., H-143 Capitol.


Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, joint hearing on Review of EPA’s Proposed Ozone and Particulate Matter NAAQS Revisions, 9:30 a.m., 2123 Rayburn.

Committee on Governmental Reform and Oversight, to consider pending business, 11 a.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. Policy toward Egypt, 10:00 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, to mark up the Fiscal Year 1998–1999 Foreign Relations Authorization, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing regarding Product Liability Reform, 10:00 a.m., 2141 Rayburn.

Committee on National Security, Morale, Welfare and Recreation Panel, hearing on the morale, welfare and recreation system, 2:00 p.m., 2212 Rayburn.

Subcommittee on Military Installations and Facilities, hearing on the long-term planning for military construction requirements, 10:00 a.m., 2212 Rayburn.

Subcommittee on Military Procurement, hearing on fiscal year 1998 Department of Energy authorization request and related matters, 2:00 p.m., 2118 Rayburn.

Committee on Resources, hearing on H.R. 478, to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, 12 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife, and Oceans, to mark up H.R. 408, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, and Public Lands, to mark up H.R. 449, to provide for the orderly disposal of certain Federal lands in Clark County, NV, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; to be followed by a hearing on the following bills, H.R. 765, to ensure maintenance of wild horses in Cape Lookout National Seashore; and H.R. 136, to amend the National Parks and Recreation Act of 1978 to designate the Majority Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center, 2 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, to continue hearings on fiscal year 1998 NASA Authorization: Science Programs, 10:00 a.m., 2318 Rayburn.

Subcommittee on Technology, to continue hearings on funding needs for the National Institute of Standards and Technology Part 2, 10:00 a.m., 2325 Rayburn.

Committee on Small Business, hearing to examine the proposed redrafting of Section 15 of the Federal Acquisition Regulations (FAR), 1:00 p.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, Task Force on Ethics Reform, to continue discussions on Ethics Reform, 10 a.m., H–313 Capitol.

Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment, hearing
on Superfund Reauthorization and Reform: Perspectives of Interested Parties, 10 a.m., 2167 Rayburn.
Committee on Ways and Means, Subcommittee on Health, hearing on Rehabilitation and Long-Term Care Hospitals Payments, 1:30 p.m., 1100 Longworth.
Subcommittee on Social Security, to continue hearings on the Future of Social Security for this Generation and the Next, 10:00 a.m., B-318 Rayburn.
Permanent Select Committee on Intelligence, executive, Budget hearing—Analysis and Production, 2 p.m., H-405 Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, April 10
Senate Chamber

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, April 10
House Chamber

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