United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, JULY 29, 1997 No. 109

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 29, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes, but in no event shall continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT] for 5 minutes.

WHAT A DIFFERENCE 4 YEARS MAKES

Mr. GUTKNECHT. Madam Speaker, what a difference 4 years has made. If we look back just 4 years ago, this Congress, under the leadership of the other team, was debating the largest tax increase in American history. They were attempting to dismantle the greatest health care system the world has ever known. Welfare reform was being ignored, and the Medicare trust fund was moving toward bankruptcy and was being ignored as well. The Congressional Budget Office was predicting $200 billion deficits for as far as the eye could see. What a difference 4 years has made.

Now, we have actually reformed the welfare system, and as a net result, there are 1.3 million American families who were on the welfare rolls who are now on payrolls. I have often said that the real benefit of the welfare reform system that we passed in this Congress 2 years ago was not that it will save money, but it will save people, it will save families, and it will save children from one more generation of dependency and despair.

What a difference 4 years has made. We now have agricultural reform so that farmers are starting to farm for the market rather than for the Government. What a difference 4 years has made as it relates to taxes and spending. As I say, 4 years ago the Congressional Budget Office was telling us that we would have $200 billion deficits for as far as the eye could see, and today, I am happy to report, as a result of some tough negotiations and work with this President, we are on the verge of passing the first balanced budget since I was in high school.

That is great news for the American people; it is great news for our future. We are reducing the rate of growth in Federal spending by half. Some of us would say that Federal spending will still be going up too much under this balanced budget agreement, but the good news is, we are balancing the budget, we are keeping our promises, and we are doing what the American people have asked the Congress to do for so long.

What a difference 4 years has made. As I said earlier, 4 years ago they were debating the largest tax increase in American history. Now we are going to debate a significant amount of tax relief for working families, and they will begin to notice that next year. Everyone who has an income of less than $110,000 and has children is going to get tax relief, the per child tax credit. It will only be $400 next year, but then it goes to $500. That is real money for real families that will make a real difference in their lives, and it is about allowing them to keep more of what they earn so that they can spend and save it as they see fit.

There is real tax relief for small business people and farmers as well. As a matter of fact, perhaps the biggest benefactors of the program that was agreed to last night by the White House and congressional leaders will be small business people and farmers. And I represent an awful lot of farmers back in my district in southeastern Minnesota. For example, they will see real capital gains tax relief, over a 30-percent cut over the next 5 years. Small business people and farmers understand what capital gains are all about, because so many of them live poor and die rich.

Speaking of death, as a matter of fact, this is one other area where I am very happy with the agreement that was reached between the White House and the Congress. The exemption on death taxes will be increased immediately for small business people and farmers, from $600,000 to $1,300,000 per person, so that a couple, that husband and wife who are working the family farm, it is going to mean that they can pass that farm along to their kids, and that is great news for the American people as well.

One of the other things that I have worked on for many years that is good news in this tax package that has been agreed to is that we will finally have 100 percent deductibility for health care expenses for small business people and farmers. That is great news. In fact, that may be one of the most important health care reforms this Congress has passed in a long time.

Printed on recycled paper containing 100% post consumer waste

But as we look at all of the things that are in this tax package, I think it is good news for the American people, and I think we will have set the stage for long-term economic growth.

As we look at some of the other elements that are in this package, if parents have kids that are going to college, and I speak now as a baby boomer, and I have one in college, and one just finished high school and will be going to vocational school next year, and I have one in high school. When we look at educational expenses particularly baby boomer families are having right now, there is over 31 billion dollars' worth of tax relief for those families. That is great news. We are going to make it easier for those families to send those kids on to higher education.

So as we look at this package, there are lots of things in there that I think all sides can take credit for. We are going to expand the availability of health care for kids. The Kid Care Program, $24 billion will be committed to that program over the next 5 years. We want to say to all children that they ought to have the right to get the health care that they deserve.

So this is good news for the American people. It is good news for American families, and it demonstrates what a difference 4 years has made.

PRESIDENT ALIYEV'S HUMAN RIGHTS ABUSES SHOULD NOT BE IGNORED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, today the President of the Republic of Azerbaijan arrives in Washington, and during his official visit to our Nation's capital, the President of this former Soviet republic will be honored at the White House and will brief Members on Capitol Hill.

Madam Speaker, as an article in this Sunday's Washington Post noted, ''The visiting head of state who will have lunch with President Clinton this week and stay at Blair House as an honored guest has an unusual background: A former general in the KGB security forces who was dismissed from the Politburo for alleged corruption a decade ago.'' As the article goes on to point out, Azerbaijan, this former Soviet republic on the Caspian Sea has been ''propelled into the forefront of U.S. interests by oil and geography.''

That is what this is really all about, oil interests. While our State Department has cited serious abuses of human rights in Mr. Aliyev's regime, it is clear that human rights are a secondary interest. His country's territory happens to be sitting on some of the world's major oil reserves. U.S. oil companies are interested in exploiting this resource, so apparently we just look the other way about Mr. Aliyev's unsavory regime, wine and dine him in Washington, and let him stay as an honored guest at Blair House at the American taxpayers' expense.

On the eve of Mr. Aliyev's visit, I want to inform our colleagues about the type of leader this man is. President Aliyev has a long record of human rights violations dating back to his four decades as an official of the Soviet KGB. During the 1960's, he orchestrated the depopulation of Armenians from their homes in Nakhichevan. As the Communist Party leader of Azerbaijan during the 1970's, he violently suppressed all nationalists and democratic dissent. His ardent support for the Soviet invasion of Afghanistan earned him a seat on the Soviet Politburo under Leonid Brezhnev, where he served until removed by Mikhail Gorbachev in 1987 for having engaged in widespread corruption. Since his return to power through a military coup in 1993, President Aliyev has suppressed democracy and committed widespread violations of human rights, which have been documented by the State Department.

Madam Speaker, as I mentioned, I believe that the effort to try to sanitize Mr. Aliyev's regime has everything to do with oil interests. I have nothing against the extraction of Caspian Sea oil reserves, but the question that we must confront this week is, what price do we pay to curry favor with the Azerbaijani Government? Must we court this most undemocratic leader on his terms? And what price do we pay for being so generous to President Aliyev?

The result of this policy of appeasement, Madam Speaker and my colleagues, is the continued oppression of the people of Azerbaijan and the continued threats to the people of Mr. Aliyev's neighbors, Armenia and Nagorno Karabagh.

I would hope that this visit would offer an opportunity for our President and our administration to express American concerns about the lack of democracy and basic rights and freedom in Azerbaijan. I would especially hope the message could be sent to President Aliyev in no uncertain terms that Azerbaijan should immediately lift its blockades of Armenia and Nagorno Karabagh.

Finally, I would hope that President Clinton would stress to President Aliyev American support for a freely negotiated settlement of the Nagorno Karabagh conflict that recognizes the self-determination within secure borders of the people of Nagorno Karabagh.

I am circulating a letter along with my colleague, the gentleman from Illinois [Mr. PORTER] to President Clinton expressing our concerns about the visit of President Aliyev, and I hope that we can make something positive come out of this visit by President Aliyev.

Also this evening, Madam Speaker, I will be participating in a demonstration across from the Willard Hotel here in Washington to protest Mr. Aliyev's visit. The demonstration is being organized by the Armenian National Committee of America with the support of the Armenian Assembly of America and the entire Armenian community. There will be other demonstrations coinciding with President Aliyev's visit. I urge Members to support and participate in these demonstrations.

Although President Aliyev is probably not familiar with the right to free assembly and free expression, he should know that this is how we do things in a democracy. He must not mistake the red carpet treatment he is getting in official Washington as a signal of approval by the American people for his policies of aggression toward his neighbors and oppression of his own people.

Unfortunately, Madam Speaker, I am afraid that the direction in which United States policy is headed in the Caucasus region does not bode well for the outcome that we seek. The United States is in a unique position to be able to bring about a fair settlement of the Nagorno Karabagh situation and to help promote the long-term security and economic development of the region, but that is not the way things are going. The United States, along with France and Russia, is the cochair of the Minsk Group, and I believe that we should maintain our neutrality while exerting strong leadership to bring the parties together.

I am working with my colleagues to bring an official from the administration, the State Department, to come up to the Hill to bring us up to date on the status of negotiations in Nagorno, and for us to impress upon them the importance we attach to protecting the self-determination of the people of Karabagh.

Madam Speaker, Azerbaijan has some pretty powerful allies in its corner, including former top administration officials from both parties. We have to fight to make sure that the concerns of the people of Nagorno Karabagh are met here in the Congress and here in Washington.

I am working with my colleagues to bring an official from the administration, the State Department, to come up to the Hill to bring us up to date on the status of negotiations and for us to impress upon them the importance we attach to protecting the self-determination of the people of Karabagh.

You know, Mr. Speaker, Azerbaijan has some pretty powerful allies in its corner, including former top administration officials from both parties. This was documented in a recent front-page story in the Washington Post. This effort, this big-money influence, is being driven by oil money—the Caspian Sea basin off Azerbaijan has some of the richest oil reserves in the world, and many U.S. oil companies are interested in getting into this region.

But, Mr. Speaker, the big problem that many of us have is that the oil companies, and the former top U.S. Government officials working for those interests, are essentially lobbying for U.S. foreign policy to ignore the unacceptable behavior of Azerbaijan in order to curry favor with the regime and gain access to the oil reserves.

I'm also concerned that the visit to Washington by President Aliyev, at this critical stage in the Karabagh negotiations, threatens to harm the peace process by undermining confidence in the role of the United States as an impartial mediator. Section 907 is a provision of the Freedom Support Act of 1992 which prohibits direct U.S. Government Aid to Azerbaijan because of the Azeri blockade of Ameria and Nagorno Karabagh. The administration's advocacy against Section 907, further reinforces the Azerbaijani perception that the United States, since the most recent OSCE summit in Lisbon, has tilted toward Azerbaijan.

The visit by President Aliyev could serve to encourage Azerbaijan to further harden its negotiating stance. This encouragement is particularly dangerous given President Aliyev's pattern of unacceptable behavior, including his use of oil as a weapon against Armenia and Nagorno Karabagh, his blockades of Armenia and Nagorno Karabagh, his rapidly expanding military capabilities, his threats of force and intimidation tactics, and his refusal to negotiate directly with the democratically elected representatives of Nagorno Karabagh.

Mr. Speaker, I urge my colleagues in joining Mr. PORTER and me in letting President Clinton know of our concerns about his upcoming meeting with President Aliyev and to push our State Department toward a fair solution to the very difficult Nagorno Karabagh conflict.

EXCITING TAX CUTS FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New York [Mr. SOLOMON] is recognized during morning hour debates for 5 minutes.

Mr. SOLOMON. Madam Speaker, what a difference 4 years makes. Four years ago, this Congress was raising taxes on the American people, they were increasing spending, they were bankrupting Medicare, they were trying to socialize medicine, and they were expanding welfare. What a difference 4 years makes.

What is going to happen in the next 2 days is so exciting, because in the next 2 days we are going to cut taxes for every single working American in this country. What a difference 4 years makes. We will cut spending; we will get a handle on many of these entitlement programs that have been running rampant; we will save Medicare from bankruptcy; and, more than that, Madam Speaker, we will stay on that glide path to a balanced budget, which is going to mean there is going to be a country, this United States, for my children and my five grandchildren, six grandchildren, excuse me, we just had another one, and that is what is so exciting about it, because we have been able to come together with the White House, with the Senate, and with this body and do what the American people finally want us to do. I am just so excited, I can hardly stand it. Let us get on to it. In the next 48 hours, we are going to do exactly what I have just outlined.

DEMOCRATS STAND FIRM FOR FAIR TAX TREATMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is particularly appropriate to have the gentlewoman from Missouri [Mrs. EMERSON] this morning presiding over these Chambers, because I believe that this tax bill reflects those individuals of goodwill who have worked so very hard to ensure that America's working women realize tax relief.

Let me just simply talk about credit. This is not about who did what, but as long as we are in the credit column, let me emphasize where the work was really done.

I am proud of this tax relief plan because it goes to the core of what America stands for: Our children. As the chairperson of the Congressional Children's Caucus, I can assure my colleagues of the hard work that the Democrats persisted on to ensure that $24 billion, $24 billion, a plan that was not in the initial Republican offering of tax relief, will now be given for children who are uninsured, $24 billion.

Actually, we do not even know how many dollars will be saved by providing children who are uninsured some $10 million plus with preventative care for working families who do not have the option of insuring their children through their work. Madam Speaker, $24 billion.

Then there is a story that I think needs to be told, and that is one that I am not going to hide. There is no actual evidence whatsoever that showed that the Republican plan was going to give any consideration to families making under $50,000 a year, none whatsoever, none, absolutely none, until the Democrats persisted time after time after time after time.

I am gratified that when the Republicans started with their 3.9 million families, resulting in 5.5 million that were going to get the $500 a year tax credit, Democrats again, time after time after time, in negotiations and on the floor of the House, refused to compromise. What do we have now? Coverage of 8.7 families and 13 million children will receive the benefit of the $500 a year tax credit. I do not know about my colleagues, but that is one thing that we are not going to step away from.

Is this a balanced tax plan? It has its ups and downs, but it does respond to working men and women, the schoolteacher, the bus driver, the rookie police officer, many of the folk who are not able to get to the U.S. Congress and even sit in these august bodies or even sit in the gallery and watch as we debate this issue, individuals who may not have had a vacation in the last 10 years or 5 years, individuals who did not get benefits from their work, but they paid payroll taxes. And that was the accusation that was being made by our Republican friends, that they were on welfare because they did not pay tax or they got the earned income tax credit, which we all know they had to pay for.

I am proud of what the Democrats have done in this now tax relief, that is truly one that responds to all Americans.

Welfare to work? Yes, we passed the welfare bill. I happen to have voted for one that had more meaning than what we ultimately passed. Right now in our cities, we are seeing people cut off with nowhere to go, but we insisted, as Democrats, to provide $3 billion for a real welfare-to-work program, a program that would be governed by our cities and also the Department of Labor who believes in increasing and encouraging work. This will give real meaning to welfare to work, moving young mothers and young families that heretofore did not have training into training and provide them with jobs.

What is the sense of moving people off of welfare when companies around the Nation will not hire them because they have no work experience or they have had no training? Democrats who have been down in the trenches with these individuals who represent these urban centers and rural communities understand and sympathize with what it is like to be someone who needs something. I am very gratified that it was the Democrats who stood here and fought to ensure that we had the kind of plan that we could stand up and be proud of.

Let me say this for those who have small family farms and small businesses, many of whom spoke to me in my district. There is nothing I am going to be ashamed about there as well, because Democrats forced the $1.1 billion, forced it to occur in a sooner period of time in terms of relief for estate and small business farmers in order to ensure that they were included in the loop.

Yes, there are capital gains taxes, and I am going to be watching to see how that drives the economy, because in fact the 1993 budget bill and tax bill is the one that made this economy what it was, and that was under a President that was a Democrat and a Congress that was Democrat. We are thriving in this economy right now today because of the 1993 vote that all Democrats took who are here in this U.S. Congress.

We have many things to still fix: Disproportionate share in the State of Texas, where we have to pay for our Medicaid as opposed to other States. We must work on that across the board. But I can assure my colleagues that this tax bill is what it is because Democrats stayed in the fight and we will continue to fight to make sure that this is a tax bill for working Americans.

HEATED DEBATE CONTINUES ON NAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio [Mr. BROWN] is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, as the President prepares to ask Congress for fast track negotiating authority, heated debate continues on the economic effects of the North American Free Trade Agreement. There is no debate, however, on the serious threat that NAFTA poses to food safety in the United States.

In an effort to increase trade with Mexico, NAFTA limits border inspections of food, it allows Mexican trucks to enter the United States with limited inspection. As a result, NAFTA is directly responsible for a significant increase in imports of contaminated foods into the United States.

These lax inspection procedures contributed to a sharp increase in food imports from Mexico. Imports of Mexican fruit have increased 45 percent, and vegetable imports have increased 31 percent. More than 70 percent of these imports are carried into the United States by truck.

As the General Accounting Office recently documented, these trucks, many of which have been identified as dangerous themselves, pass through the border uninspected, bringing increasing amounts of food tainted with diseases and unhealthy pesticides. In fact, the GAO found that over 99 percent of Mexican trucks coming into the United States were never inspected, and of those that were inspected, almost half of them were found to be unsafe.

We were alarmed earlier this year when 179 Michigan schoolchildren contracted hepatitis after eating tainted Mexican strawberries. In order to prevent similar incidents in the future, the United States should, first, renegotiate the provisions in NAFTA which relate to border inspections and food safety and ensure that any future requests for fast track authority include strong food safety protections; second, increase the funding for border inspections or, alternatively, limit the increasing rate of food imports to ensure the safety of our food supply in this country so what happened in Michigan does not happen in other States across the country; and third, begin an aggressive program to label all foodstuffs, including fresh and frozen fruits, vegetables, and meats with their country of origin.

We must work with the President to address these serious deficiencies in our trade policy and to ensure that these same mistakes are not made in the future. Let us get off the fast track for unsafe foods. The health of our families is too important to go fast. Let us slow down on negotiating fast track. Let us slow down and craft trade agreements that contain meaningful food safety protections.

Again, remember these numbers: More than 99 percent of trucks that come into the United States from Mexico have never been inspected. Of those that are inspected, almost half of them have been found to be unsafe, and only about 1 percent of food that is coming into the United States, fruits and vegetables, frozen and fresh, are inspected. That is what is so important as we debate fast track authority in September for the coming year. It is important that we include those food safety elements in the fast track agreement.

BIPARTISAN AGREEMENT ON TAX RELIEF FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Iowa [Mr. GANSKE] is recognized during morning hour debates for 5 minutes.

Mr. GANSKE. Madam Speaker, Congressmen and women from both sides of the aisle are just getting the details on the balance-the-budget plan and the tax cut plan that has been agreed to by the congressional leadership and the administration. The details look good, and I am happy to see this morning that we are getting bipartisan support for this tax cut bill and for this spending bill.

There will be a lot of important things in this bill for the average citizen in this country. One of the details I heard about last night was that we will move up the deductibility of our health insurance for the self-employed to 100 percent. I do not have the details to tell over what period of time, whether that will be immediate or not, but I know that this is part of the budget.

As a physician, I have been very much concerned about making health care more affordable for the average citizen, and by making 100 percent of one's premium deductible will help people afford health insurance. This will put an awful lot of people back on to health insurance that are not on it now.

One of the other issues that is in the tax bill that affects people in my district, where I have a large farming community, is that they will be able to income-average over 3 years. People who farm know that some years they have good years and some years they have bad years, but over a period of time is how one sets aside funds for one's retirement, one's pension. By being able to income-average over 3 years, one will be able to smooth out those bumps and those lows, and I think it will be a good thing for farm communities and farmers.

When we look at children's health, we are adding a lot more dollars into that to enable people to pick up health insurance for their children. There will be a number of ways for flexibility for people and States to implement that additional funding.

People say, well, look, why did we not come to this agreement earlier? Part of the reason is that a decision had to be made on where to find the funding. Part of that additional funding comes from an increased tax on tobacco. I favor that. As a physician, I have treated people who smoke who have had lung cancer and throat cancer, mouth cancer. It also increases heart disease. Tobacco is not good for our health; everyone recognizes that. An increase of 10 cents per pack will get some additional moneys back into the health system, and to help people afford health insurance I think is the right way to go.

When we look back over the last 4 years, we have had some immense battles here on the floor, but today and last night, as the administration, as Congress have come together on a bipartisan agreement, I think we are getting past that, we are getting on with the Nation's business. We are going to help save Medicare, we are going to provide tax cuts for working families, we are going to save Medicare for our senior citizens, and I think we are going to balance the budget.

Let us keep our fingers crossed that the economy goes well over the next 5 or 6 years. But by moving toward a balanced budget, we are going to help ensure that the economy does well, and by freeing up capital with capital gains, we are going to increase jobs and help the economy grow.

Madam Speaker, I think that we have made a lot of progress. I think we will see the rhetoric lowered on this floor, and I think the vast majority of people from the House and the Senate are going to support this piece of legislation, and I am very happy to be a Member of Congress today.

NAFTA HAS FAILED THE ENVIRONMENTAL TEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. FILNER] is recognized during morning hour debates for 5 minutes.

Mr. FILNER. Madam Speaker, I rise today to join my colleagues in a discussion of NAFTA, the North American Free Trade Agreement, because it is of significant importance, not only to our country, but to my district in particular.

NAFTA's rationales of the global economy, world trade and environment, are really local issues for those of us, as I do, that live along the United States-Mexico border. I represent part of the city of San Diego; I represent a good part of the California-Mexican border; and I will tell my colleagues that from our observation on the scene, NAFTA has failed the environmental test. NAFTA has failed the environmental test.

The region that I represent includes Tijuana, the fastest growing city in Mexico, thanks to NAFTA and the Maquiladora program. In Tijuana, over 100,000 people work at approximately 1,000 of these plants that we call maquiladoras. Most of them are United States-owned. These factories range

from low-tech to very-high-tech. They produce televisions and VCR's, electric components and metals, automotive parts, textiles, and furniture. The four largest manufacturing sectors exist in Tijuana, and these are also the largest users of toxic chemicals.

Having such a large number of industries in a relatively small area poses a real threat to residents not only in Mexico but on the United States side of the border as well. NAFTA supporters promised that industrial growth would occur throughout Mexico, but in fact the majority of growth continues to be concentrated along our border.

In 1993, before NAFTA was passed, I had the opportunity to tour Tijuana, along with several of my congressional colleagues. We visited abandoned lead smelters, new industrial parks, and nearby residential areas. We witnessed the very poor environmental health conditions that existed at that time. Many of us, including myself, fought hard to ensure that NAFTA included detailed strategies to improve the environmental and labor conditions faced by people who lived along the border region.

However, despite the side agreements and the mechanisms which were promised to solve these issues, the situation has simply not improved. Industry continues to grow in areas with little or no infrastructure to support the environmental health and safety needs of the working people and the residents in these areas.

Just a few weeks ago, Madam Speaker, there was a tremendous hazardous waste fire in Tijuana, an unfortunate example of the many environmental hazards which NAFTA did not address. That fire, at a United States-owned plant called Pacific Treatment, which is a transfer station for hazardous industrial waste, ignited a mixture of chemical substances. Firebombs exploded over the neighboring residential areas and factories adjacent to what we call the Otay Mesa Industrial Park. Not only did the Pacific Treatment facility lack the necessary emergency systems, such as sprinklers, but the entire industrial park, filled with manufacturing and chemical storage plants, contained not one fire hydrant.

This industrial park is located only a few miles south of the United States-Mexico border. Over 200 tons of hazardous waste burned in the blaze, including organic solvent such as toluene, acetone, paint dust, and xylene, just to name a few. The blaze released a dark cloud of toxic fumes that blew directly in the residential neighborhood less than 300 yards away.

Nearby residents complained of strong odors during the fire, and in the days that followed, they reported headaches, vomiting, eye and skin irritation. We all know that exposure to the chemicals released can lead to long-term health repercussions ranging from reproductive problems to damage of internal organs and the nervous system.

The Tijuana Emergency Response Team was also put at risk by their dire shortage of equipment and inadequate preparation. They arrived on the scene with only 44 breathing apparatuses for 200 fire fighters. As a result, 50 firefighters suffered from smoke inhalation and 5 were hospitalized.

No one should be surprised by this calamity. We are only lucky it was not worse. There are many changes that we need to make to protect both the United States and Mexican sides of the border. NAFTA must be revisited to address these environmental issues. NAFTA should not be expanded without first making sure that adequate infrastructure is in place to handle the resulting industrial growth. NAFTA's environmental side agreements should be brought back to the table and amended to include such items as, No. 1, that the United States and Mexico must create a truly effective system to track hazardous materials and waste from beginning to end, providing freedom of access to both countries' data.

Madam Speaker, I include for the RECORD my remaining recommendations and look forward to a further discussion of the issues of NAFTA. NAFTA has failed the environmental test.

The United States and Mexico must create a truly effective system to track hazardous materials and waste from beginning to end, providing freedom of access to both countries' data so that industry is more accountable and people are aware of the hazardous materials in their neighborhoods; the current HAZTRAKS system fails to meet these requirements.

We must also create a binational emergency response system so when disasters such as the pacific Treatment fire occur, the impact of dangerous chemicals can be mitigated.

The binational efforts currently in place, such as the Border XXI Program, have had no real impact on the border region. Let's not continue to just study the problems, but instead let's take action. The money currently spent on Border XXI studies and conferences should be spent on cleaning up known contaminated sites and preventing new disasters.

Mr. Speaker, the environmental, health and safety problems that existed before NAFTA have not gone away. In fact, many of the conditions we witnessed three years ago have worsened. More people are at risk, more people are suffering the effects of industrialization without an adequate infrastructure. That is why we must not expand NAFTA. We must solve the very real health and safety problems that exist along the United States-Mexico border before we consider expansion of this trade policy.

NAFTA IS COSTING AMERICA TOO MUCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Ohio [Mr. KUCINICH] is recognized during morning hour debates for 5 minutes.

Mr. KUCINICH. Madam Speaker, the news from the latest assessment of NAFTA's effects is bad. They reported bad news for northern Ohio, where I represent the west side of the city of Cleveland and the surrounding suburbs. The story there is repeated around the country's auto-dependent regions.

The latest report reveals that United States exports to Mexico are inconsequential. Mexico is not the consumer market the NAFTA cheerleaders promised that it would be. Mexico has been increasingly an export platform for vehicles sold in the United States. United States auto imports from Mexico are more than 10 times the value of United States exports to Mexico. The United States auto trade deficit has grown since NAFTA by about 400 percent, $14.6 billion from $3.6 billion.

The report is silent about jobs lost to Mexico. The report's authors claim that they can only estimate the number of jobs gained in the United States through exports but they cannot estimate the number of jobs lost due to increased imports. Well, that defies common sense. The Department of Labor's own figures of jobs lost due to NAFTA estimate over 120,000 jobs lost. Respectable academic estimates of jobs lost due to NAFTA put the number of jobs lost at about 420,000. The report can estimate only 90,000 to 160,000 jobs supported by NAFTA-associated exports to Mexico.

What the assessment did not say is how NAFTA has affected the American worker and the American way of life. The bad news is that NAFTA has cost the American people jobs, it has cost American families their stability, NAFTA has cost American people their homes, NAFTA has cost people health care benefits, and NAFTA has cost American parents an ability to help provide a college education for their children.

The report does not address the fact that NAFTA has made a big impact on the American workplace. NAFTA has strengthened employers' hands to take back wages and to crush collective bargaining in the United States. According to a Cornell University researcher, manufacturing and transportation firms have threatened to close the plant 62 percent of the time workers are either trying to form a union or trying to negotiate a new contract once they have a union.

Let me give a case in point. NTN Brower in Macomb, IL, used threats to scare workers. The company circulated a leaflet with the headline: ''With the UAW, your jobs may go south for more than the winter.'' Now, against a map of the United States, a large arrow pointed south to Mexico, and it reads: ''There are Mexicans willing to do your jobs for $3 to $4 an hour. Free trade treaty allows'' this. This is right from the literature that was passed out in the plant.

Let me give another case in point: ITT Automotive in Michigan, where the company parked 13 flatbed trailers loaded with shrink-wrapped production equipment in front of the plant for the

duration of a union organizing drive. The trucks had these large signs posted which said, ''Mexico Transfer Job.''

So it is clear that people are making threats against workers ever time workers try to claim their rights.

The report makes no mention of health hazards or food hazards of the transporter trucking problem. NAFTA opened the floodgates to tainted food from Mexico. U.S. border inspectors are absolutely overwhelmed. Fewer than 1 percent of the 3.3 million trucks entering the United States each year are inspected. In about 6 weeks, Madam Speaker, this Congress will be deciding whether to spread NAFTA's poor performance over the entire hemisphere.

This is the meaning of the fast track vote. What we know about NAFTA's first 3 years does not justify spreading it throughout the hemisphere. As recently as March 18, 1997, a top official at the U.S. Trade Representative's Office said in a debate with me on national television that they could back up job growth estimates with specific companies, specific cities and towns where the growth has occurred, but they have not.

I think supporters of NAFTA should go back to the drawing board and report accurately and fully the effects of NAFTA. Congress should not give the President special fast track authority to expand NAFTA. We should look for ways to protect the American worker, protect American jobs, and assure that our economy will have the ability to prepare America for the new century.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. PRYCE of Ohio) at 10 a.m.

PRAYER

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

We know, O God, that the lives of people are filled with all the emotions of the human heart, from the joy and gladness of love and peace to the disappointments and frustrations that cloud the day and trouble the soul. Yet, O gracious God, whatever our mood or whatever our situation in life, You are constant in Your grace and faithful in Your promises. For these gifts and all the confidence You bring to us and to all people, we offer these words of thanksgiving and gratitude. In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona [Mr. SALMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SALMON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2203) ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, and Mr. DORGAN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes from each side.

LANDMARK OCCASION

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

Mr. GIBBONS. Madam Speaker, this is the dawn of good news for the hard-working taxpaying Americans.

Madam Speaker, I rise today to commend the budget team, the negotiators from both sides of the aisle, both Democrat and Republican, for reaching a tentative budget agreement. As is the case with all compromise, the negotiated tax package does not contain everything or every provision that I would like. It does, however, contain many provisions that will dramatically improve the lives of hard-working men and women throughout this country.

Starting next year, the death tax exemption will jump to 1.3 million for small businesses and family farms, making it easier for parents to pass the family business onto their children. Most importantly, Madam Speaker, this budget agreement exemplifies the Republican message that working men and women in America should be allowed to keep more of their hard-earned money to spend as they see fit. This is a landmark occasion, and I urge my colleagues to support it, the tax relief bill tomorrow, when it comes to the floor.

DEMOCRATS CAN BE PROUD

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

Mr. PALLONE. Madam Speaker, I am proud of the role the Democrats took in this budget deal to guarantee that working families got their fair share of the tax cuts. While the Republicans were fighting for Wall Street, the capital gains or estate tax breaks, Democrats were fighting for Main Street, the education and child tax credits. We wanted to make sure that the education and child tax credits went to all working Americans, including those with incomes less than $30,000, who the Republicans wanted to cut out of the child tax credit.

Democrats also fought the battle and won to provide health insurance to the majority of the Nation's 10 million uninsured children. President Clinton wisely insisted on an increase in the tobacco tax to provide a larger amount, $24 million to insure kids; and Democrats in the House, including our health care task force, pushed to close loopholes so the money could not be siphoned away for other purposes and would provide an adequate benefit package.

Madam Speaker, we still have to look at the details before we crow too much, but the general outlines of the agreement show that Democrats can be proud of their fight to stand up for the interests of working families.

COACH RON POLK

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

Mr. PICKERING. Madam Speaker, I rise today to take notice of a very special man, Coach Ron Polk. He served as the head baseball coach at Mississippi State University for 20 years, where he led his Bulldogs to the college world series five times.

Coach Polk has compiled an incredible record at Mississippi State with a record 888 wins. Last February, he became only the 16th coach in college baseball history to reach the 1,000 win pinnacle.

He has been selected as the National Coach of the Year on two separate occasions and coached the U.S. Olympic

baseball team three times. Coach Polk has taught and coached 18 all-Americans and 98 players who have gone on to the ranks of professional baseball.

In addition, tonight he is serving as the honorary coach of the Republican congressional baseball team. We hope to have one more victory for his record tonight. He arrived last night just in time for the budget deal to be reached, and we hope that that is a good omen that, as he comes to town, we do good things in Congress for the American people and hopefully we will win one for him tonight.

It is with great honor that I recognize his achievements. The king of college baseball, he has served Mississippi State and college baseball with great distinction.

HOUSE DEMOCRATS FOUGHT FOR WORKING FAMILIES

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

Mr. ALLEN. Madam Speaker, what a difference a few weeks can make. The tentative agreement to balance the budget and cut taxes sure is different, and better, than the Republican proposals we voted on last month.

Even last week the other side was describing hard-working, low-income Americans as receiving welfare if they got a $500 per child tax credit to offset their payroll taxes.

House Democrats fought to ensure that they were covered. This is a victory for those working families.

House Democrats fought for some new initiatives to cover some of the 10.5 million children in this country who do not have health insurance. This agreement has $24 billion for children's health care. This is a victory for them.

Tax credits for education, support for families, cutting capital gains taxes for home sellers and investors, this is a victory for fairness and the American people.

We still need to see the revenue projections to be sure that this agreement is fiscally sound, but it is much fairer than the Republican proposals this House passed in June. This is a victory for all of us.

USE OF GOATS AT MILLS COLLEGE

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

Mr. BALLENGER. Madam Speaker, the Teamsters Union recently accused Mills College in Oakland, CA, of violating its union contract by hiring 500 goats to clear brush from college property rather than using unionized maintenance workers. According to press accounts, in filing a grievance against the school, the local Teamster boss suggested that the college should require the 500 goats to become union members.

Madam Speaker, I do not want to make the Teamsters a scapegoat in this saga, but we know how John Sweeney, the ultimate union boss in Washington, plans to make good on his promise to increase union membership through renewed emphasis on organizing. By golly, if you cannot convince real live human beings to join your local neighborhood union, let us sign up some farm animals.

Madam Speaker, I would caution, however, that this scheme might have its share of problems. For one, the Supreme Court's Beck decision says that workers have the right to object to the payment of union dues not used for collective bargaining purposes. No matter how this caper finally gets resolved, Madam Speaker, I wish to urge Mills College to stand their ground and not let the Teamsters get their goats.

CHARLIE TRIE

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

Mr. TRAFICANT. Madam Speaker, if you thought John Huang was something, get a load of Charlie Trie. This Little Rock restaurant owner, who has suddenly mysteriously disappeared, did not mess around. Charlie Trie went right to the Bank of China; $1 million was wired from the Bank of China, directly to Charlie Trie's bank account that happened to end up in the Democrat National Committee.

Let us tell it like it is. When money from the Bank of China ends up in a Presidential campaign, it is not about fundraising anymore, Madam Speaker, it is destroying our national security. Truth is, when it comes to power politics, Chinese money literally grows on trees. Beam me up, Madam Speaker. There should be more investigation into this Chinese money business.

REPUBLICANS STICK BY THEIR GUNS

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

Mr. SCARBOROUGH. Madam Speaker, 4 years ago the Democrats in this Congress passed the largest tax hike in U.S. history. They told us that tax relief for middle-class Americans was out of the question. That is why every Republican voted against their budget.

Three years ago, Democrats opposed the balanced budget amendment and the balanced budget in 7 years. They said it would wreck the economy. Yet our budget is going to balance in the next few years. Two years ago, Democrats spent millions and millions of dollars attacking the Republicans for trying to save Medicare. Keep it alive for another generation. Today, they signed onto our plan to save Medicare. We will not even spend a cent against them demagoguing.

This past year, we were told time and time again by liberals that tax cuts were out of the question. Well, we stuck by our guns and because of it the American people will have the first tax relief plan in 18 years.

Madam Speaker, I am proud we stuck by our guns, I am glad we stuck with our fight. I am glad that the American people will be the beneficiaries of the Republican Party standing up for what is best for them.

BEN HOGAN

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

Mr. FROST. Madam Speaker, today Fort Worth, TX, says goodbye to one of its own, golf legend Ben Hogan. As a youngster growing up in Forth Worth in the 1950's, I realized Ben Hogan was something special. He was spoken about with reverence in our city.

Only later, when I tried with little success to play golf, did I realize how very special he was.

One of the greatest golfers to ever play the game, Ben Hogan began his career as a caddie at the Glen Garden Country Club in Forth Worth when he was 11 years old. When he was 16, his mother urged him to do something more productive with his life.

Ben, displaying the determination that would characterize his play later, responded by saying, Mama, some day I am going to be the greatest golfer in the world. Ben Hogan won nine major tournaments and in 1953 won the U.S. Open, the Masters, and the British Open in the same year, something no other golfer has ever done. All told, he won 63 tournaments and displayed a quiet dedication and grace that were the envy of everyone who ever played the game.

Now the starter at the Celestial Golf Club has called Ben Hogan to the first tee for his next round. I expect that Ben will master that course as well.

AMERICAN PEOPLE ARE THE TRUE WINNERS

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

Mr. SALMON. Madam Speaker, what a pleasure it is to be here today. This year has been a very emotional roller coaster for me. I have had my highs and lows. I have been called irreverent. I have been called a rebel. I have been called an agitator. I had an epiphany along the way just a few days ago. As bad as things seem to get sometimes and as slow as things really change, it could have been worse.

I could have been here when the other party was in charge. I could have been here when deficits were spiraling. I could have been here when tax cuts not only would never even make it out of committee, they would never even see the light of day.

Today, we are passing a substantial tax cut, something that the Democrats

have chided and fought against for years and years and years because they believe in government. We believe in people.

Today, the American people are the true winners. In spite of the fact that change still does not come fast enough, here we are. And there is a major change in Washington. Government is shrinking and the American people are truly the victors.

BUSINESS AS USUAL

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

Mr. DEFAZIO. Madam Speaker, we have got the great bipartisan budget deal, a balanced budget with generous tax cuts. If it seems too good to be true, do you know what? It is.

This is not a new day in Washington, DC. This is business as usual. Cutting up a fat hog, made wildly optimistic assumptions about the economy and revenues, cut social programs a little. Do not take a penny out of the Pentagon and give a host of generous tax cuts slanted toward the most wealthy in America and the largest corporations. A deal written behind closed doors announced last night; no written copies available to Members of Congress, nothing available for review, but it will be voted on tomorrow night, just to be certain that no one knows the details before the details leak out and it begins to stink like the Potomac in August.

□ 1015

TRIBUTE TO HAP BAKER

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

Mr. BARTLETT of Maryland. Madam Speaker, yesterday in Carroll County, MD, we laid to rest a great American, Hap Baker. Hap was the inventor of the guidance system for the Patriot missile. He was proud of that. But he was probably proudest of this little button which he was never without for the past several years: ''Politically incorrect, and proud of it.''

Hap felt that he was politically incorrect because he had an undying commitment to the great principles of limited government and individual rights set forth in the Constitution. Hap was aghast that a profligate Congress passes law after law and never questions the constitutional authority. He was particularly supportive of second amendment rights.

But first and foremost, he was a conservationist. Hap understood that even in a perfect world, the Lord asked Adam and Eve to dress and keep the garden, and Hap wanted to help. We miss you Hap, and we will not forget you and what you stood for: ''Politically incorrect, and proud of it.'' God bless.

BALANCED BUDGET AND TAX AGREEMENT

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

Mr. ROEMER. Madam Speaker, I rise in strong support of the bipartisan balanced budget and tax agreement. This proposal achieves two long-sought-after objectives. One, it will balance the budget in a fair and equitable manner. And, second, it creates new programs for children's health, education, and modest tax relief for hard-working Americans.

Now, with this recently-agreed-to budget proposal, we have $24 billion for children, we have tax relief for small farmers, small businesses and, yes, low-income people at $25,000 a year; we have educational help for people in college.

Madam Speaker, this permanently rejects the tax-and-spend label on Democrats. And, yes, it will continue to say the Democrats come up with new ideas that work effectively for hard-working people in America.

AMERICAN PEOPLE ARE WINNERS IN BALANCED BUDGET AGREEMENT

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

Mr. BOEHNER. Madam Speaker, and my colleagues, it is really going to happen, the first balanced budget in a generation, the first tax cut from Washington in 16 years, and a program to strengthen and preserve Medicare.

Members from both sides of the political aisle worked together; the White House worked with us honestly to bring about these achievements. So there are a lot of people going to be claiming credit today and a lot of people claiming who the winners really are. The real winners in this agreement are the American people, the American people who sent us here to do their bidding and to do their work.

Over the last 2½ years, it has not just been this balanced budget and this tax cut and this preservation of Medicare that we have accomplished, it has been welfare reform, a generation of politicians trying to come to grips with this issue, illegal immigration reform, health care reform, elimination of over 300 Federal Government programs, saving over $50 billion.

This Congress continues to do what the American people are demanding, a smaller, less costly, less intrusive government here in Washington, moving power back home so Americans can make more decisions about their own lives.

IN SUPPORT OF BALANCED BUDGET AGREEMENT

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Madam Speaker, it is my pleasure today to rise in support of the balanced budget agreement that we will be voting on later this week.

Before I entered the House in January, we had a Congress that was shutting the Government down, not once but twice. We now have new faces. We now have the President's leadership in bringing together people on both sides to create a bipartisan agreement. This is an agreement that when it first came before the House I could not support because it very much gave relief to those at the top, hoping that those at the middle somehow would receive it through trickle-down economics.

But what we have now is very different. The efforts, the hard work of the last few weeks have made a tremendous difference. We now see middle-class families, small businesses, family-owned farms receiving the kind of relief that we have been fighting for. Education is now a top priority; children's health care for families that work but do not have insurance.

This is a dramatically different proposal than the one that passed a few weeks ago. The hard work paid off. The folks that have been communicating their concerns for middle-class America have made a difference.

OVERSEAS PRIVATE INVESTMENT CORPORATION

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

Mr. ROYCE. Madam Speaker, the Overseas Private Investment Corporation, known as OPIC, provides loans and insurance to corporations operating overseas and at below-market cost. It is a subsidy. OPIC competes with private banks and insurers, only OPIC operates outside of the market, with the full faith and credit of the American taxpayer behind it. The American taxpayers are at risk.

The Royce-Andrews-Kasich amendment, which will come up on Thursday, is a modest proposal. It calls for spending no more than $20.8 million on this program. We are asking that OPIC live within the administrative expenses budgeted for it in 1994, when its current authorization level was established.

In this time of corporate downsizing and shrinking budgets, is it really so much to keep OPIC's budget from growing by $12 million, or 50 percent? I do not think so. I urge my colleagues to vote ''yes'' for this amendment on Thursday.

IN SUPPORT OF ROYCE-ANDREWS-KASICH AMENDMENT

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

Mr. JACKSON of Illinois. Madam Speaker, I rise today in support of the Royce-Andrews-Kasich amendment, which is a bipartisan amendment that

reduces the administrative appropriation for the Overseas Private Investment Corporation, OPIC, from $32 million to $20.8 million. OPIC uses taxpayer money to provide direct loans and risk insurance to Fortune 500 companies, who in turn are firing American workers.

One year ago, Congress and the President put an end to the six-decade floor beneath the aid to families with dependent children, or AFDC, a minimus program justified on the basis of simple humanity and basic morality, yet the corporations want to continue their AFDC program, Aid For Dependent Corporations. With their record profits and management salary and benefits, they have no such humanitarian or moral claim. The cost to American taxpayers and workers cannot be justified.

With the destabilizing effects of corporate downsizing on American workers and their families, we should not be providing incentives for America's corporate giants to invest abroad, taking advantage of low wage cost, lower standards, and often exploitative working conditions of Third World countries rather than reinvesting and creating jobs at home. We need to raise the developing country standards, not lower our own in an ever-increasing global economy.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, on June 24, on rollcall 311, I am recorded as not voting. I recall vividly being in the Chamber. It was on the agricultural appropriations bill. I feel that I voted but I was inadvertently not recorded on that vote. Had I been recorded on that vote, I would have voted ''aye.''

PROVIDING FOR CONSIDERATION OF H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COBLE). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate on this issue only.

Mr. Speaker, House Resolution 198 is an open rule, as is customary for appropriations measures. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against consideration of the bill for failing to comply with 2(L)(6) of rule XI, the 3-day requirement for availability of the report. The rule also waives points of order against consideration of the bill for failure to comply with clause 7 of rule XXI, the 3-day requirement for availability of printed hearings on appropriations bills. Given the schedule we had have before us and the bipartisan manner with which this bill has been brought forward to the House, I think these waivers are entirely reasonable and fair.

In addition, this rule waives points of order under section 306 of the Budget Act of 1974, which prohibits consideration of bills containing matters within the jurisdiction of the Committee on the Budget. In the Committee on Rules we heard no objection from the Committee on the Budget on this point, so I do not believe this caused anybody any trouble either.

In addition, Mr. Speaker, the rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI, prohibiting unauthorized appropriations and legislation on general appropriations bills, as well as clause 6 of rule XXI, prohibiting transfers of unobligated balances. Again, I wish to advise my colleagues that these waivers have been reviewed by the authorizing committee and we have heard no objection to them.

Mr. Speaker, as we have done frequently in the recent past to bring greater awareness to the membership of potential amendments, the rule grants priority in recognition of those Members who have caused their amendments to be preprinted in the CONGRESSIONAL RECORD.

The rule also provides that the Chairman of the Committee of the Whole may postpone votes on any amendment and that the chairman may reduce voting time on postponed questions to 5 minutes, provided that the voting time on the first in a series of questions is not less than 15 minutes, usual procedure. This is a useful time management tool, one that may be especially welcome during these last hectic days as we seek to conclude the historic budget agreement before the August work period.

Lastly, Mr. Speaker, the rule provides for one motion to recommit, with our without instructions.

That sounds like a fairly complicated rule, but actually it is a fairly straightforward open rule for appropriations that has gone through all the proper process. I believe it has been done in a bipartisan spirit.

I wish to commend the gentleman from Florida [Mr. YOUNG], the subcommittee chairman, and the gentleman from Pennsylvania [Mr. MURTHA], the ranking member, for the extraordinary work they have done in crafting this bill. We sometimes resort to large adjectives and hyperbole in describing work here. In this case, I definitely mean it. This is a very good work product, and an awful lot of hard work has been put into it.

These are lean budget times, as we as know. It is even more difficult to make tough choices about national security under such circumstances. When we find ourselves in occasions such as we have today, we find sometimes tensions and breakdown in communications. Things go wrong. But to the credit of both men, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA], that has not happened, and instead we have a bipartisan bill, as we should with something so important as our national security.

On a personal note, as chairman of the Permanent Select Committee on Intelligence, which authorizes programs within this appropriations subcommittee's jurisdiction, I am most grateful for the level of cooperation, attention, and support we have from the appropriators.

□ 1030

The system of congressional oversight does work. It has worked very well in this area, and I am very proud of our effort.

Mr. Speaker, none of us wants to consider the possibility of threats to our

national security, the risks we face overseas, along our borders, and even here at home that seem to come from an ever increasing variety of threats. But in fact, I would say many Americans, especially the younger generations where there is no firsthand experience with war, seem willing to succumb to sort of a wishful thinking that the world is actually a safe place. This is dangerous and wrong. The world is not a safe place. While the type of threat has changed and the face of the enemy certainly looks different, we must never forget there are organizations, governments, and individuals who actively wish us harm.

Just in a short attention span, if we will focus on the tragedy of Pan Am 103 and take it through the bombing of Khobar Towers and think of all that has happened in between, and we will understand, whether it is civilian or military, whether here or there, there are threats to America and American interests and there are casualties and there are tragedies and victims, and we must pay attention. We must remain vigilant and protect ourselves against threats.

The spending bill before us makes the tough choices to live within the balanced budget agreement, while ensuring that crucial defense programs like missile defense are properly funded, and other programs that are not so spectacular.

Frankly, this bill lays out a challenge to the administration to reverse dangerous trends of below adequate spending in some areas. This bill also provides unquestionable support to our troops, most of the men and women doing the hard work of peace at home and overseas every day on our behalf.

We must never allow our budgetary concerns to tempt us to cut corners when it comes to troop readiness or ensuring our fighting forces have the equipment they need, when they need it, and where they need it.

Lastly, this bill makes an important statement about our missions in Bosnia. We are all so proud of the work the American troops have done in that very difficult and uncertain environment, no matter how we feel about the policy questions. But we do not want their mission to be extended indefinitely, and so this bill includes language to enforce a June 30, 1998, deadline.

To those who think it fashionable or politically useful to cut defense, may I suggest a visit to our troops in Bosnia? I think that Members' minds would be changed. May I suggest a review of the action in Desert Storm, of the work that was done by our military? May I suggest a trip to visit the remains of Khobar Towers, if one thinks it is not dangerous work?

Mr. Speaker, this is a good bill. It is a fair rule. I urge my colleagues to support both.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this open rule on H.R. 2266, the Department of Defense appropriation for fiscal year 1998.

The appropriations in H.R. 2266 provide for our Nation's security and for our defense. Thus, they are critical to ensuring that the United States remains the world's leader. The funds recommended in this bill closely track the authorization levels passed by the House and reflect the major policy decisions which were decided in that legislation.

While the funding levels in this bill do fail to keep pace with inflation, they reflect the reality of budgetary restraints and, consequently, the dollar figures in this bill are those that reflect the overall spending levels agreed upon by both the President and the Congress.

Mr. Speaker, the cold war may be over, but we do not enjoy a peacetime that allows our military forces to stand down. Instead, they are being called upon to perform both military and peacekeeping roles all around the world. The soldiers, sailors, airmen, and marines who serve our country are being stretched to the limit, but they are up to the task and their performance under these trying circumstances should make us all very proud.

Mr. Speaker, longer rotations and longer family separations and more work with fewer people is taking a toll on our men and women in uniform and their families. I commend the committee for putting our troops first by providing for the pay raise recommended by the President, improved housing and for quality of life initiatives. The Congress has an obligation to these men and women who serve us, and I hope the continuing commitment to those improvements will be a top priority for both the authorizing committee and the appropriating committee.

Mr. Speaker, the rule provides for waivers of points of orders against the consideration of the bill for failure to comply with clause 2 of rule XXI. This waiver is necessary, of course, because the authorization bill has not yet been signed into law. But as every Member knows, the House has done its work and has passed the authorization, and the provisions of this appropriation closely track that bill.

This is especially true with reference to the major policy decisions and acquisitions in the authorization. I am pleased that the committee has provided funding for the B–2 stealth bomber at the level agreed to by the House in the authorization bill, at a level which will allow those parts of the production line, which had been shut down, to start. The B–2 will continue to serve the Air Force well into the next century and, by providing adequate funding for advance procurement, the Congress will ensure that production of this effective weapons system continues in future years.

In addition, Mr. Speaker, the bill provides $81 million for advanced procurement of the F–22, the fighter of the 21st century, as well as funding for acquisition of seven V–22 tiltrotor aircraft. Important components in the ability of the particular marines and special forces to deliver combat troops safely and effectively. The bill rightfully concentrates on important operations and maintenance accounts, but also looks toward the future by funding important research and development programs.

A combination of quality of life initiatives, procurement, operations and maintenance, along with research into the future of our military needs, makes this an excellent bill in light of the cutbacks required by our need to balance the Federal budget.

Mr. Speaker, this is a fair rule. It allows any Member to contest the spending levels recommended in the bill, but it does not permit the consideration of legislative issues which have already been decided by the House in the authorization bill.

I commend this rule and the bill to my colleagues.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my good friend, the gentleman from Sanibel, FL, Mr. PORTER GOSS, the manager of this rule, for yielding me this time, and as the gentleman from Florida and the gentleman from Texas [Mr. FROST], have adequately described the rules of debate, I will not get into that except to say that, obviously, it is a fair and open rule.

On the bill itself, Mr. Speaker, let me just again congratulate the chairman, the gentleman from Florida, Mr. BILL YOUNG, and the ranking member, the gentleman from Pennsylvania [Mr. MURTHA], and the entire Committee on Appropriations and their staffs, for once again putting together an excellent piece of legislation under very, very difficult circumstances.

The defense appropriation bill, along with the companion authorization bill, probably is the most important thing we do around here, Mr. Speaker. It is absolutely imperative that this bill contain adequate funding for all of the military personnel in all branches of service who are right now out in the field standing vigilant on behalf of the American Government and the American people.

It is imperative that this bill contain enough quality of life incentives to retain and recruit the best people we can for our military. It is imperative this bill contain enough funding for operations and maintenance, so that our troops can be as highly trained as possible in case they are called into battle. It is imperative this bill contain adequate funding for weapons procurement and for research and development so that our troops can fight and defend themselves with only the very best

equipment and technology that money can buy.

Mr. Speaker, to the best extent possible, I think this bill does all of that, considering the funds that are available. At $248 billion, the bill adds over $4 billion to President Clinton's wholly inadequate request. The bill adds $3.9 billion to the President's request for procurement, which is so important, and $770 million for research and development over and above what the President had asked for.

These accounts contain adequate funding for the weapon systems of tomorrow, some of which were mentioned a minute ago, such as the F–22 stealth fighter, the B–2 bomber, the Marine Corps V–22 troop carrier, and the next generation of aircraft carriers and submarines.

These accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something for which, and I guarantee my colleagues, we will all be grateful for some day.

This bill contains a 2.8-percent pay raise for our soldiers and adds a significant funding increase for barracks, for family housing, and for child care centers, keeping in mind, Mr. Speaker, that when I served in the military, some 45 years ago, most of us were single. Today, most of them are married and we need adequate barracks, adequate family housing and child care centers in order to continue to attract a real cross section of America. That is so terribly important, especially in an all-volunteer military such as we have.

Despite all of these excellent provisions in this bill, let me go on the record right now to say that we continue to provide inadequate, yes, inadequate funds for this Nation's defenses. This bill will represent the 13th straight year of inflation adjusted cuts to the defense budget. No other account in the Federal budget has been cut so much. Weapons procurement, which has been cut by nearly 70 percent since 1985 alone, remains at least $14 billion below where the Joint Chiefs of Staff said we need to be in order to retain our technology advantage over potential adversaries.

Our military is vastly smaller and older than just 6 years ago during Desert Storm. Most experts agree today that such a mission would simply be impossible to undertake. Keep in mind, for instance, in 1991 we had 18 Army divisions and used 7 of them in Desert Storm. Eighteen Army divisions, seven used in Desert Storm. Today, we have only 10 divisions, not 18, and we are heading toward 9. Now, think about that, my fellow colleagues.

As former Secretary of Defense William Perry said, we are already at the minimum force structure level that we need in order to retain our role as a global power. Think about that.

Of course, this is not the fault of the Committee on Appropriations. As I said before, they have operated under severe constraints, and they have done one tremendous job with the dollars that they have had available to them. Those constraints are the balanced budget resolution this Congress has passed and, more importantly, the repeated unwillingness of this administration to pay adequate attention to our Nation's defenses.

Despite his State of the Union pledge a number of years ago, President Clinton continues to cut national defense funding in his budgets that he presents to this body and has fought our defense increases tooth and nail. If we had not persevered, think where we would be today.

Mr. Speaker, that is a scandal, but it is one we can overcome by voting for this rule and for this bill today and then working together to find additional moneys for the No. 1 constitutional duty of this House. And if my colleagues read the Constitution, that constitutional duty is providing for a national defense for all Americans. That is the reason we formed this republic of States, 200 some years ago. And to do that, it is imperative that we give our young men and women the very best.

Some people, Mr. Speaker, would criticize the military. They would criticize serving in the military. But it is one of the most honorable careers that anyone could ever pursue. Anyone. Today, when our young men and women go in our all-volunteer military, first of all they come from a cross section of America. They are the finest. They are young men and women looking for a career. And when they serve, whether it is for 3 years or 5 years or 20 years, they learn a trade but, more importantly, they learn things like the words ''pride'' and ''patriotism'' and ''volunteerism'' and ''community.'' They learn how not to use drugs.

Did my colleagues know that back in the early 1980's that 25 percent of the military personnel were admittedly using some kind of illegal drugs. And because of drug testing that was implemented by this Congress, a bill that I introduced and Ronald Reagan's Executive order, that through random drug testing of every single buck private all the way up to every general and admiral, that the use of drugs in our military today has dropped 82 percent, and now less than 4 percent are using drugs? If we could only do that with the rest of America, we would solve this drug problem.

Yes, they do learn words like ''pride'' and ''patriotism,'' and they learn words like ''discipline'' and how terribly important that is. Many of them come from broken homes, where they do not have a father and a mother, and they do not have a mother that is there during the daytime to help teach them some discipline. Today, they learn words like ''courtesy'' and ''respect,'' and they even get a little ''religion.''

Mr. Speaker, serving in the all-volunteer military today is an honorable and respectable career, and that is why we must do everything we can to give these young men the very best if we are going to put them in harm's way someday. And that is why this particular budget is so important here today and why I again just take off my hat to the chairman, the gentleman from Florida, and to the ranking member, the gentleman from Pennsylvania, and their entire committee and staff for the great work they have done in putting this together.

Mr. Speaker, I commend them, and I urge support of this rule and the bill that will follow it.

□ 1045

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio [Ms. PRYCE], a member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me this time, and I rise in strong support of this open rule.

Providing for the national defense is one of the few Federal duties that is very, very clearly defined in our Constitution. As such, we have the responsibility to ensure that the men and women of our Armed Forces have the training and resources that they need to defend our Nation from the global threats that still remain.

Make no mistake about it, Mr. Speaker. Despite the end of the cold war, there are many threats still out there that require the United States to be vigilant and ready for conflict in the sad event it should arise.

The bill which this open rule makes in order is a sound effort to put balance back into our defense priorities. I commend the chairman and the ranking minority member of the Subcommittee on National Security of the Committee on Appropriations for crafting a bill that addresses the many competing challenges facing our military establishment in a very responsible manner.

As in the past, this bill focuses on enhancing quality of life, especially for military families, addressing shortfalls in readiness and training, modernizing our fighting force, and downsizing our Armed Forces overall. And it does so while staying true to the bipartisan goal of balancing the Federal budget.

Most importantly, H.R. 2266 puts the troops first and recognizes that the heart and soul of our defense is the all-volunteer army. By providing the funding for improved military housing, child development centers and even programs like breast cancer detection and treatment, this bill respects the hard work and sacrifices made by our military personnel and attempts to give them the quality of life and standard of living that they deserve.

Mr. Speaker, the safety and prosperity of the American people depend on safeguarding our national security in a changing world. We simply cannot afford to let the gains we have made for freedom and democracy be jeopardized by any insufficient defense strategy. Under this open rule we will have full

and fair debate on preparing our military for the next century. I would urge a yes vote on both measures.

Mr. FROST. Mr. Speaker, I have no further requests for time. I urge adoption of the rule, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume. I would simply say that I believe this is No. 8 of the appropriations bills. We have cleared seven in the House. This is the eighth. The Committee on Rules has cleared 2 others, which will make 10. I think there are three left. We are chugging along on schedule doing the work of America. I urge our colleagues to support this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. 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. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and that I may be permitted to include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 198 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2266.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] each will control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume. We are pleased to bring before the committee today what I think is an outstanding bipartisan national defense appropriations bill. The security of our Nation and the protection of our troops and those who serve in uniform should be nonpolitical. It should be bipartisan. This bill reflects that.

This is a bipartisan bill. It was put together with the strong cooperation of the gentleman from Pennsylvania [Mr. MURTHA], the ranking member on the subcommittee, and all of the members of the subcommittee and the staff who worked with us. We have presented a bill that is reflective of the needs of the military, reflective of the various threats that exist and potential threats that exist in the world, and it has been done in a very bipartisan fashion.

This bill today, Mr. Chairman, is within the constraints and the agreements on the part of the President, on the part of the House, and on the part of the Senate as we dealt with our budget agreement.

We are basically in agreement with the authorizing bills as passed by the House, from the Committee on National Security and also the Permanent Select Committee on Intelligence, both of which committees we appropriate for their authorization.

This bill includes some $4.4 billion over the request of the President but, as I said, with the budget agreement that he has agreed to, that obviously is acceptable. This bill goes directly to the heart of our national security requirements. About 70 percent of the money appropriated in this bill goes for the personnel and the operations and maintenance of the force, salaries, allowances, housing, medical care, et cetera, et cetera. We have increased the medical allowances because there was a shortfall. The administration recognized that and asked for an increase; we provided that.

We have made some very specific recommendations and changes in the bureaucracy in the Pentagon, and as we work toward making the Pentagon a triangle, we have been able to reduce funding for civilian consultants, funding for the civilian bureaucracy, and have reduced funding for military bureaucracy where it was duplicative and, in the opinion of the members of the subcommittee, was really not necessary.

Mr. Chairman, all in all, we bring to this House an excellent bill. I think we can move it through here quickly. The authorizing bill from the Committee on National Security received a very large vote. The authorizing bill for Intelligence was passed by this House with a voice vote, and we expect that we should be able to move this bill quickly as well, because it pretty much tracks the contents of those two authorizing bills.

Mr. Chairman, I include the following tabular material:

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 2266)

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	20,633,998,000	20,492,257,000	20,445,381,000	-188,617,000	-46,876,000
Military Personnel, Navy	16,986,976,000	16,501,118,000	16,504,911,000	-482,065,000	+3,793,000
Military Personnel, Marine Corps	6,111,728,000	6,147,599,000	6,141,635,000	+29,907,000	-5,964,000
Military Personnel, Air Force	17,069,490,000	17,154,556,000	17,044,874,000	-24,616,000	-109,682,000
Reserve Personnel, Army	2,073,479,000	2,024,446,000	2,045,615,000	-27,864,000	+21,169,000
Reserve Personnel, Navy	1,405,606,000	1,375,401,000	1,377,249,000	-28,357,000	+1,848,000
Reserve Personnel, Marine Corps	388,643,000	381,070,000	391,953,000	+3,310,000	+10,883,000
Reserve Personnel, Air Force	783,697,000	814,936,000	814,772,000	+31,075,000	-164,000
National Guard Personnel, Army	3,266,393,000	3,200,667,000	3,245,387,000	-21,006,000	+44,720,000
National Guard Personnel, Air Force	1,296,490,000	1,319,712,000	1,331,417,000	+34,927,000	+11,705,000
Total, title I, Military Personnel	70,016,500,000	69,411,762,000	69,343,194,000	-673,306,000	-68,568,000
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	17,519,340,000	17,049,484,000	17,078,218,000	-441,122,000	+28,734,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
Operation and Maintenance, Navy	20,061,961,000	21,508,130,000	21,779,365,000	+1,717,404,000	+271,235,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
Operation and Maintenance, Marine Corps	2,254,119,000	2,301,345,000	2,598,032,000	+343,913,000	+296,687,000
Operation and Maintenance, Air Force	17,263,193,000	18,817,785,000	18,740,167,000	+1,476,974,000	-77,618,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
Operation and Maintenance, Defense-Wide	10,044,200,000	10,390,938,000	10,066,956,000	+22,756,000	-323,982,000
Operation and Maintenance, Army Reserve	1,119,436,000	1,192,891,000	1,207,891,000	+88,455,000	+15,000,000
Operation and Maintenance, Navy Reserve	886,027,000	834,711,000	924,711,000	+38,684,000	+90,000,000
Operation and Maintenance, Marine Corps Reserve	109,667,000	110,366,000	119,266,000	+9,599,000	+8,900,000
Operation and Maintenance, Air Force Reserve	1,496,553,000	1,624,420,000	1,635,250,000	+138,697,000	+10,830,000
Operation and Maintenance, Army National Guard	2,254,477,000	2,258,932,000	2,313,632,000	+59,155,000	+54,700,000
Operation and Maintenance, Air National Guard	2,716,379,000	2,991,219,000	2,995,719,000	+279,340,000	+4,500,000
Overseas Contingency Operations Transfer Fund	1,140,157,000	1,467,500,000	1,855,400,000	+715,243,000	+387,900,000
United States Court of Appeals for the Armed Forces	6,797,000	6,952,000	6,952,000	+155,000	.....
Environmental Restoration, Army	339,109,000	377,337,000	377,337,000	+38,228,000	.....
Environmental Restoration, Navy	287,788,000	277,500,000	277,500,000	-10,288,000	.....
Environmental Restoration, Air Force	394,010,000	378,900,000	378,900,000	-15,110,000	.....
Environmental Restoration, Defense-Wide	36,722,000	27,900,000	27,900,000	-8,822,000	.....
Environmental Restoration, Formerly Used Defense Sites	256,387,000	202,300,000	202,300,000	-54,087,000	.....
Overseas Humanitarian, Disaster, and Civic Aid	49,000,000	80,130,000	55,557,000	+6,557,000	-24,573,000
Former Soviet Union Threat Reduction	327,900,000	382,200,000	284,700,000	-43,200,000	-97,500,000
Quality of Life Enhancements, Defense	600,000,000	.....	.....	-600,000,000	.....
Total, title II, Operation and maintenance	79,163,222,000	82,280,940,000	82,925,753,000	+3,762,531,000	+644,813,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	.....	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,348,434,000	1,029,459,000	1,541,217,000	+192,783,000	+511,758,000
(By transfer - National Defense Stockpile)	.....	(133,000,000)	.....	.....	(-133,000,000)
Missile Procurement, Army	1,041,867,000	1,178,151,000	771,942,000	-269,925,000	-406,209,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,470,286,000	1,065,707,000	1,332,907,000	-137,379,000	+267,200,000
Procurement of Ammunition, Army	1,127,149,000	890,902,000	1,062,802,000	-64,347,000	+171,900,000
Other Procurement, Army	3,172,485,000	2,455,030,000	2,502,886,000	-669,599,000	+47,856,000
Aircraft Procurement, Navy	7,027,010,000	5,951,965,000	6,753,465,000	-273,545,000	+801,500,000
(By transfer - National Defense Stockpile)	.....	(134,000,000)	.....	.....	(-134,000,000)
Weapons Procurement, Navy	1,389,913,000	1,136,293,000	1,175,393,000	-214,520,000	+39,100,000
Procurement of Ammunition, Navy and Marine Corps	289,695,000	336,797,000	423,797,000	+134,102,000	+87,000,000
Shipbuilding and Conversion, Navy	5,613,665,000	7,438,158,000	7,628,158,000	+2,014,493,000	+190,000,000
Other Procurement, Navy	3,067,944,000	2,825,500,000	3,084,485,000	+16,541,000	+258,985,000
Procurement, Marine Corps	569,073,000	374,306,000	491,198,000	-77,875,000	+116,892,000
Aircraft Procurement, Air Force	6,404,980,000	5,684,847,000	6,386,479,000	-18,501,000	+701,632,000
(By transfer - National Defense Stockpile)	.....	(133,000,000)	.....	.....	(-133,000,000)
Missile Procurement, Air Force	2,297,145,000	2,557,741,000	2,320,741,000	+23,596,000	-237,000,000
Procurement of Ammunition, Air Force	293,153,000	403,984,000	414,884,000	+121,731,000	+10,900,000
Other Procurement, Air Force	5,944,680,000	6,561,253,000	6,588,939,000	+644,259,000	+27,686,000
Procurement, Defense-Wide	1,978,005,000	1,695,085,000	2,186,669,000	+208,664,000	+491,584,000
National Guard and Reserve Equipment	780,000,000	.....	850,000,000	+70,000,000	+850,000,000
Total, title III, Procurement	43,815,484,000	41,585,178,000	45,515,962,000	+1,700,478,000	+3,930,784,000
(By transfer)	.....	(400,000,000)	.....	.....	(-400,000,000)
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	5,062,763,000	4,510,843,000	4,686,427,000	-376,336,000	+175,584,000
Research, Development, Test and Evaluation, Navy	8,208,946,000	7,611,022,000	7,907,837,000	-301,109,000	+296,815,000
Research, Development, Test and Evaluation, Air Force	14,499,606,000	14,451,379,000	14,315,456,000	-184,150,000	-135,923,000
Research, Development, Test and Evaluation, Defense-Wide	9,362,800,000	9,069,680,000	9,494,337,000	+131,537,000	+424,657,000
Developmental Test and Evaluation, Defense	282,038,000	268,183,000	268,183,000	-13,855,000	.....
Operational Test and Evaluation, Defense	24,968,000	23,384,000	32,684,000	+7,716,000	+9,300,000
Total, title IV, Research, Development, Test and Evaluation	37,441,121,000	35,934,491,000	36,704,924,000	-736,197,000	+770,433,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 2266)—Continued

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
DBOF/Defense Working Capital Funds	947,900,000	33,400,000	971,952,000	+24,052,000	+938,552,000
Military Commissary Fund, Defense		938,552,000			-938,552,000
National Defense Sealift Fund:					
Ready Reserve Force	266,000,000	302,000,000	302,000,000	+36,000,000	
Acquisition	1,162,002,000	889,426,000	897,926,000	-264,076,000	+8,500,000
Total	1,428,002,000	1,191,426,000	1,199,926,000	-228,076,000	+8,500,000
Total, title V, Revolving and Management Funds	2,375,902,000	2,163,378,000	2,171,878,000	-204,024,000	+8,500,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	9,937,838,000	10,027,582,000	10,035,682,000	+97,844,000	+8,100,000
Procurement	269,470,000	274,068,000	274,068,000	+4,598,000	
Total, Defense Health Program	10,207,308,000	10,301,650,000	10,309,750,000	+102,442,000	+8,100,000
Chemical Agents & Munitions Destruction, Defense: 1/					
Operation and maintenance	478,947,000	472,200,000	472,200,000	-6,747,000	
Procurement	191,200,000	82,200,000	67,200,000	-124,000,000	-15,000,000
Research, development, test, and evaluation	88,300,000	66,300,000	56,300,000	-32,000,000	-10,000,000
Total, Chemical Agents	758,447,000	620,700,000	595,700,000	-162,747,000	-25,000,000
Drug Interdiction and Counter-Drug Activities, Defense	807,800,000	652,582,000	713,082,000	-94,718,000	+60,500,000
Office of the Inspector General	139,157,000	138,380,000	142,980,000	+3,823,000	+4,600,000
Total, title VI, Other Department of Defense Programs	11,912,712,000	11,713,312,000	11,761,512,000	-151,200,000	+48,200,000
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	196,400,000	196,900,000	196,900,000	+500,000	
Intelligence Community Management Account	129,164,000	122,580,000	125,580,000	-3,584,000	+3,000,000
Transfer to Dept of Justice	(27,000,000)	(27,000,000)	(27,000,000)		
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	10,000,000	10,000,000	10,000,000		
National Security Education Trust Fund	5,100,000	2,000,000	2,000,000	-3,100,000	
Total, title VII, Related agencies	340,664,000	331,480,000	334,480,000	-6,184,000	+3,000,000
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (sec. 8005)	(2,000,000,000)	(2,500,000,000)	(2,000,000,000)		(-500,000,000)
Disposal & lease of DOD real property (sec. 8037)	26,565,000	64,000,000	64,000,000	+37,435,000	
Overseas Military Fac Investment Recovery (sec. 8041)	1,000,000	30,000,000	30,000,000	+29,000,000	
National Science Center, Army (sec. 8048)	120,000			-120,000	
Export loan guarantee PGM	1,000,000	1,000,000		-1,000,000	-1,000,000
Rescissions (sec. 8055)	-137,108,000		-160,100,000	-22,992,000	-160,100,000
Coast Guard transfer	300,000,000			-300,000,000	
Excess funded carryover	-150,000,000			+150,000,000	
RDT&E general reduction	-680,552,000			+680,552,000	
Air Force DBOF pass through	-194,500,000			+194,500,000	
FFRDC's/consultants (sec. 8031)	-154,572,000		-141,300,000	+13,272,000	-141,300,000
Weapons of Mass Destruction	100,000,000			-100,000,000	
Anti-terrorism, counter-terrorism, and security enhancement activities:					
Emergency funding, FY 1997	230,680,000			-230,680,000	
General reduction	-230,680,000			+230,680,000	
RDT&E, Def-Wide dual-use program	100,000,000	2,000,000	2,000,000	-98,000,000	
Fisher Houses (sec. 8088)		1,000,000	1,000,000	+1,000,000	
Travel Cards (sec. 8089)		5,000,000	5,000,000	+5,000,000	
Warranties (sec. 8095)			-50,000,000	-50,000,000	-50,000,000
Excess Inventory (sec. 8093)			-100,000,000	-100,000,000	-100,000,000
Shared Cleanup Costs (sec. 8094)			-73,000,000	-73,000,000	-73,000,000
Total, title VIII	-788,047,000	103,000,000	-422,400,000	+365,647,000	-525,400,000
Effect of P.L. 105-18:					
Rescissions, FY93 - FY96	-464,102,000			+464,102,000	
Rescissions, FY 1997	-1,270,050,000			+1,270,050,000	
Emergency funding	1,846,200,000			-1,846,200,000	
Non-emergency funding	76,800,000			-76,800,000	
Net total effect of P.L. 105-18	188,848,000			-188,848,000	
Grand total	244,466,406,000	243,523,541,000	248,335,303,000	+3,868,897,000	+4,811,762,000
(By transfer)	(177,000,000)	(577,000,000)	(177,000,000)		(-400,000,000)

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 2266)—Continued

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	Bill	Bill compared with Enacted	Bill compared with Estimate
BUDGET SCOREKEEPING ADJUSTMENTS					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000,000	550,000,000	150,000,000	.....	-400,000,000
Stockpile collections (unappropriated)	-150,000,000	-150,000,000	-150,000,000	.....	.....
Emergency funding for anti-terrorism (sec. 8137)	-230,680,000	.....	.....	+230,680,000	.....
ICMA transfer to Dept of Justice	(27,000,000)	.....	.....	(-27,000,000)	.....
Emergency funding (P.L. 105-18)	-1,846,000,000	.....	.....	+1,846,000,000	.....
Total adjustments	-2,076,680,000	400,000,000	.....	+2,076,680,000	-400,000,000
Total, Department of Defense:					
Bill total	244,466,406,000	243,523,541,000	248,335,303,000	+3,868,897,000	+4,811,762,000
Scorekeeping adjustments	-2,076,680,000	400,000,000	.....	+2,076,680,000	-400,000,000
Grand total	242,389,726,000	243,923,541,000	248,335,303,000	+5,945,577,000	+4,411,762,000
RECAPITULATION					
Title I - Military Personnel	70,016,500,000	69,411,762,000	69,343,194,000	-673,306,000	-68,568,000
Title II - Operation and Maintenance	79,163,222,000	82,280,940,000	82,925,753,000	+3,762,531,000	+644,813,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	.....	.....
Title III - Procurement	43,815,484,000	41,585,178,000	45,515,962,000	+1,700,478,000	+3,930,784,000
(By transfer)	.....	(400,000,000)	.....	.....	(-400,000,000)
Title IV - Research, Development, Test and Evaluation	37,441,121,000	35,934,491,000	36,704,924,000	-736,197,000	+770,433,000
Title V - Revolving and Management Funds	2,375,902,000	2,163,378,000	2,171,878,000	-204,024,000	+8,500,000
Title VI - Other Department of Defense Programs	11,912,712,000	11,713,312,000	11,761,512,000	-151,200,000	+48,200,000
Title VII - Related agencies	340,664,000	331,480,000	334,480,000	-6,184,000	+3,000,000
Title VIII - General provisions	-788,047,000	103,000,000	-422,400,000	+365,647,000	-525,400,000
(Additional transfer authority)	(2,000,000,000)	(2,500,000,000)	(2,000,000,000)	.....	(-500,000,000)
Net effect of P.L. 105-18	188,848,000	.....	.....	-188,848,000	.....
Total, Department of Defense	244,466,406,000	243,523,541,000	248,335,303,000	+3,868,897,000	+4,811,762,000
Scorekeeping adjustments	-2,076,680,000	400,000,000	.....	+2,076,680,000	-400,000,000
Grand total	242,389,726,000	243,923,541,000	248,335,303,000	+5,945,577,000	+4,411,762,000

1/ Included in Budget under Procurement title.

2/ FY 1998 budget request reflects a budget amendment to cover a shortfall in the DHP, as follows: Military Personnel -$62,000,000; O&M -$199,000,000 and Defense Health Program +$261,000,000.

3/ FY 1997 enacted reflects new budget authority of $1,923,000,000 and rescissions of $1,734,152,000, as enacted in P.L. 105-18.

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

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

Mr. Chairman, this is a bipartisan bill. We did not have a vote in subcommittee, a few votes in full committee, but the results of this bill are very closely aligned to the authorization bill which also, as I understand it, was a bipartisan bill, as it should be. Our defense of this Nation should be bipartisan.

A couple of things that we concentrated on. Quality of life is always something that we work on, trying to make sure that the medical care of the dependents of the families is taken care of. We try to stress extra things that the services have not thought of or do not think they have enough money for.

One of the things we have stressed is chemical and biological attack and the fact that we are vulnerable to that in this Nation and we need to set up a system. We have suggested to the Defense Department they use the National Guard for this system, so that if anything like that were to happen, a terrorist attack using either of these weapons, the National Guard would be prepared to respond to that. Right now we have responses by local government, we have responses by one team of Marines, but it is not nearly enough to really respond to the ultimate problem.

Overall, we feel we do not have enough money for defense. Procurement has come down from $120 to $40 billion and it has been a very, very delicate balance to make sure we modernize the forces, we keep the readiness up, we increase the O&M. The Senate has taken money out of O&M. We have increased O&M. We hope we will be able to convince them that readiness is absolutely essential. The quality of our forces is the best I have ever seen. We continue to visit them. But when we start cutting back, when we start having a heavy tempo of operations as we do, we have to get the money from someplace.

The Bosnia operation has hurt us as far as the amount of money goes for modernization. It has also hurt us in some of the problems we have had in the recruit depots. At the recruit depots, at some of them they have less training time, they have less supervisors, they have less people to do the training. Consequently, we are going to run into a substantial problem. We hope that the services have changed that. We hope that the Army in particular has addressed that and that in the end this problem will go away.

Mr. Chairman, I join the gentleman in saying that this is a bipartisan bill and look forward to passing the bill and addressing the amendments.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong support of the bill and urge my colleagues as they did on the authorization bill to defeat any amendment to strike out funding for the B–2.

During that debate during the authorization bill, we were told repeatedly by the Defense Department that there was no money in the out years for funding for anything in the procurement area. I want my colleagues to know that the staff of the committee, working with me, found an account, $20 billion in DOD modernization reserve. This money was characterized by the Comptroller as a bishop's fund for the new Secretary of Defense to fund things that would come out of the Quadrennial Defense Review.

Mr. Chairman, in the Quadrennial Defense Review, they did not obligate all of this money. There is still a substantial amount of money, $13 billion of the $20 billion that has not been committed. I would urge my colleagues today that that $13 billion is just about the exact amount of money that we need to go ahead and procure additional B–2 bombers.

For those people who got up here and said over and over again that this is a zero sum game, it is a zero sum game, plus $20 billion in funding in the out years. I want my colleagues to be aware of this. We are going to have a spirited debate later on the B–2, but there is $20 billion out there.

I would also point out that in the past, Congress, this very Congress has insisted that certain things be done in the name of national defense. Our subcommittee forced the Pentagon to build 27 additional F–117's. The F–117 stealth aircraft were the centerpiece of the success in the war in the gulf. Stealth worked and smart weapons worked. We saved American lives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I ask the gentleman for 1 additional minute.

Mr. MURTHA. I may have to change my vote on the B–2.

Mr. DICKS. Mr. Chairman, I ask the gentleman for 30 seconds.

Mr. Chairman, will the gentleman from Florida yield me a minute?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURTHA. I yield the gentleman 30 additional seconds.

Mr. DICKS. Mr. Chairman, the F–117 was the star weapon in the gulf war and it was Congress that insisted that we buy it. The gentleman from Pennsylvania and the gentleman from Florida were the two principal proponents of that amendment. We also added money for sealift at the urging of the gentleman from Pennsylvania [Mr. MURTHA], then chairman. That turned out to be absolutely crucial.

Under the Constitution of the United States, the ultimate responsibility for defense rests with the Congress. That is why today I think we again need to stand up, tell the Pentagon they are wrong, look at the modernization reserve, and keep the money in for the B–2.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY] who wishes that I would have had to yield more time to the gentleman so I could have changed my vote on the B–2.

Mr. OBEY. Mr. Chairman, I rise to express dissenting views to those which apparently generally prevail in this House on this legislation.

□ 1100

We are about to vote on the largest appropriations bill that comes before us this year. We will do it in very little time, with very little debate and with very little protest, if you please, about what I consider to be some of the misguided efforts of this Congress in dealing with military budget.

Mr. Chairman, I would simply point out that I heard during the discussion on the rule that there was alarm because there had been a number of years during which we have had a significant real reduction in the military budget. I would point out that is because we have had a significant reduction in the military threats facing this country. The fact is that since the collapse of the Soviet empire we have had about an 80-percent drop in Russian military spending. We have not seen a concurrent reduction in our own military spending to nearly that degree over that same period of time.

I would also say that there have been a number of warnings that we are in effect, by what we are buying in the military budget, that we are again getting ready to fight the last war and not getting ready to fight the kind of war we could be facing in the future. Everyone who has studied the military budget knows that we are buying far too many high cost weapon systems in order to fit into the overall budget ceilings which we are being asked to comply with over the next 5 years under the budget agreement. No one who studies the military budget can come away without an understanding that we are going to have to stop the purchase of one and probably two expensive military weapon systems if we want to be able to maintain the level of readiness that will be needed over the coming years and, if we want to, at the same time, actually live within the budgets that are being set by these agreements that are being trumpeted around this town over the last couple of months and, in fact, couple of days.

I will be offering two amendments today, one to eliminate the funding for additional B–2's that the Congress has decided that the Government ought to purchase despite the fact that over 20 studies through the years have indicated that we do not need those weapons and, in fact, that we even had the Defense Department itself conclude

that it would be counterproductive in terms of maximizing the use of our defense dollars.

I will also be offering an amendment which precludes the sale of the F–22 abroad so that we do not get into the ludicrous position of selling our most sophisticated military technology around the world and then using that as an excuse to build yet more sophisticated planes in the future.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to compliment, in addition to the gentleman from Pennsylvania [Mr. MURTHA], the members of our subcommittee, the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON], who is chairman of the full committee, because while there have been some differences, we have been able to deal with these in a very, very responsible and mature way, and I appreciate the leadership of the chairman of the full committee and ranking member, who have cooperated with us.

With that, Mr. Chairman, I would just like to say this is a good bill. There will be several amendments that we will agree to, others that we will have to oppose, but all and all it is a good bill. It provides, within the budget limits, it provides the best that we can for the members of the military, and we are getting a lot for the dollar.

Mr. FORBES. Mr. Chairman, I rise in support of H.R. 2266 the Department of Defense Appropriations Act for Fiscal Year 1998, and I applaud the hard work of Members on both sides of the aisle who crafted a truly bipartisan agreement that strengthens our Armed Forces at home and abroad. But, I was disappointed to see that the Department of Defense's peer-reviewed breast cancer research program was funded at only $125 million. Whereas the Senate wisely chose to fund this program at $175 million for fiscal year 1998.

Mr. Speaker, breast cancer remains the most common cancer in women. Last year, close to 200,000 women were diagnosed with breast cancer and nearly 50,000 died of the disease. Women continue to face a 1 in 8 chance of developing breast cancer during their lifetimes. Thankfully the breast cancer death rate for U.S. women has fallen about 5 percent in recent years, dropping from 27.5 per 100,000 women in 1989 to 25.9 in 1993. Officials with the National Cancer Institute attribute the drop, in part, to a rapid increase in mammography and public awareness of the disease. But, research remains our most valuable and indispensable instrument in combating this devastating disease.

There is no better argument in favor of more research than my own district on eastern Long Island. Suffolk County, Long Island, which ranks fourth in breast cancer mortality rates among the 116 largest counties in the United States. This extremely high rate of incidence of breast cancer has prompted the establishment of the Long Island Breast Cancer Study Project, a 5 year effort to identify the possible environmental factors that can contribute to the development of breast cancer.

Over the past several years, number of significant research advances have been made regarding the basic biology of breast cancer that offer a glimmer of hope to women and their families. These advances are enabling researchers to better focus on areas that hold future promise for research. The Department of Defense's peer-reviewed program has become renowned for its innovative and efficient use of resources. Over 90 percent of program funds go directly to research grants. This program is critical and deserves increased funding. I urge my colleagues in the House to adopt the Senate's funding level of $175 million so that the Department of Defense can continue its vital work in fighting breast cancer. Mr. Speaker, too many of our mothers, daughters, and sisters have been afflicted with this destructive disease. We must do more. Thank you.

Mr. UNDERWOOD. Mr. Chairman, I want to commend Chairman YOUNG and Congressman MURTHA for their considerable work on the Department of Defense Appropriations. The bill before the House today appropriates $248.3 billion for defense programs. In this process we have taken several positive steps, but we have also neglected our responsibilities at times.

As many of my colleagues know, I am a supporter of the Ballistic Missile Defense program. I am encouraged by the $3.7 billion provided to the Ballistic Missile Defense Organization. Though an unlikely target, my island, Guam, is an American community among other nations. We must strive to establish a program that protects all American communities should a country develop the capabilities and possess the will to pose a missile threat to the United States. We must endeavor to develop a system and deploy it in conjunction with the capabilities of any potential adversary. Now is the time to ensure these programs are headed in the direction to ensure our safety.

Mr. Chairman, this bill also rectifies a failure to provide proper health care for our military members. This House has seen the need to ensure quality health care and the impact this has on the quality of life for our service members by appropriating $10.3 billion for the Defense Health Program. In addition, Mr. Chairman this bill takes major steps to ensure we equip our service members with the best and most advanced weaponry and equipment. One item of concern to me was the Marine Corps need for the V–22 Osprey. The increase in funding for the V–22 will provide a valuable tool to the Marine Corps and I am encouraged that my colleagues have supported this effort. Mr. Chairman, this bill takes several positive steps, but everything is not beneficial.

Mr. Chairman, I am disappointed by the Department of Defense's handling of appropriations for the Department of Defense Education Activity. These appropriations support the Department of Defense Overseas Schools and Domestic Dependent Elementary and Secondary Schools. This bill recommends an increase of $4 million over the budget request and an increase of $20 million to be applied to the backlog of real property maintenance. Let me explain to my colleagues why there are problems with how the DOD Education Activity handles its funds. As some of my colleagues may know, the Department of Defense has taken on an initiative to open DOD schools on Guam. This may be the first time domestic schools were established not in a combined effort with the local community but in complete disregard for the local community. To highlight this effort, in February of this year the DOD comptroller, the person that is crucial to the budget development, testified before the House Appropriations Committee, Subcommittee on Military Construction that no DOD schools would be established in Guam. Yet, the Defense Department swiftly moved to establish schools and to accomplish this reprogrammed funds. As I was briefed yesterday, funds were reprogrammed from within the DOD Education Activity and from other operations and maintenance accounts. What we have done by giving a blanket increase in funding is allowed DOD to disregard the proper appropriations process. I hope these reprogramming efforts do not result in a lack of funding for those schools that are established and were reflected in the budget process.

Mr. NETHERCUTT. Mr. Chairman, I rise as a member of the House Appropriations Subcommittee on National Security to express my strong support for H.R. 2266, the fiscal year 1998 Defense appropriations bill.

As my colleagues have mentioned, this bill adds $4.4 billion to the President's original request for fiscal year 1998, although the Secretary of Defense and the services subsequently informed Congress of several shortfalls which require funding above the President's budget. I am pleased that Congress insisted upon, and President Clinton now supports, an increase in the defense budget for fiscal year 1998. The President's original request severely underfunded a number of key defense priorities, including health care and modernization, and additional funding has helped the Appropriations Committee correct those shortfalls.

H.R. 2266 also includes several provisions which promote greater efficiency and reforms in the way the Department of Defense operates and spends public funds. According to the nonprofit defense reform group Business Executives for National Security, between 60 and 70 percent of the defense budget is consumed by support personnel and infrastructure, such as logistics, maintenance, and travel supervision, while only 30 to 40 percent goes to fund actual combat forces. H.R. 2266 addresses this problem by reducing expenditures for personnel and operations to reflect over $500 million in savings from increased outsourcing, privatization, and other reforms. For example, this bill saves $50 million in taxpayer dollars because the Department of Defense will no longer be required to purchase warranties for new weapons unless it makes sense to do so.

I am also glad this bill improves on the administration's request for military research and procurement, which is essential if America is going to remain a world leader in the next century. H.R. 2266 increases funding for defense modernization by $4.7 billion over the President's budget. Let me mention a few ways these funds will be used to prepare our forces for warfare in the next century:

First, this bill will accelerate research and development on theater and national missile defense systems. Our troops and citizens are currently virtually defenseless against ballistic missile attack, including missiles armed with nuclear, biological, or chemical warheads. During the gulf war, Iraqi Scud's demonstrated the military and political danger of this vulnerability, yet we are still behind in our efforts to provide our troops with effective missile defense. H.R. 2266 addresses this problem.

Let me single out one specific missile defense program I strongly support: the airborne laser. This program, which is actually in the Air Force budget, would load a high powered laser into a Boeing 747, which would patrol near enemy territory and shoot down enemy missiles immediately after their launch, which means that any noxious payloads on those missiles would fall back on enemy territory. Gen. Thomas Moorman, the Undersecretary of the Air Force, has described this project as ''the most revolutionary weapon in the DOD budget today'', and I am proud to support it.

Second, H.R. 2266 provides over $100 million to improve the DOD's ability to defend against chemical and biological attack with better technology, equipment, and training. Chemical and biological weapons are a primary new threat to American forces and the American people. They are relatively inexpensive and easy to build, so terrorists and less advanced nations view these horrible weapons as a means to compensate for the conventional superiority of American forces.

I also want to express my support for a provision suggested by my colleague from Washington State, Congressman DICKS, which would require the Department of Defense to report on alternatives to current theater combat simulations. The Department of Defense is still using combat models which were developed decades ago to simulate warfare between huge land armies fighting in Europe. These models are inappropriate for the kind of conflict U.S. forces have seen in the 1990's and will see in the next century, yet they are used to choose the shape of U.S. military forces and to evaluate revolutionary weapons systems. These models fail to adequately consider the innovations of aircraft stealth and precision munitions, or the selective bombing tactics used by the Air Force to render Iraqi forces in the gulf war ineffective.

Revising the DOD's theater combat simulation tools will not only improve the ability of the DOD to incorporate advanced weaponry and tactics into defense planning. Better models will help the United States plan for unconventional challenges which face future U.S. forces, such as chemical and biological weapons, attacks on defense and civilian computer networks, cruise and ballistic missile attacks, and competition for control of space.

Finally, I am glad that the National Security Subcommittee provided for a $274 million shortfall in military health care funding. Thousands of military families and retirees in my district rely upon military health care facilities and the TRICARE network, and this drastic cut in health care in the President's budget would have significantly reduced access to health care in eastern Washington. I support the additional committee funding for health care to make up this shortfall and keep faith with this Nation's military retirees and military families.

One of the health care provisions with which I was personally involved is a research program to look at innovative diabetes detection, prevention, and care techniques. Diabetes affects over 16 million Americans, including thousands of military beneficiaries. Many of the health consequences and costs of diabetes can be avoided through effective diabetes screening and early treatment. A project reflecting these goals was described in testimony presented to the House National Security Appropriations Subcommittee, which would conduct a two-region experiment in conjunction with the Veterans Administration. I look forward to seeing this project go forward and benefit the military families and retirees who are at risk from this disease.

I encourage all Members of the House to support this legislation. H.R. 2266 includes funding for important military priorities, promotes increased efficiency at the Department of Defense, and provides health care to military beneficiaries.

Ms. LOFGREN. Mr. Chairman, I want to inform the House that the ranking member of the subcommittee, Mr. MURTHA has informed me that the Appropriations Committee has reviewed allegations with respect to the Navy and the low-bid awardee of a contract to provide cockpit video recording systems for the F/A–18, and that the committee has found the Navy's conduct and the performance of the contractor to comply with all applicable laws and regulations. This should put this issue to rest.

Mr. BROWN of California. Mr. Chairman, during consideration of the bill, H.R. 2266, the Defense appropriations bill, the House adopted an amendment that would eliminate the participation of the Defense Department in a valuable program of international scientific cooperation, the Man and the Biosphere program.

This amendment was not about money. Indeed, the Air Force participation has been voluntary and they have usually provided only about $50,000 each year. This amendment would bar them from participating in this interagency program and that money would simply be spent elsewhere. The cost of offering and debating this amendment is likely far greater than anything the taxpayer would see in savings.

This amendment is about policy, however—a very bad policy. This amendment says that Congress believes that there is no link between environmental stewardship and national security. It says that we intend that the Federal agencies should withdraw from any international leadership role in demonstrating how sustainable development and economic growth can be made compatible.

One need only look at emerging political strife in countries such as Nigeria to see the direct relationship between the environment and the ability of Third World nations to work toward democracy. For this reason, the State Department has begun to make environmental concerns an integral piece of our foreign policy and national security strategy. This amendment would negate that progress.

There have been a great many arguments made against the Man and the Biosphere program over the past several months. Opponents have characterized it as a U.N. plot to take over our sovereign lands, that it degrades property values, and that the executive branch lacks legal authority to carry out this program. All of these arguments are based on severe distortions of fact.

What is true, and a matter I have personally sought to address, is that the Congress has never enacted organic legislation that spells out exactly what the Man and the Biosphere program should do and what it should not do. Unfortunately, my bill, H.R. 1801, has not been brought to the floor and there is no indication that it will be.

This is not unusual, however, most of the programs Congress appropriates money for lack such a statutory basis. It is unreasonable to assert that the Congress should enact an organic bill for each program in the Federal Government. The sheer cost and complexity of this would be staggering.

Earlier this year, the House narrowly voted to eliminate this program in the Interior appropriations bill. Fortunately, the other body had explicitly rejected the House position. I hope it will continue to do so for other bills containing this limitation.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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

The Clerk will read.

The Clerk read as follows:

H.R. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,445,381,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,504,911,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,141,635,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,044,874,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,045,615,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,377,249,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $391,953,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $814,772,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,245,387,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,331,417,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,078,218,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, not less than $300,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,011,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,779,365,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, $406,666,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,598,032,000: *Provided,* That of the funds appropriated in this paragraph, $216,787,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,740,167,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,066,956,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,850,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That of the funds appropriated in this paragraph, $36,899,000 shall not be obligated or expended until authorized by law.

AMENDMENT NO. 3 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer amendment No. 1 which was preprinted.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DEFAZIO:

Page 9, line 19, insert after the dollar amount the following: ''(reduced by $15,000,000)''.

Page 32, line 25, insert after the dollar amount the following: ''(increased by $15,000,000)''.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YOUNG of Florida. Mr. Chairman, we had expected that this was amendment No. 3.

Mr. DEFAZIO. Mr. Chairman, I called it 1 when I handed it to them. It is the $15 million one, which is for the cooperative research program, VA cooperative research.

The CHAIRMAN. The Chair will state that this is amendment No. 3 as printed in the RECORD.

The gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I shall not use the entire time.

Every year since 1987, the VA medical and prosthetics research appropriation has been supplemented by funds transferred to the VA under a cooperative agreement between the DOD and the Department of Veterans Affairs. The DOD–VA cooperative medical research program supports vital research covering a broad spectrum of health,

science, and medical research focusing on conditions that impact both active duty and veterans. Among the programs funded are posttraumatic stress disorder research, cardiovascular fitness, combat casualty care, bone healing replacement, skin repair, vascular repair, spinal cord injury. This is an excellent program. I know times are tough, but I believe that we should be able to find the funds within the budget to fund this program at the modest level of $15 million.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have no problem on this side with the amendment.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to point out to the gentleman that we have funded this program in the past, and one reason we did not include it in the bill for this year was the fact that the other body did include it, and we expect that it will be a conference item. But we do support the program, and we are prepared to accept the amendment.

Mr. DEFAZIO. Mr. Chairman, I just wanted to be absolutely certain that we get the funding into this program, it did not get lost in conference. I appreciate the support of the gentleman from Florida and the gentleman from Pennsylvania.

The CHAIRMAN. Does any other Member wish to speak on the amendment?

If not, the question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendment was agreed to.

The CHAIRMAN. Are their there other amendments to this portion of the bill?

AMENDMENT NO. 7 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SANDERS:

Page 9, line 19, insert after the dollar amount the following: ''(increased by $2,000,000)''.

Page 32, line 11, insert after the dollar amount the following: ''(reduced by $2,000,000)''.

Mr. SANDERS. Mr. Chairman, the amendment that I am bringing forth is a very simple amendment. It is a chance for Members in the House to support their National Guard to increase funding for an educational program that represents just the kind of policy initiatives we need for young people in this country.

Mr. Chairman, this amendment, which is endorsed by the National Guard Association of the United States, will increase funding by $2 million for the National Guard star based program, bringing the program up to the President's request of $4 million. The star based public outreach program is administered by the National Guard and targets youth in grades 4 through 6, it is the fourth, fifth, and sixth grades, to learn, hands on, with Guard pilots and technicians about math, science, and technology and to stay off of drugs.

Mr. Chairman, the star based program, my amendment brings funding for the National Guard star based program up to the $4 million requested by the President. This is, I think, exactly what we want to do in our communities. We talk a whole lot about asking kids to stay off of drugs. What this program does is have people from the National Guard interact with young people, explain to them the planes in the air work for certain reasons and get young kids excited in math and science, and the studies that have been done on the results of this program are excellent. More and more kids have an interest in math, they have an interest in science. It is a wonderful program for the National Guard, and it has been very successful.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Vermont.

Mr. YOUNG of Florida. Mr. Chairman, offering the same explanation that I did on the previous amendment, we are happy to accept this amendment.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Florida very much and I thank the gentleman from Pennsylvania very much.

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

The CHAIRMAN. Is there further discussion on this amendment?

If not, the question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Florida [Mr. YOUNG].

As the gentleman was aware, the Senate-passed defense authorization bill for fiscal year 1998 recommends $5 million for the Secretary of Defense to conduct a pilot program to determine if hydrocarbon fuels can be tagged for analysis and identification.

Mr. YOUNG of Florida. Mr. Chairman will the gentleman yield?

Mr. BRADY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond to his question by saying that is my understanding.

Mr. BRADY. Mr. Chairman, it is anticipated that this program will deter theft, aid in the investigation of fuel theft and aid in determining the source of surface and underground pollution and locations where the Department of Defense and civilian companies maintain separate fuel storage facilities.

Mr. Chairman, I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say the gentleman is correct in his description of this program.

Mr. BRADY. Mr. Chairman, it is also my understanding that this pilot program could also be funded through title II of the pending bill in the operation and maintenance defense-wide account.

Mr. YOUNG of Florida. Mr. Chairman, again if the gentleman will yield, I would say that he is correct on the likely source of funding for this pilot program.

Mr. BRADY. Mr. Chairman, I look forward to learning the results of this pilot program and thank the gentleman from Florida for his leadership and assistance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,207,891,000: *Provided*, That of the funds appropriated in this paragraph, $5,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $924,711,000: *Provided*, That of the funds appropriated in this paragraph, $75,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $119,266,000: *Provided*, That of the funds appropriated in this paragraph, $8,900,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,635,250,000: *Provided*, That of the funds appropriated in this paragraph, $6,130,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and

related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,313,632,000: *Provided,* That of the funds appropriated in this paragraph, $47,200,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,995,719,000: *Provided,* That of the funds appropriated in this paragraph, $9,750,000 shall not be obligated or expended until authorized by law.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,855,400,000: *Provided,* That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title, and working capital funds: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act: *Provided further,* That of the funds appropriated in this paragraph, $387,900,000 shall not be obligated or expended until authorized by law.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,952,000, of which not to exceed $5,000 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $377,337,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $277,500,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $378,900,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Defense, $27,900,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $202,300,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $55,557,000, to remain available until September 30, 1999: *Provided,* That of the funds appropriated in this paragraph, $5,557,000 shall not be obligated or expended until authorized by law.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components, and weapons technology and expertise; $284,700,000, to remain available until September 30, 2000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,541,217,000, to remain available for obligation until September 30, 2000: *Provided,* That of the $309,231,000 appropriated in this paragraph for the procurement of UH–60 helicopters, $253,231,000 shall be available only for the procurement of 26 such aircraft to be provided to the Army National Guard and $56,000,000 shall be available only for the procurement of four such aircraft to be reconfigured as CH–60 helicopters and provided to the Navy Reserve: *Provided further,* That of the funds appropriated in this paragraph, $5,953,000 shall not be obligated or expended until authorized by law.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment

and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $771,942,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,332,907,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,062,802,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,502,886,000, to remain available for obligation until September 30, 2000.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,753,465,000, to remain available for obligation until September 30, 2000: *Provided,* That of the funds appropriated in this paragraph, $580,515,000 shall not be obligated or expended until authorized by law.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,175,393,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $423,797,000, to remain available for obligation until September 30, 2000.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $7,628,158,000, to remain available for obligation until September 30, 2002: *Provided,* That additional obligations may be incurred after September 30, 2002, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further,* That none of the funds in this paragraph for advance procurement for the overhaul of CVN–69 may be obligated unless the overhaul includes installation of cooperative engagement capability and the ship self-defense system: *Provided further,* That none of the funds in this paragraph for production of DDG–51 destroyers may be obligated unless at least four of the twelve ships in the multiyear contract for fiscal years 1997 to 2001 are to be delivered to the Government with cooperative engagement capability and theater ballistic missile defense capability installed when the ships are commissioned.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 194 passenger motor vehicles for replacement only; and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $275,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,084,485,000, to remain available for obligation until September 30, 2000: *Provided,* That of the funds appropriated in this paragraph, $11,053,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 40 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $491,198,000, to remain available for obligation until September 30, 2000: *Provided,* That of the funds appropriated in this paragraph, $48,391,000 shall not be obligated or expended until authorized by law.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,386,479,000 to remain available for obligation until September 30, 2000: *Provided,* That of the amounts provided under this heading, $20,000,000 is available only to initiate phase II of the Department of Defense plan to acquire and install upgraded navigation and safety equipment for passenger and troop carrying aircraft.

□ 1115

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 27, line 23, after the dollar amount, insert the following: ''(reduced by $331,000,000)''.

Page 31, line 2, after the dollar amount, insert the following: ''(increased by $105,000,000)''.

Page 35, line 18, after the dollar amount, insert the following: ''(increased by $12,000,000)''.

Page 35, line 19, after the dollar amount, insert the following: ''(increased by $12,000,000)''.

Mr. OBEY. Mr. Chairman, I am offering this amendment on behalf of myself and a number of other Members, including the gentleman from California [Mr. DELLUMS]. I know there are other Members who will be speaking on it as well. This amendment essentially cuts 331 million from the bill to prevent the production of 9 B–2's that the Pentagon has not even asked for. It would reduce the deficit by $214 million. It would add $105 million for the air National Guard KC–135 reengining and it would add $12 million for Army breast cancer research. It would also remove a major veto threat to this bill and we would wind up spending less money.

What I am trying to do is to remove a $27 billion fiscal time bomb which is tucked into this bill. I want to simply point out that the cost of these B–2 bombers by the time they are fully purchased, by the time they are fully equipped, will drive the rest of the defense budget into a squeeze which I do not believe thoughtful Members will want to see it experience.

To put this in perspective, this is a bomber which has been turned down by some 20 different studies. Five different times the proponents of proceeding with the B–2 have asked for studies to try to object to the fact that four different Secretaries of Defense have tried to limit the number of B–2's that we are buying to 20. Each time the studies wound up saying that the decisions made by the Secretaries of Defense were the correct decisions and that we should not be proceeding to build more than the number of bombers asked for by the Pentagon.

To put this in perspective, just 2 years ago the cost of one of these B–2 bombers was expected to be about $1.2 billion. That is enough to pay the undergraduate tuition for every single student at the University of Wisconsin for the next 11 years. Yet the Congress is being asked to buy 9 additional B–2's that the Pentagon does not want, that the President does not want, and that the Defense Department has indicated would cause a veto.

I want to read from the statement of administration policy. It says: ''Overall, for the reasons stated below, the Secretary of Defense would join the President's other senior advisors in recommending that the President veto the bill if it were presented to him in its current form.''

It goes on to say about the B–2: ''The administration firmly opposes the $331 million increase to the President's request for B–2 production.'' And it goes on to say that ''this life cycle cost of over $20 billion would weaken the ability of the Air Force to acquire other urgently needed weapons systems and that these resources should be allocated to higher priority requirements.''

Now, what I am trying to do today is to remove that veto threat.

I would also like to read from Secretary Cohen's QDI report which says as follows: ''The B–2 would not provide the full range of war fighting and shaping capabilities offered by the forces it would replace * * *. It goes on to say the B–2 ''did not provide the same weaponry delivery capacity per day as the forces that would have to be retired to pay for the B–2's.'' And then it concludes by saying there ''would be a loss in war fighting capability during the decade or more between when the outgoing forces were retired and all the B–2's were delivered.''

It seems to me that indicates that we ought to not proceed to make this very expensive purchase.

Instead what we are trying to do is to use a good portion of this for deficit reduction and then to provide some funding so that we can increase the reengining of KC–135's for the Air National Guard which are crucial to our refueling procedures around the world. Basically we have a number of older planes with very low-flying hours which are in very good shape. We can reengine those planes, use them for refueling operations and save a good amount of money, over $105 million in the process.

Third, we would add $12 million to the Army breast cancer research and treatment program, bringing that up above the level provided in the bill. That program has recently received a very good evaluation when it has been peer reviewed.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I would simply say that what is at issue here is not whether we ought to have a strong defense or not. It is not whether we ought to provide our troops with the best equipment money can buy or not. Obviously we need a strong defense and obviously we need to provide the best weaponry that money can buy for our troops. The question is, do we really need to buy nine additional bombers that the Pentagon is saying we do not need, the Secretary of Defense is saying we do not need, especially when we have other higher priority items in the military budget. I think the answer to that question is no. I think we ought to heed those some 20 studies that have been conducted on this matter. This amendment is supported on a bipartisan basis and I would urge the House to adopt it.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and I rise to oppose the amendment.

Mr. Chairman, I appreciate the chairman yielding. I rise reluctantly to oppose the position of the ranking member of the full committee, for I understand how carefully he has reviewed this matter. But frankly, just a couple of years ago I had taken a position that was not dissimilar. I was responding to the administration's direction that perhaps we could get by with two squadrons, that is, 20 B–2's. In spite of the fact that the trend around the Congress was to say to DOD that we were going to begin to withdraw our troops from the world, close foreign bases and have most of our military assets located in to the continental United States.

Then during the midst of the campaign when candidate Bob Dole was going to southern California just the day before he arrived at a location, Pico Rivera, where many of these employees who deal with the B–2 work, the President announced that he was going to support the 21st B–2. That is, I gathered he was supporting the third squadron or at least moving in that direction. Recognizing that if we are going to be withdrawing troop force around the world and still need, as the leader of the free world, to project force, that indeed we had to have enough assets available to be able to deliver force with great strength at long distance and at relatively low cost. Such a force, for example, would be quickly available to stop a rogue nation that was going to cross its neighbor's boarders and strike it heavily. Our B–2 force could be present quickly and then give us time to get personnel, ships and other assets into the region.

There is little doubt that a third squadron is very necessary if we are going to play that sort of role in this hopefully growing more peaceful world. The B–2 is fundamental to America's continued leadership as we recognize that fewer of our overall assets are going to be available for national defense.

There is little doubt that we are on the right track to develop a third squadron. It will save us money over time. But probably most importantly Mr. Chairman, it is a fundamental asset in all of our desire to maintain peace and freedom in the world. I strongly oppose the gentleman's amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from California, who has been one of our most steadfast supporters on the B–2 over the years. I want to point out to my colleagues in the House that there was a very positive statement in the Quadrennial Defense Review which said that in the halt phase, when you are trying to stop the enemy from coming in, like Saddam was coming into Kuwait, that there is nothing that the United States military possesses that can do what the B–2 bomber will be able to do once we get the smart conventional submunitions on it like sensor fused weapon.

Going back to the gulf war, Iran did assimilation against Saddam's division

moving south and with a small number of B–2 bombers, with sensor fused weapon, they destroyed 46 percent of the mechanized vehicles in that division and rendered it destroyed in the field.

That is an incredible new capability. We have never had that capability before to stop a mechanized division once it is under way.

I believe that this bomber is absolutely essential to our national security. I believe that this is one of the greatest mistakes ever made by a country in its history in not funding something that will give us an asymmetrical advantage over every conceivable adversary. Because a stealth bomber with these smart weapons can attack a nation's capital, all of its industrial facilities, all of its military at the same time, if you have enough of these bombers. That is the problem. Twenty-one simply does not do the job.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, the gentleman makes several very important points. As we conventionalize the B–2, there is little doubt that it provides an asset that indeed allows America to extend its force very cheaply relative to other assets that are available to us. Indeed if America is going to defend freedom from our continental base, indeed if we are going to continue to close down bases around the world, there is little doubt that we need to be able to strike quickly and safely, deliver force that will stop a would-be aggressor.

□ 1130

It is very fundamental to the policy presently in place, and I strongly support procuring nine additional B–2's.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are gathered here in this Chamber on a very historic opportunity, an historic day, to balance the Federal budget, to bring about some fiscal sanity in this Nation, to tell the American taxpayers we are finally, after many decades, becoming more responsible with their money.

Not a day goes by that we do not open the newspaper and see a story of more fraud, waste, and abuse in our Federal Government. Medicare: Report indicates $24 billion in wasteful fraudulent spending—$23 billion.

A report the other day, commissioned by the Air Force, indicates that several of our current fleet are rusting away, are dangerous planes to fly.

Today, I rise to support the gentleman from Wisconsin [Mr. OBEY] and the gentleman from California [Mr. DELLUMS] in their effort to cut the B–2 bomber, cut $331 million from the bill to start production of nine more B–2's.

Let us tell the whole story. They indicate it will cost $27 billion to continue to build this plane, not $331 million. That is the start-up price. That is to get a foot in the door. That is to keep the production line going.

I commend the gentleman from Wisconsin because he did something today that I am very much in support of: reducing the deficit by $214 million, using the cuts to reduce the deficit. Fiscal sanity. Changing priorities. Finding a way to make ends meet.

How can we, in good conscience, let this opportunity go by us? We can balance the budget, but we can do more. The economy is going in our direction. We are reducing spending in so many areas. We are increasing revenues. But, my fellow colleagues, the deficit still hovers at $5.3 trillion.

By the year 2002, when we finally balance, maybe before, we will be $6 trillion in debt. In spending on interest alone on the deficit, $285 billion going out of the coffers of the American taxpayers into the pockets of the bond holders, not doing anything for society, not rebuilding infrastructure, not making a difference in our inner cities, not improving education for our children—$285 billion on spending for interest alone.

It is like paying a 30-year mortgage and never touching the principal. At the end of 30 years we still owe the same amount we did when we bought the house.

My fellow colleagues, it is a simple analogy. We have plenty of B–2 bombers. The Pentagon says the current fleet of 21 B–2 bombers is sufficient to meet the two war scenario, the ability to fight and win two wars at the same time.

The massive Deep-Attack Weapons Mix Study conducted by the Pentagon concluded that it would not be more cost effective to buy B–2 bombers. Republican appointee Defense Secretary Cohen, appointed by the President, a member of my party from Maine, does not want any more B–2 bombers. I have to trust the Secretary of Defense in making judgments and determinations.

The Pentagon has told us they do not want any more B–2 bombers. Military generals have told us they do not want any more B–2 bombers. But we sit here with the Nation's checkbook and say we will have our will in this House, we will insist on buying more B–2 bombers. We do not care what the experts tell us, we will waste taxpayers' dollars to please some defense contractors. It is time to stop that kind of wasteful spending.

Again, the Congressional Budget Office, the one CBO that we held up as the model of efficiency and accuracy when we debated the tax measures, the CBO projects that to build and operate nine additional B–2 bombers over the next 20 years could cost over $27 billion—$27 billion.

Mr. Chairman, I urge my colleagues to come to this floor prepared to make a sacrifice for the American taxpayers today, to support the Obey amendment to strike the B–2 bomber, to save $331 million today, $27 billion over the life of this project, to reduce the deficit by $214 million, add $105 million for the Air National Guard KC–135 re-engining and add $12 million for Army breast cancer research, one of the most accurate groups that has been working on detecting breast cancer and curing breast cancer, the Army breast cancer research program. It also removes a major veto threat the President has indicated.

I am not concerned about veto threats. The President makes them on almost every bill. But on this one I particularly agree with him. I agree with him because I think he is making a good point on saving the fiscal sanity of this Nation. And, again, I have supported, as a Member of Congress from Florida, most defense spending on new weapon systems. This one has to go. Eliminate it and support the Obey amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the chairman, the gentleman from Florida [Mr. YOUNG], and the ranking member, the gentleman from Pennsylvania [Mr. MURTHA], for an excellent bill. Over the years I think they have given us better bills than many times what we have supported.

I, for one, want to thank them for the language that assures the inspector general to conduct random audits on these so-called micro purchases of foreign-made goods, and also for the language that deals with reciprocity when foreign countries do not allow our companies to bid on their products; that this would in fact rescind the blanket waiver of the Buy American Act. That language makes a lot of sense in this bill.

I rise today because in the past I have voted to slow down defense building. But we just did not slow down defense building, we have really whacked away at the defense budget. I would just like to say that probably our major role here is to protect our national security, in Congress. We cannot protect the national security of our great Nation with a neighborhood crime watch.

Defense is expensive, and B–2 is a weapon of strength. Ronald Reagan once made a statement that made a lot of sense to me. He said you always negotiate from a position of strength. B–2 is absolute stone cold strength.

Without talking about Captain O'Grady, without talking about a great need, it, in fact, boggles my mind that we continue to discuss B–2 with its great stealth strength opportunities for us. If we cannot see it, we cannot hear it, it cannot be detected by radar, and we should not talk about it, how will they know how many we really have? But the greatest weapon of all war is the weapon of deterrence, and the greatest weapon of strength we now have in our arsenal is the B–2.

I am standing today supporting this bill, and I would also like to add that I believe we have cut too far and we are beginning to weaken, weaken long-term national security interests through our zeal to what many call

this cutting back on this bloated budget. I believe we are underfunded for defense now and, intelligently, we should move the program forward.

We should stand here, Mr. Chairman, and support B–2. B–2 is strength. We have always negotiated from a position of strength, and we should always be prepared to protect our national security from that position of strength.

Mr. Chairman, I appreciate the chairman and the ranking member including those Buy American issues, those reciprocity issues, those micro purchase issues, foreign-made goods, addressing them intelligently in this bill.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would be remiss if I did not congratulate the chairman, the gentleman from Florida, {Mr. BILL YOUNG]. I have been serving on this Subcommittee on National Security of the Committee on Appropriations for a long, long while, and he has conducted this markup in the committee in a way that is absolutely exemplary. He has shown a side that very few of us can say that we have exhibited here, his compassion for research, cancer research, bone marrow, head injuries; and the ranking minority member, the gentleman from Pennsylvania [Mr. JACK MURTHA].

This has just been a joy to work with this committee this year because of the fairness of it, and I just want to congratulate the gentleman from Florida on bringing to the floor today a bill that I believe is responsible and deserves the overall support of every Member of this House, and for the staff who have worked very closely with us on some very critical issues.

Again, Mr. Chairman, I want to thank him for his work on this bill and for his leadership that has brought us here to the House floor today, and I would recommend an ''aye'' vote on the entire bill.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Wisconsin, [Mr. OBEY] to strike $331 million to begin advance procurement for nine additional B–2 bombers.

Now, I have listened to the debate thus far and, first, let me establish hopefully some bona fides in this debate. I am now completing my 27th year in the House of Representatives, nearly 25 of them serving on what in the past had been referred to as the House Armed Services Committee, and now the House Committee on National Security, authorizing committee, where we debate these matters substantively on the basis of policy. In that regard, I would like to say that while this is the appropriations bill, this is indeed the appropriate opportunity for us to end this madness.

Now, first of all, Mr. Chairman, how many times have we in this country heard of the ultimate weapon? How many times has this Nation been in search of the ultimate weapon to prevent war? And the ultimate weapon, I would suggest, does not root itself in some technology built in some particular State in some particular district, deriving billions of dollars in that area. That is not our greatest strength. That is not the ultimate weapon.

Our ultimate weapon is our capacity to use our minds to deter war, as we sit around a table to negotiate nonviolently and politically and diplomatically how we will live with each other. Our future is not vested in some B–2 bomber. That is absurd, ludicrous and ridiculous, and we need to abandon that mentality that in some way the future of our children and our children's children is locked in some technology built by some manufacturer that ultimately will derive billions of dollars to do it.

Now, what is the bottom line, Mr. Chairman? The bottom line is that this is not about B–2's. I underscore, it is not about B–2's. We have B–2s. We have 21 of them. Where on Earth do we need to fly more than 21 B–2's?

Mr. Chairman, I would remind my colleagues that when President Bush went to war in the Persian Gulf, he told the American people he was moving against the fourth largest army in the world. Within a matter of hours, we had conquered airspace and conquered these people. We never used one B–2.

Where, Mr. Chairman? The Soviets have reduced their military budget by 80 percent, as the gentleman from Wisconsin [Mr. OBEY] already pointed out. If we are going to do battle with China, it will be economics, it will not be firing missiles at each other. I would like to think we have moved beyond that bizarre and absurd set of ideas. We have 21 of these planes. That is more than enough.

Now, one of my colleagues said that when the President funded the 21st plane that meant we were starting down the road toward the third squadron. I would suggest, at a bare minimum, that that is hyperbole.

How did we get to the 21st plane? Mr. Chairman, we had a prototype B–2 plane. A prototype. The first prototype B–2, hand built. It was not operational. A decision was made, rightly or wrongly, to take several hundred million dollars to make that 21st prototype nonoperational plane operational. Nothing was said that we will take this plane and move down the road toward 30 of them.

Now, if Members want to argue that, they are arguing that from self-interest, a little bit disingenuous, because it was never stated and never said. This is not about B–2's. We have them. It is about what the Congressional Budget Office refers to as a $27 billion, not million, $27 billion program.

□ 1145

It is $13.6 billion of it that is in procurement; $13.2 billion of it in operation, maintenance equipment, et cetera, $26.8 billion.

The Comptroller, Office of the Pentagon determines it as close to $21 billion. In the letter that talks about vetoing this bill, if the B–2 is in it, they refer it as a $20 billion expenditure.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. So this is not about B–2. We have them. It is about an extraordinary amount of money.

Now, as I said, the CBO costed out at $27 billion to build nine. The Comptroller, $21 billion. Let us look at the budget. Mr. Chairman, if you will recall, the budget resolution that we are about to agree to, all the newspaper headlines, great deal, balanced budget is now being addressed. In that balanced budget, there was $17.5 billion of additional money for the Department of Defense over and above the President's request during the 5 years of this so-called balanced budget, $17.5 billion.

Now, the unbudgeted Quadrennial Defense Review has already claimed the $17.5 billion and will claim the entire portion of it. My distinguished colleague, the gentleman from Washington [Mr. DICKS], earlier in the context of the debate on the rule, pointed out that there was some $20 billion slush fund, referred to as the weapon procurement reserve fund, that they could magically take this $13.6 billion out of that fund to fund this additional B–2.

But they say nothing about where they are going to get the 13.2 down the road. But let us talk about the 13.6. This was an item placed in the 5-year defense plan that would not appear in the budget next year because what this fund was established to do was to look at the problems of underfunding in the weapon procurement account that would come about as a result of the Quadrennial Defense Review.

Now let us look at how they are going to spend this money. Listen up, people. The V–22. How many people in this Chamber have been telling the marines, we are committed to the V–22? Part of this money goes to fund the V–22. How many people?

The second item, the Army 21 force program, how many officers have said to the Army, we agree with you on the force 21 program. Part of this money is to defund that. Full funding for the national missile defense. How many times have we paraded into these Chambers to discuss national missile defense? It was part of the Contract With America. Numerous discussions and debate about funding the national missile defense.

The administration came before our committee and said that we are between $2 billion and $3 billion underfunded minimally in our national missile defense program. Part of that

money is going to come out of this program. They even, in response to a question of mine, ''Will the program be fully funded if we give you the $2.7 or $2.8 billion?'' They said, ''maybe not.'' So they made some additional play for those who have frightened the American people about national missile defense, where do you think the funding is going to come in that program? Right out of this fund that you are getting ready to get committed to spend for nine additional B–2's.

For those who think that we ought to be demilitarizing these chemical weapons, how many millions of American people live around these weapons around the country that we ought to be demilitarizing because they are dangerous? That program will be fully funded as a result of taking money out of this reserve fund. So this is no slush fund.

Medical programs. For those who believe that weapons of mass destruction and the proliferation of weapons of mass destruction is one of the most dangerous issues that we confront, and we know that is the case, anyone who is diligently about their job in the Congress of the United States knows that proliferation of weapons of mass destruction and terrorism are the two major issues confronting us today, that program will be funded out of this account.

Let us move forward. What are the trade-offs? Mr. Chairman, what are the trade-offs? I did mention on numerous occasions that, in the context of a balanced budget, the world has changed. This is not some magical fund. I would like to think that I have spoken to that and prepared to speak to it even further. But let us talk about the reality that the gentleman from Florida [Mr. FOLEY] spoke of.

This is a balanced budget environment. And when we have a balanced budget and we are talking about $13.6 billion in that 5 years, ultimately $27 billion but $13.6 billion in the 5 years, and we are pushing that money in the budget, we have got to push something out of the budget. So what are the trade-offs?

The B–2 proponents recommending trading off tack air, F–22, FA–18 and the joint strike fighter.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, under our reservation, I would like to point out to my very distinguished friend that we have made these arguments time after time after time after time, and the business of the House is being delayed now.

There are other Members who want to speak. And I am not going to object, but I think we all ought to pay attention to the fact that the gentleman has already used 10 minutes now. He controlled considerable time when we had this debate on the authorization bill, where he is the ranking member. And I just think that we really ought to be considering a time limitation, because nothing new is being said. We are rehashing the same arguments over and over again. And while I will not object to this additional request for time, I would put the Members on notice that I will object to other Members who would ask for additional time over and above their 5 minutes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think we have to be fair here now in terms of the time. I would hope that my colleague is going to let the other side at least have a chance to have the time, at least myself, the same amount of time that the gentleman from California [Mr. DELLUMS] had, because he had made a lot of accusations here today, some of which are true, and I would like a chance to rebut them.

Mr. YOUNG of Florida. Mr. Chairman, my suggestion is, and it is something that I suggested earlier, that we set a specific amount of time, have it managed and controlled by the proponents and the opponents, so we can get to the end of this debate sometime today.

Mr. DICKS. Mr. Chairman, the proponents had time to go here for 10 minutes, a lot more time than the opponents thus far. So I would like us to balance it out before we go to a time agreement, if the gentleman would possibly agree to that.

Mr. YOUNG of Florida. Mr. Chairman, let me ask the author of the amendment if he would be interested in discussing a possible time limitation with the time managed?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that we are being asked to spend about $300 billion. And it seems to me that this is not out of line to spend approximately half an hour listening to the arguments against the expenditure of the item under review on this amendment.

I would simply say that I know that the manager of this bill would like to see the House finish this bill with very little debate, but the fact is this is an appropriation bill, the Congress is exercising the power of the purse. We may make one decision on an authorization bill when real dollars are not in hand, but when we are on an appropriation bill, this is when we actually get to see what the trade offs are.

It seems to me that it is not too much to expect. I mean, as far as I know, there are only about four speakers against this. They are going to win the amendment. But it seems to me that we have a right to have a reasonable amount of time to make the arguments against it.

The gentleman from California [Mr. DELLUMS] is only the ranking member on the authorizing committee. He only knows more about this than probably anyone else on the floor. And given the fact that we have spent hours and hours on the legislative appropriations bill and other appropriation bills, I see no harm in spending less time on this bill in the end than we would have spent on virtually every other appropriations bill.

Mr. YOUNG of Florida. I do not know. So I assume the gentleman's answer is negative on limiting time?

Mr. OBEY. If the gentleman will yield, I know of only one other speaker on our side of the aisle.

Mr. YOUNG of Florida. Mr. Chairman, I will not object to this time extension. But I think we need to make sure that both sides get fair treatment on time. And we want to say again, under our reservation, we have debated this over and over and over again. And the gentleman from California [Mr. DELLUMS] has spent at least half an hour himself during the last debate. And the gentleman is correct, he is very knowledgeable on the issues. Although he is wrong most of the time, he is very knowledgeable on these national defense issues.

Mr. Chairman, I may suggest this time limitation depending on how this plays out.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 5 additional minutes.

Mr. DELLUMS. Mr. Chairman, first of all, I appreciate the gentleman's gratuitous shot.

Second, one point on which I agree with the gentleman, we ought to all be paying attention. I have been in this Congress where we debated for days on emotional amendments, $5 million amendments, $1 million amendments. Here is an amendment that has a $27 billion tail, and suddenly we do not have time to deal with it.

That is why I am getting paid. We ought to be debating these issues, rightly or wrongly. We talk out here about America being a place where different points of view clash with each other. I believe in the integrity of the process. We may have different politics. I accept your politics, and I accept my colleague's. That is how we got elected to be here. But one place where we ought to be all coming together is that the process ought to have integrity and we ought to be able to slow this train down to be able to debate.

The gentleman from Wisconsin [Mr. OBEY] pointed out, this is a multi-hundred-billion-dollar deal. So we want to rush it through for convenience because it is a nice and neat package?

And then we will run home to our town meetings and talk about how diligent we are as we carry out our fiduciary responsibilities. How obscene.

We need to slow this process down and debate each other, talk with these issues. I am prepared to debate. Five studies most recently did not make a case for the B–2. Five studies, all independent most recently. The B–1 bomber can fly as far as the B–2. We have gone through all of that.

The gentleman talks about crisis responsibility. Listen to this: This weapons system, these additional nine B–2's are going to be so important? Do my colleagues know how long it would take us to build nine B–2's to get them into the inventory? Ten years.

So my colleagues make this frightening, scary case to the American people, but they do not tell them it is going to take 10 years. So if this is such an important insurance policy, this is going to save so many people, then what do we do over the 10-year period? Do we pray?

Let us not be so disingenuous. Additional B–2's are going to take 10 years. Here is a plane in search of a problem. We have 21 of them. B–1's can reach any place in the globe without being locked out for want of a forward base. And look, we have 95 of them. Some of the 95 B–1 bombers are so brand new that the tires have maybe only hit the ground once or twice.

We spent $20 billion, $20.5 billion building 100 B–1 bombers. And all of a sudden, we do not want to talk about the B–1. That is the stealthiest plane in the inventory. Nobody wants to talk about them. We talk about the B–52 and the B–2, as if the B–1 is not there. My colleagues have argued and made the case and we bought 100 of them. We have 95 of them. It is not the platform, it is the weapon. It is not the platform, it is the weapon. We put smart weapons on a B–1, smart weapons on 21 B–2's. We do not need to buy additional expensive platforms that will cost each platform in excess of a billion dollars.

How many children can we educate for over $1 billion? How many people can we save for over $1 billion? What can we do with $27 billion? It staggers the imagination to talk about the brilliance and genius and compassion of what we can do with $27 billion. But, no, we want to sink it into nine B–2 bombers, as if that is God's gift to the planet. Bizarre and extreme.

Finally, some people say we need to build nine more B–2's, Mr. Chairman, because we must reserve the industrial base. An absurd notion. There is no such thing as a bomber industrial base. The people that built the B–2 did not build the B–1. The people that built the B–1 did not build the B–52. The people that built the B–52 did not build the bomber before that. All we have to do is be able to build a plane and we can build a bomber.

So what is all this about? This is about jobs. This is a restart, not an industrial base preservation. Air Force sources have estimated that the production capability for the B–2 is no more than 30 percent today. Only 16 percent of the personnel, 16 percent of the personnel, required to produce nine B–2's are currently on the program. This is according to contractor data.

□ 1200

Finally, many vendors and suppliers began exiting this program in 1992. They are gone, they have left the place. This is to reassemble.

If we want to generate jobs in America, how many jobs could we generate with $27 billion? Incredible. Absolutely extraordinary, Mr. Chairman. But we do not do it with nine more B–2's. I ask my colleagues to support this amendment, oppose nine additional B–2's. It is the rational, sane, and fiduciary thing to do.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I served on the Committee on National Security my first three terms here and served with the gentleman from California [Mr. DELLUMS]. He is an honorable man. We disagree on issues, but he has always been fair and he debates well. That is not my issue.

The issue is how I see it on why we need not only the B–2 but the defense structure that we have. I do not expect to change the opponents' minds by my 5 minutes. But I would like to express to them why I feel that it is important and at least have them have that understanding.

First of all, I think it is fair to say, why did we order the B–2 in the first place? Was there a perceived mission for it? Did the Air Force want the airplane? The answer is yes.

Second, is there still today a perceived mission for the B–2 and the B–1? The answer is yes. And is there one in the future? I also say yes. I will be specific in just a moment. I think if we take a look at what the threat is today in the areas that we could have gone into, whether it is Desert Storm, whether it is North Korea, whether it is different areas, without having to cost the additional expense of massing forces, when Saddam Hussein rattles his ugly sword and makes a strike, can we do that effectively and save billions of dollars by using a B–2 strike instead of having to mass all of our forces and then back away if nothing happens? The answer is yes.

Second, if we do not build the B–2 today, then what? The cost of then-year dollars, the R&D dollars out into the future is so expensive to build a new airplane and to invest in a new airplane, it would cost much more.

Russia today, I would say to my friend, not tomorrow, is building today a first strike nuclear site under the Ural Mountains the size of inside the beltway in Washington D.C. Why, when they already have one to the northeast? A nuclear threat to the United States, supposedly an ally. Anyone who would think Russia is our ally or China is our ally is mistaken, in my opinion.

Second, let us look at what the real threat is to our aviators who are going to be asked to fly in those particular airplanes. I have some charts. These are the nations where fighters are proliferated. These airplanes right here, the SU–27, the SU–35, and the SU–37. Let us take a scenario of taking a Strike Eagle, an F–15 Strike Eagle. By the way, the Air Force has not bought a new fighter in 25 years, while the development of all of these countries are advancing their procurement and their R&D. They have advanced farther than we have, in stealth and in missile technology and airframe.

If we take a Strike Eagle or an F–14D, two of our best fighters, and match them up with an SU–27, an SU–35, or a –37 that has a big radar, their radar sees those airplanes first. They have big giant radars. They are very fast. They are very maneuverable. The AA–12 missile gets there faster and further than our AMRAAM. Our guys are going to die. That is why we need the F–22.

Let us take a F–22 that they do not see as well because it is more stealthy, or the B–2. We get inside that envelope, we get first shot, and the bad guys are going to die first. These are the countries that have those airplanes.

Let us take an F–22 flying with a B–2 or a B–1. This bad guy over here is going to tell exactly where our fighters are because that B–2 is going to tell him it is a big aluminum fog in the sky and he is going to see it, he is going to know where we are. Again, our pilots are going to die, not the bad guys. If we take the B–2 with an F–22, he gets in unobserved, can get to the target, can knock it out or the B–2 can get in there by himself and save billions of dollars.

These again are the countries that have the missiles, the AA–12. I have flown most of these airplanes. If Members want to talk about the maneuverability, go to the Paris Air Show and look at the SU–37 and take a look at the vector thrust. They are better than our fighters, the B–2's and the threat of the bombers are better than ours, and we need to know.

Mr. Chairman, I include the following material for the RECORD:

COUNTRIES WITH ADVANCED AAM IN 2005

AMRAAM, MICA, AA–12

Russia	Netherlands	Denmark
Belgium	Sweden	Taiwan
France	UK	Finland
Malaysia	China	Japan
Spain	Israel	South Korea
Turkey	Norway	U.A.E.
Germany	Switzerland	

COUNTRIES WITH ADVANCED SAM'S IN 2005

Patriot, SA–10, or SA–12 SAM's by 2005

Azerbaijan	Kuwait	Netherlands
Belarus	Italy	Japan[1]
China[1]	Iran	Saudi Arabia
Cyprus	Russia[1]	Serbia
Czech Republic	Ukraine[1]	South Korea
Kazakhstan	Germany[1]	Syria[1]
Bulgaria	Israel	Turkmenistan
India	Moldova	

[1]Countries projected to have more than one type.
Source: Jane's, Aviation Week, DMS Market Intel.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Obey amendment.

Mr. Chairman, let me just give a little perspective on this. First of all, the gentleman from California says that nobody supports this. I do not quite agree with that. We have seven former Secretaries of Defense, Melvin Laird, Jim Schlesinger, Donald Rumsfeld, Harold Brown, Caspar Weinberger, Frank Carlucci, and Dick Cheney, who wrote the President a letter on January 4, 1995. In that letter they said this:

The B–2 was originally conceived to be the Nation's next generation bomber, and it remains the most cost effective means of rapidly projecting force over great distances. Its range will enable it to reach any point on earth within hours after launch while being deployed at only 3 secure bases around the world. Its payload and array of munitions will permit it to destroy numerous time sensitive targets in a single sortie and, perhaps most importantly, its low observable characteristics will allow it to reach intended targets without fear of interception. The logic of continuing low rate production of the B–2 thus is both fiscal and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it will also not be the end of the B–2. We urge you to consider the purchase of more such aircraft while the options still exist.

Mr. Chairman, what bothers me about the administration's program is this: They want to invest $300 billion for TAC air and zero for bombers. That just does not make any sense. The B–2 was just used in terms of operational testing using GATS/GAM, and they can hit targets day, night, all weather, without lasers, from 41,000 feet. That is a remarkable capability.

In the future when we get the smart submunitions like sensor-fused weapon, GATOR mine, et cetera, combined effects munition, I believe we will have the potential for conventional deterrence. I want to explain that. I think frankly nuclear weapons are only good for nuclear deterrence. We saw Saddam Hussein come south. We had 18 Trident submarines. He still came south. But if we have a bomber that can go a third of the way around the world with one aerial refueling and can be utilized immediately to stop the enemy from coming into, say, Kuwait, that is conventional deterrence. President Bush could have deployed the B–2's to Diego Garcia, they could have been operational immediately.

What does that mean? It means that we stop the enemy from achieving his objectives. That is what the halt phase is all about. If we can do that, then we could have saved the taxpayers the $10 billion it cost us to move 500,000 troops out to the gulf and we could have saved the $60 billion that we spent, we and our allies, on funding the war in the gulf. And the B–2, to purchase these additional nine airplanes will be somewhere between $11 billion and $13 billion. I think it is a wise, prudent investment.

The gentleman from California makes the strongest argument about why we should do it now. He says that if we do now, it is going to take 10 years to build these aircraft. You just do not go out and immediately get additional B–2's. It takes a long time to do a new bomber R&D program and it is very, very expensive.

So we want to buy the right number of planes while the line is still open, and the line is still open in southern California. Sometimes the gentleman makes it sound like it is in Bremerton, WA, but it is not. It is in southern California. That is why I think that we ought to do it now. We can get the planes for less money, they will be less expensive and I think it is the right thing to do.

The gentleman also talks like the war in the gulf was a slam dunk. The war in the gulf was not a slam dunk. The gentleman from Pennsylvania [Mr. MURTHA] is sitting here, our ranking member. He saw an errant Scud missile kill a number of his constituents. Had they had accurate Scud missiles in the gulf, our 500,000 American troops would have been vulnerable. They would have been vulnerable to attack either by chemical, biological weapons, nuclear weapons; they could have been destroyed in the field.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 5 additional minutes.)

Mr. DICKS. Mr. Chairman, the reason they could have been destroyed in the field is because of those Scuds. With the F–22 and the B–2, we finally will have a capability using Link-16 from space, from our satellites, to immediately target those Scud launchers. We will be able to go after them and we will be able to destroy them. We still need to do theater missile defense. That is the other critical component in order to protect our troops in the field.

I think this new revolution in stealth gives us an advantage. Why is 21 the wrong number? Twenty-one is the wrong number because in the early going, in that first 2 weeks of any war, it is sortie rate, it is how fast we can take that bomber, fly it in, drop those 16 smart bombs or those smart submunitions on the enemy and fly back out.

With 21 we simply cannot generate enough sorties to take advantage of the capability, and utilize the potential of this stealthy, long-range bomber with smart inexpensive weapons. So getting up to a higher level gives us more capability. We would be able to commit 20 to a major regional contingency; we would have 10 in reserve for a second major regional contingency.

I want to say something else. This Congress should never be ashamed to stand up to the Pentagon and say they are wrong. We did it on the F–117's. The gentleman says the B–2's were not there. General Hoerner said if they had been there, and it was because they were not ready to be deployed yet, if they had been there, he would have used them just as he used the 117's.

We had 27 additional 117's because this Congress had the guts to stand up and do what was right for the country. Under the Constitution of the United States that is our responsibility, not to just take what they give us. We have stood up to them before. We made them buy additional Sealift. They would not have had any roll-on/roll-off ships to go to the gulf if it had not been for Congress and this committee. That is why we have to from time to time stand up and do what is right for the security of this country.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

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

Mr. CUNNINGHAM. Let me even add to that point. When I worked in the Pentagon, the Navy never ordered A–6's. They prayed that Congress would add them just to keep the line on so we could perpetuate it. Members can talk to General Fogleman or the Air Force generals, they pray that we will add this.

Yes, there are budgetary constraints. They asked for the B–2 in the first place because it had a mission. With the White House and other constraints cutting defense, there are limited dollars. But they want the B–2 for the mission because they know it is applicable and it is going to save pilots' lives.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California, the distinguished chairman of the Subcommittee on Military Procurement of the Committee on National Security.

□ 1215

Mr. HUNTER. Mr. Chairman, I think the point that we need to be able to have a large inventory of long-range aircraft is very, very essential in this debate. In 1962, we had 81 major overseas air bases that we could fly short-range aircraft out of. That 81 major overseas air base inventory is now down to 14.

Just a couple of weeks ago, the Japanese diplomats were hedging on whether they would allow us to use Japanese air bases for a second Korea contingency. Now if we overlay that fact, the shrinking bases overseas, with the fact that we are going to spend $350 billion on short-range aircraft, and the administration zeroing B–2 has not a dime for long-range aircraft, it does not make any sense. We have got to have the ability to strike from the United States.

And last, I would say to my colleague I thought the most dramatic speech in the debate, the lengthy debate we had in the authorization process, was when SAM JOHNSON, POW in Hanoi, looked out through the Hanoi Hilton and saw three B–52's in Operation Linebacker. That is when we struck the North Vietnamese in 11 days and brought them to the negotiating table; he watched three

B–52's destroyed, blown up in midair. Those are the planes that the administration is going to rely on for the next 40 years. According to their plan, they are going to use aircraft that were vulnerable 30 years ago.

So we have to ask the question what is the alternative. There is not an alternative to the B–2.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, I will not request any additional time, and I wanted to say to my colleague from California, both colleagues from California, this last statement is the most important one. What we really have here is a wonderful opportunity to save American lives in the future.

Again the gentleman from California makes the case when he says it was easy with air power in the gulf to defeat the enemy once we stopped them, but Saddam stopped himself. What if he had not stopped? We need a capability to stop him which the B–2 will give us because it can react and go anywhere in the world without having to have escort aircraft.

But when it gets right down to it, when those marines came in and the RPV's were there and the guys came running out to surrender to our RPV's, what it meant was they had been bombed into oblivion because we had total control of the air and we had the right bombers. The B–2's give us greater accuracy, they give us greater capability. It is a much more lethal bomber than the B–52 and the B–1 because it can operate by itself.

And so my point is what this is really about is saving American lives in the future, and that is why this is so important, and that is why this Congress cannot fold under pressure from a Pentagon that simply wants to take care of the services. We need some real thinking about the future. We need to take advantage of our technological advantage—the B–2 represents that advantage.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

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

Mr. CUNNINGHAM. Small point: The gentleman from Texas, Mr. SAM JOHNSON, saw three B–52's blow up. Those were shot down by SA–2 Fansong radar in an old technology, post-Korean vintage. Today they have got SA–3 surface-to-air missile, all the way through about 19, and the advanced technology. We were successful in Desert Storm with the 117 because we could go over downtown Baghdad and not be seen. That is what the B–2 brings to this, instead of the loss of lives, much more efficiency, not only the cost of training pilots, but aircraft and our effectiveness in combat, and that is what we call national security.

Mr. DICKS. I thank the gentleman for his contribution.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was actually in my office listening to this debate, and it took me back to the research project I did when I was first in Congress about 2 years ago and then the request for briefing after briefing on all the technology, all the smart weapons, we might say, and I learned to admire many of my colleagues who had worked so hard to make sure that those smart weapons were there, smart weapons like the B–2, and the B–2 being one that does not risk as many American lives, gets in, gets the job done.

But then I got to the point of finding out how many are enough, and I have listened to the debate, and I think the important thing for me was I looked back to the original debate over how many B–2's would be enough from the beginning. It was 10, then it was 20. We have now 21 in some level of construction, not all of them done, most of them not ready for flight, and we are already starting to say we need 9 more. I have been told they are needed because we want to keep some of the construction on, and these will be the ones we begin in 2002.

As I look at the priorities before us, it has been real hard for me because I have since the early 1980's, unlike some of my colleagues arguing for this amendment, I have been a hawk; I am very strong, very strong pro defense. I was a Democrat turned Republican over the peace through strength movement in the early 1980's, came in because of Ronald Reagan. And so when I looked at this I thought is America going to be stronger, safer? Are we going to be able to save more American lives if we have 9 on top of the 21?

My briefings did not show me that we needed another nine; very hard when I stand here with people I admire so much who have fought so strong for a national defense, but I have to respectfully disagree.

When it comes to priorities and balancing the budget, I believe we have to have a strong America, but we have to balance the budget. I believe that this amendment simply says that some of the money, a very small amount, $50 million, will be there for breast cancer research in the military department.

In looking at this particular program as someone that does not necessarily believe just because we give somebody money they are going to do something good with it, I found it is the most effective, the most efficient, good for the military families, and this is somewhere else I go. I believe that good strong military medical, good strong research for America, all ties together. It does not have to be more bombers.

So with that I would conclude and just say I support this amendment because I just have to respectfully disagree. I believe right now we are on the verge of discovering more about breast cancer and cancer, and the research has been sorely underfunded. This could save lives immediately, not maybe after 2002; and by the way, it takes a long time to develop those planes. We are way into 2010 before we start talking about anything being used. If we had a war, it is many, many years before we would use them if we ever needed them, but breast cancer is killing people right now.

So with that, I would ask Members to support this amendment and support a strong national defense.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all time remaining in the discussion on this amendment be limited to 20 minutes, 10 minutes to be controlled by the gentleman from Wisconsin [Mr. OBEY] and 10 minutes to be controlled by myself.

The CHAIRMAN. Does the gentleman include all amendments thereto?

Mr. YOUNG of Florida. Including any amendments thereto.

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

Mr. SANDERS. Reserving the right to object, Mr. Chairman, if I might, I would just ask the gentleman from Wisconsin [Mr. OBEY] if he thinks that is enough time to accommodate this side to make their presentations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it is enough time. I mean we cannot give everyone who wants to speak 5 minutes, but we can give them a good amount of time to speak. I think it is adequate. I only know of two people who want to speak on our side.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] and the gentleman from Wisconsin [Mr. OBEY] each will control 10 minutes.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, as I understand the amendment, the gentleman takes some of the money out of this account and makes it available for breast cancer research. I was just wondering does that prohibit other kinds of cancer research, in the case of prostate cancer research, and does the bill allow for that?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would point out the bill already contains a small appropriation for prostate cancer research as well, and I would certainly have no objection if in conference this is reallocated so we can provide additional funding for both breast cancer research and prostate research.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman, and I rise in strong support of the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to start by thanking the distinguished chairman of the subcommittee and thank him for the way he has conducted this debate.

Mr. Chairman, let me issue my dissent, my objection, to what I think is one of the cruelest tradeoffs that can ever been offered on the House floor, and it has been offered here, and that is the idea that if we do not build B–2's, somehow we are going to spend the money on a lot of happy areas like breast cancer research and other attractive areas that all of us, as Members of Congress, want to fund. That is a tradeoff of guns for butter.

As my colleagues know, I am reminded, when I visit my aunt and uncle's house in Fort Worth, TX; there is a picture on the mantle, and that picture is one of my second cousins who was killed in Korea, Son Stillwell. He was killed in Korea, one of some 50,000 KIA there in a war that we were not prepared to fight because a previous Congress, a Congress after World War II, did not want to spend the money for a strong national defense, and we had all the same answers that have been given here today as to why we do not need a robust B–2 force.

Things are going well. No enemy on the horizon. In those days we said we have a nuclear weapon, we will never see another military take us on, certainly the North Koreans and the Chinese would not take us on.

If my colleagues read the then Secretary of Defense's testimony a few months before the North Koreans invaded, we had all of the happy talk about a smaller downsized force; only Omar Bradley had the guts to come before Congress and say, ''We can't win a major war.''

Mr. Chairman, as my colleagues know, we do not serve our people well, all those people who are interested in breast cancer research, and a good life and educational opportunities, unless we defend them.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, just in case somebody does not think there is money in this bill, there is $125 million in this bill for breast cancer research already.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his point, and it is a good point. We have taken care of many of these other areas that have been discussed that have been offered up as an attractive alternative to having some bomber power.

But as my colleagues know, General Fogleman is going out. One of his sins in Washington, DC, I think, was being extremely candid. I asked him in a hearing whether the B–2 was valuable because the word coming from the other side, from the political side, of the administration was we do not want B–2's, and being good soldiers, all of our chiefs then go down the line, they sit in front of us at the dais, and they stand behind the administration's political position on any particular weapon system. And he said this. He said:

''I didn't say the B–2 wasn't valuable. The B–2 is extremely valuable, especially in the halt phase of a war, that you stop the enemy before you have a lot of casualties, before you send home a lot of your people in body bags.''

And then he hesitated, and he said:

''In fact it is valuable in all phases of the war.''

And I said, ''General Fogleman, would it save American lives to have a robust B–2 force?''

And he said, ''Yes.''

So the point is there is not a body of military opinion over there that says this is not a valuable system. It is a valuable system. We need to support this important program.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

□ 1230

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

Mr. Chairman, I would urge the Members of Congress to take a hard look at reality, at what really is going on in this country. Do we want the United States to have the strongest military in the world? I think we do. Do we already have that capability? Have we already, along with our other NATO allies, greatly, greatly, many times overspent all of our potential enemies? And the answer is yes.

I ask my friends who are opposing the Obey-Dellums amendment to think about priorities. If they want the strongest military in the world, OK; but are they happy with the fact that we have by far the highest rate of childhood poverty in the industrialized world? Is that something that Members of this Congress should be proud of? Should we be talking about spending over a period of years $27 billion more for B–2 bombers, and then telling millions of kids who are ill-fed, ill-housed, ill-educated, that in this great Nation we do not have the resources to help them, but we can build B–2 bombers? My answer is, no, those are absurd priorities.

There are people here who day after day talk about the national debt and our deficit. They say we have to cut back on Medicare and Medicaid and education. Let me tell them, spending $27 billion for B–2 bombers also runs up the national debt. That is real money.

Recently we have been talking about major cutbacks in Medicare, $115 billion. There are some who say we should charge low-income senior citizens $5 for every home health care visit, which can amount to some $700 a year for a low-income senior citizen trying to get by on $9,000 a year. People say, yes, that is what we have to do to balance the budget. Then the next thing, they come back and say, oh, yes, but we can spend $27 billion for B–2 bombers. I think those are very false priorities.

Let us talk about job creation. All of us want job creation in America. Do Members know how we can do it? We can do it by putting more money into school construction. We can do it by building roads and bridges and protecting our infrastructure, which is falling apart all over America. We can do this by educating more people.

When we talk about national priorities, let us understand, there are millions of middle-class families who today cannot afford to send their kids to college. What we are saying to those people is no, we do not have enough money to make sure that your kids can go to college so they can make it into the middle class, but yes, no problem, over a period of time we can build nine more B–2 bombers that the Pentagon says they do not want, for a cost of $27 billion.

Mr. Chairman, I would urge my colleagues to understand that we are playing with a zero-sum game. We just cannot print more and more money. Let us get our priorities straight. Let us support the Dellums-Obey amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I want to thank the chairman for yielding time to me, and thank him for the good work he has done on bringing this bill to the floor and on this ongoing debate that we constantly have on the B–2 bomber.

I have not yet heard the other side, those in opposition, who are so strong in their opposition to this plane, what they figure we would use if we did not have this plane. I know there has been some talk of possibly another kind of bomber somewhere down the road, but there has been, what, $15 billion, $20 billion spent on R&D on this plane. I cannot see anyone here in this body that would begin to propose $15 billion to $20 billion R&D to build a new aircraft. This is the cheapest plane we could buy at this time.

This is the only plane that has a production line, even though it is now being closed up, that does have a production line, one that the manpower is there, the technology is there; and we are in the process of taking this apart, wasting all of that money that was spent. I think that is something that really, it would be wonderful if we could look into the future and say no, we will never need another long-range bomber. We need to stand up and defend this plane to defend our service people.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding time to me.

First, Mr. Chairman, let me say this: This has not been a debate. This is a very complex issue. It takes some time to lay the basis of the foundation of the arguments on either side. But once we spend enough time laying down the basis of our respective positions, allowing us to clash and debate with each other, someone jumps up and says we spent too much time. This has not been a debate. We end up with a triumph of process over substance. I think that is tragic. These are dark days in the Congress when we cannot engage each other in constructive and important debate.

Mr. Chairman, with the time that I have remaining, let me just make a few rebuttal arguments. First, I would like to remind my colleagues, we are building 21 of these planes. It is not zero. We are building 21 of these planes. For anyone to attempt to suggest to the American people that there is great magic in going from 21 to 30 is bizarre in the extreme, particularly when that step takes us $27 billion down the road.

Do we have an inventory of bombers? Yes, sir. We have 95 B–1's, extraordinarily well equipped. In fact, they can take more of these precision-guided smart weapons than even the B–2 can, plus 21 B–2's, plus additional upgraded B–52 bombers. So we have a major bomber force out there. Where are we going to fly them? Who are we flying them against?

We talk as if we have zero. We are the greatest superpower standing. Our military budget equals the military budget of every other Nation on the face of the Earth combined. When we put our allies into that equation, America and its friends outspend the rest of the world 4 to 1. That is reality.

Mr. Chairman, another point. Former Secretary of Defense William Perry, the father of the B–2 bomber, opposed additional B–2's because he knew what we were giving up in order to purchase more B–2's. Former Secretary of Defense Cheney was the one that struck the deal on 20.

The next point, people keep walking up to the microphone saying, we have had this debate over and over. It was supposed to be over at 20. This gentleman did not start the debate. It is the people who represent the contractors who want to keep bringing this weapon system forward. The administration is not asking for it, the Joint Chiefs are not asking for it. Nobody is asking for it except the contractors and a few Members of Congress; so few willing to spend so much money, Mr. Chairman.

Finally, I would ask my colleagues to approach this matter with a degree of fiduciary responsibility that is required by the moment. This is a balanced budget environment. This is a zero-sum game. You cannot create money out here. If you push this program in, you are going to push something out. You are going to hurt some people. I urge my colleagues to support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding to me. I would just like to respond by way of comment to the question of the gentleman from California [Mr. DELLUMS].

I, too, thought the question was over at 20, and then just before the election the President asked for the 21st. I thought he was getting a new understanding that a third squadron might be helpful, so it seems to me we ought to revisit this issue. I appreciate my colleague raising the question.

Mr. DICKS. Mr. Chairman, let me say this: This debate on the B–2 has been a long, difficult debate. I can understand my colleagues who think it is going to hurt something. But my view of this is that of everything we are doing at the Pentagon today, not one other weapons system has the potential capability to deter war as does the B–2. Take this platform that is stealthy, that can go one-third of the way around the world and stop the enemy from achieving their objectives, and that is a remarkable capability.

What are the weapons we are going to use on this? J-DAMS at $13,000. If we do not have the B–2's, then we have to use the B–52's with standoff cruise missiles that cost $1.2 million per weapon—16 times $13,000 is $208,000, versus $1.2 million. You get 16 weapons on a B–2 for the cost of one-sixth of one cruise missile. It is ridiculous. This will save us money over time. And you can fly in over the target and knock out 16 separate targets in one sortie. In World War II, it took 3,000 sorties in order to be able to achieve that objective.

This is a revolution in technology. What it gives us is an asymmetrical capability to stop the enemy before they achieve their objective. What does that mean? It saves American lives. It saves American lives.

Unfortunately, Mr. Chairman, I say to my friend, the gentleman from California, I supported the B–1, but the B–1 is not stealthy. It has to have escort aircraft. It cannot go out the first day without being vulnerable to being shot down, just as the B–52's will be shot down. That is why we have to have some number of long-range stealthy bombers to stop aggression, whether it is North Korea, whether it is Iran, whether it is Iraq, whether it is something in China. We do not know what the future holds, but every time we have been weak before, we have gotten ourselves into trouble. Here is a capability that gives us an advantage that no other country possesses.

Yet, we are going to walk away from it and say well, we have enough. We do not have enough. Every expert who has looked at this, all independent studies, Rand, Jasper Welch, all say 40 to 60 is the right number. We are saying 30 is all we can afford at this point. I urge the House to reject this amendment. This is a great moment for us to stand up and set our defense priorities for the future.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, let me simply say, in response to the last comment, keep in mind this is a weapon which is a cold war weapon. It was designed originally to drop nuclear weapons upon the enemy. There is a substantial question about whether or not, when it is converted to conventional use and you have to use it on repeated missions, whether or not the stealth capability of this weapon can be retained under those kinds of battle conditions. I think people need to remember that.

Second, let me simply summarize, this weapon is not being driven on the merits, in my view, it is contractor-driven. We have had a lot of comments about the necessity to make the right decision militarily for the country. Does anybody on this floor believe that the existing Secretary of Defense, an honorable Republican from the Senate, does anyone believe that he is not going to try to make the decisions which he believes will save the most American lives and meet the greatest defense needs of the United States? I do not know of anybody who believes that about him.

I simply want to read what his own summary said on this weapon: ''First, the B–2 would not provide the full range of warfighting and shaping capabilities offered by the forces it would replace''. It then goes on to say, ''For example, missions such as air superiority, reconnaissance, and forward presence would suffer. Second, the additional B–2s did not provide the same weapons delivery capacity per day as the forces that would have to be retired to pay for the B–2s.''

It then concludes by saying, ''* * * existing forces would have to be retired immediately to pay for the additional B–2s. Even then, the savings from retiring the forces are not enough to offset the large up-front investment for the B–2s * * * and there would be a loss in warfighting capability during the decade or more between when the outgoing forces were retired and all the B–2s were delivered.''

☐ 1245

I think that is pretty clear. What we are simply asking Members to do is to save the $331 million in this bill for nine planes which the Pentagon does not want because it wants other greater defense capability. By doing that, we avoid making a down payment on a $27 billion expenditure that we cannot afford and instead we use that $331 million, we use two-thirds of it to cut the deficit. We use 12 million of it to increase breast cancer research in the Pentagon medical operation, and we use $105 million of it to strengthen the

tanker capability of our Armed Forces which, as everyone knows, needs upgrading. That is what we do with the money.

This amendment strengthens, not weakens, the defense of the country. It follows the recommendations of the Pentagon itself. It helps avoid a veto, which the Pentagon has indicated they will recommend if this amendment does not pass.

If Members are interested in the best possible defense for the country and the best use of taxpayer dollars at the same time, they will vote for this amendment.

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

Mr. Chairman, several questions have been raised that really have not been answered. The question about how many B–2's does the Pentagon want or did the Pentagon want, I remind my colleagues that in the beginning of the B–2 program, the Defense Department wanted 132 B–2's. When funding was obviously difficult, they reduced it to 75. And funding was even more difficult, they reduced it to 20. And as my colleague from California pointed out, when it became politically advantageous, the 20 went up to 21.

So the Department of Defense has been all over the board on how many B–2's they wanted. The Congress is of the opinion as we voted on the armed services authorization bill last month, that there should be nine additional B–2's to make it a three squadron force.

Where would the money go? The amendment would take this money from the B–2 line and put it into KC–135 reengining. In that account we are already $152 million over the budget. The breast cancer program that most all of us support, the administration has never asked for it in the defense appropriations bill, but we have for years have funded it, and this year this bill is $125 million over what the President's budget was. That was a big zero.

The gentleman from Vermont [Mr. SANDERS] talked about how we outspend everybody else in the world, and there is a lot of reason for that. One reason is we are an all-volunteer force. We do not have a draft. We do not require that people serve in the military of the United States. We believe that those who do volunteer and that those who do serve should have a decent quality of life, that they should not have to live in hovels, that they should not have to live on food stamps. So we include in this bill a pay raise. We include in this bill additional money to repair barracks. We include in this bill additional money for medical care for those who serve in the military and their families.

In fact about 70 percent of the money appropriated in this bill goes for those types of items, not to buy airplanes or ships or guns or tanks but to take care of our troops.

Then, Mr. Chairman, if I were Saddam Hussein or a would-be Saddam Hussein, a would-be dictator and I saw that the United States has something as effective and powerful as a B–2, I would be very careful before I agitated or did something to bring the wrath of the United States against me.

It is difficult to prove a negative. But because of the effectiveness of the B–2 and the deterrent value that it brings to our force, how many wars, how many battles will we not have to fight?

It is hard to tell. But if we just did not have to fight one battle because we had something like the B–2, how many American lives would we save?

That is what we are talking about, accomplishing the mission and saving the lives of the Americans who do it.

Mr. DELAY. Mr. Chairman, I rise in opposition of this amendment.

It is no surprise that some Members would oppose a defense program that actually works to defend this Nation.

Some Members simply believe that our defense needs are secondary to social spending.

I disagree.

I believe that the highest value this Federal Government has is defending our people against external threats.

Some Members believe that those threats to our Nation's survival are in permanent decline.

This is wishful thinking.

We live in an age when dictators are alive and well. They are busy stockpiling nuclear, biological, and chemical weapons.

We must prepare to defend ourselves against these very real threats, and the B–2 has proven time and again to be a potent and effective defensive weapon.

The notion that the B–2 is needlessly extravagant is simply wrong. The Air Force has estimated that a B–2 with two crewmembers could conduct an attack normally involving 75 tactical aircraft and 147 crewmembers.

The procurement and life-cycle costs of 75 tactical aircraft approaches $7.5 billion. The comparable cost for one B–2 is $1.1 billion.

Clearly, the B–2 provides us with the best opportunity to protect U.S. interests at the lowest cost and with the best possible technology.

I hope that my colleagues will make the right choice tonight.

A vote against keeping the B–2 line open and operational is shortsighted and we simply cannot afford to make such ill-considered, shortsighted choices.

I urge a "no" vote on this amendment.

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

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 198, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,320,741,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $414,884,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,588,939,000, to remain available for obligation until September 30, 2000: *Provided*, That of the funds appropriated in this paragraph $14,843,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,186,669,000, to remain available for obligation until September 30, 2000: *Provided*, That of the funds appropriated in this paragraph, $349,680,000 shall not be obligated or expended until authorized by law.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other

weapons, and other procurement for the reserve components of the Armed Forces; $850,000,000, to remain available for obligation until September 30, 2000: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated in this paragraph, $154,895,000 shall not be obligated or expended until authorized by law.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,686,427,000, to remain available for obligation until September 30, 1999.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I claim this time for purposes of entering into a colloquy with the distinguished chairman, the gentleman from Florida, of the Subcommittee on National Defense.

I would like to bring the DRAGONFLY program to the gentleman's attention. The DRAGONFLY program will demonstrate the revolutionary flight potential of the canard rotor/wing or CRW high speed vertical takeoff and landing concept and to assess and validate CRW's characteristics and capabilities using unmanned aircraft technology.

Details on this revolutionary program came to my attention too late to be included in the defense appropriations bill now under consideration. I understand that the Defense Department plans to pursue this technology. However, due to budgetary constraints, funds could not be included in this year's budget request.

Mr. Chairman, I respectfully request that the gentleman's subcommittee consider the funding requirements for the DRAGONFLY program during conference on the defense bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman that I agree that the DRAGONFLY technology appears promising and that the committee will consider the gentleman's request during the conference and address this issue during that time.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for his consideration and assistance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,907,837,000, to remain available for obligation until September 30, 1999: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,315,456,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds made available in this paragraph, $4,000,000 shall be only for development of coal-derived jet fuel technologies.

AMENDMENT NO. 5 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows.

Amendment No. 5 offered by Mr. NADLER:

Page 32, line 11, after the dollar amount, insert the following: ''(reduced by $420,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided and controlled by the gentleman from New York [Mr. NADLER] and myself.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. NADLER] and the gentleman from Florida [Mr. YOUNG], each will control 15 minutes.

The Chair recognizes the gentleman from New York [Mr. NADLER].

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

Mr. Chairman, I am offering an amendment to reduce the appropriation for the F–22 fighter plane program in an effort to demonstrate our concern over the continued cost growth for this program. This year the Air Force is requesting $2 billion for research and development of the F–22. Last year the Air Force estimated that the 1998 cost would be $1.65 billion, the amount set by my amendment. This amendment is a modest reduction in funding, not a cancellation of the costly F–22 program.

Many Members of Congress have expressed support for the F–22 program. I for one oppose it. But if we are going to spend tens of billions of dollars on it, if we are going to spend $27 billion on it, we had better make sure the money is properly spent. Senator COATS of Indiana has recognized this and championed a similar amendment to this in the Senate defense authorization bill. This amendment therefore should enjoy at least some bipartisan support in both Houses.

The F–22 is one of three different types of tactical aircraft being developed for future deployment. The estimated total program cost of the three tactical air programs in the President's budget, the F–22, the F/A–18E/F and the Joint Strike Fighter will be well over $350 billion.

The Committee on National Security reports that, quote: ''the long-term costs associated with DOD's modernization plan are staggering.'' At a time of fiscal restraint, developing three planes concurrently, three tactical airplanes at the same time seems duplicative and wasteful. While we are asking taxpayers to make sacrifices, we must be vigilant in our duty to guard against unnecessary spending. These dollars could be used to greater benefit.

We heard some of the better uses to which they could be put in the debate on the previous amendment. The F–22 program has been plagued by cost overruns and poor project management. Both the Air Force and the cost analysis and improvement group in DOD estimated increased cost for F–22 production above and beyond what was previously authorized. In testimony prior to the National Defense Act for Fiscal Year 1997, the Air Force informed the Senate Committee on Armed Services restructuring the program had been costly in the past and had resulted in future cost escalations.

This program is a poster child for Defense Department waste. We cannot allow these costs to keep creeping upward unchecked.

This year's request for a funding increase is based in part on the cancellation of four preproduction vehicles, foregoing production of 54 operational aircraft and transferring those funds into the engineering and manufacturing development account. So this transfer of funds means the number of planes produced will be decreased while the costs will continue to increase.

The Air Force therefore appears to be asking to do less with more rather than the opposite of what we usually hear that we ought to require government departments to do.

According to the GAO, the F–15E, which the F–22 is designed to replace, will continue to be the premier tactical aircraft in the world at least until 2010. Events in the Persian Gulf suggest that current tactical aircraft are more than able to counter any likely threat to United States forces. The U.S. may need one new fighter program for the years after 2010 but not three at the same time. We must reduce this program now and make it very clear that defense contractors will not be rewarded for high costs.

It is time we looked at our defense programs with a little more scrutiny. We must not simply rubber stamp a bloated defense budget that includes billions of dollars in excessive funding simply because we fundamentally believe, as we all do, in providing for a strong defense.

We must have the moral strength to reduce funding for defense projects even if they are built in Marietta, GA, and other reasons represented by powerful Members of the House. To ignore

these cost overruns and do nothing would be a gross disservice to the American people. To increase funding under such circumstances for an expensive program with a poor record of financial restraint would be an extreme case of protecting special interests at the expense of hard-working taxpayers.

It is a disservice to the American people that year after year we refuse to open the size and scope of our defense budget. I urge my colleagues to join me in fighting to keep costs under control even if those costs appear in a defense bill. The Defense Department should not be immune from our normal cost-paring efforts.

Again, this amendment will simply reduce the R&D for this development of this fighter plane to the amount that the Air Force requested a year ago that they would request for this year. Again, in the situation in which we develop three tactical aircraft at the same time, I think this is a very modest request, a very modest amendment, and I urge my colleagues to support this amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM], who is from the Vietnam era, an aviation ace who has flown against these aircraft, who has had them fly against him. He has been shot at and he shot them down. I think he is an expert on this subject.

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

I understand part of the gentleman's amendment, that when we have a lot of different programs that we have to buy, then there is limited dollars. But I would also tell the gentleman that that has been created not artificially but by this very body. When we keep cutting defense, procurement, about 70 percent, when we have additional BRACC rounds and that takes, base closing rounds and that takes additional dollars, when we increase the operations tempo higher, higher than during the Vietnam conflict, which wears out our equipment, then we cannot put the money in research and development. We want to take money and advance the procurement for a carrier, which would save $600 million. But if we take money out of that carrier from, say, the F–22, we take it from any of the other programs, then those costs go up.

□ 1300

So, eventually, we override the costs and we cannot even buy smart.

Those that are proponents of reducing defense, and they have that right, I disagree with that. But those that do, cost us not only national security but we cannot even buy smart because we cannot buy and keep a line open. We have to shut down a line, and we have to open it. We have to lay off workers and bring them back on. That is very costly.

But I want to talk tactically. These are some of the aircraft that the F–22 would have to go out and fight. I have flown most of what we have in the United States inventory and most of what the Soviets have. I can tell my colleagues their capabilities. I can tell my colleagues about their radars, their missiles, their maneuverability, what their electronic warfare equipment is, all the different tactical applications.

The F–22 will have a much different mission, say, than the FA–18EF. It will be more of a hunter-killer, flying with four to eight aircraft protecting B–2's, or actually on what we call a Mig cap, going in prior to going into a target and sweeping the area and having blue water and fleet air defense, as well as air superiority. As General Fogleman says, we need air dominance. We had air superiority in Desert Storm.

But as we go in, I would ask my colleagues to take a look at the reasons that we need these airplanes. The F–22, a lot of it is for the same reason that we needed the B–2. The F–22 is one of the new stealthy airplanes that we have to go in against a target and that the enemy, all those fighters that I showed my colleagues previously, do not know that they are there.

When we close in on a fighter and he does not know we are there, we get first shot, he does not. Right now, most of those airplanes on that other chart have missiles that will go farther than ours, they go faster and they detect us first. With the F–22, they do not detect us. It allows our shorter range missile to get inside so that we can fire and launch and leave, and now our guys are going to live. That is the value of the F–22.

Now, it is an Air Force airplane. I flew in the Navy. Why would I support an Air Force airplane? Because it is part of national security and it is part of the defense of this country. In this humble Member's opinion it is an aircraft that we need.

I agree there are not enough dollars to go around, and we could buy other programs, but when we take from one to give to the other, then the additional costs go up and that is not effective.

I would say to my friend that in this other chart, the aircraft of tomorrow are here today, only the United States does not have them. I am alive today because I had better training than the enemy. I am alive today because the airplane, the F–4 Phantom in Vietnam was better than the Mig-21. The missiles I had, the Sparrow and the Sidewinder, were better than the Aphid and the Apex, but that is no longer true.

This is the research and development. And I will be happy to take my colleagues up on the fourth floor where we can talk about the secure programs, the black programs that exist in this airplane, that are star wars technology that none of the other airplanes have and none of the other countries have. This will be an airplane for the future. This is an airplane that will mean the difference between life and death for our aviators, our men and women.

Mr. NADLER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I rise in support of the gentleman's amendment, and let me explain why.

I do not think there are many Members of this House who are more greatly respected than the gentleman from California [Mr. CUNNINGHAM]. I think he is respected both as a legislator and for his past service to this country in his military capacity, and because he is a genuinely nice person to know. But I want to say, nonetheless, that I think on the merits this amendment has the better of the argument.

I make that statement for this reason. The Pentagon is going to be buying three new tactical aircraft. One of them is the F–22. We are supposed to purchase them to replace the F–15. The F–15 is probably the finest fighter the United States has ever known. We have over 700 of them. The problem with this is that the cost of the F–22 has apparently been escalating by about 20 percent, if we take a look at the latest information, and that means it is going to cost about $85 billion to buy 438 of these babies.

Now, the Congress hires the GAO, the General Accounting Office, to try to give us the best possible advice about how we ought to spend our money to get the biggest bang for it. And what they indicate is that the F–15, which is the plane that the F–22 is designed to replace, will last us at least until the year 2015.

They indicate, therefore, that they believe the purchase of the F–22, which is in this bill, is at least 7 years premature. They think there will be at least a 7-year overlap between the use of the F–22 and the F–15. So they, therefore, suggest that we slow down the purchase of the F–22's so that we do not run up the cost of this program any more than is necessary. I think that is the correct thing to do.

I would also point out that people say, ''Well, we have a huge threat that we have to respond to.'' They do not point out that many of the countries that possess the planes that we are worried about are countries such as France, which the last time I looked was our ally. They do not point out that the Rand Corp. says this about the threat to the United States: ''The air power forces of the former Soviet Union are fragmented and their recovery would take many years. The air fleets fielded by other potential adversaries are small and aging.''

Another Rand study concludes that China will retire about half of its fighters and tac aircraft within the next 10 years and that they cannot afford to replace them. And if we ask the Defense Department, they will tell us that they believe that there will be few purchases of high performance fighter aircraft by any potential U.S. adversaries any time soon.

So I think the gentleman's amendment is a perfectly reasonable one. We all know we are going to have this plane some day, and it will, by all accounts, be a magnificent airplane. But the fact is we have competing needs in this defense budget and, once again, I tell my colleagues that this budget contains nothing but false promises if it continues to pretend that it can live under the existing 5-year budget ceilings that are established for it and still buy all of the new weapon systems, including tactical aircraft, which people are hoping to buy.

There just is not going to be enough room in that bag to buy everything that we are scheduled to buy. Sooner or later we will have to make a decision about which purchases we are going to eliminate, or else admit that the 5-year budget ceilings that are talked about in this new budget agreement are nothing but a public lie.

Now, that is the hard choice of it, and the sooner Congress faces up to it, the better off we will all be, and that is why I think the gentleman is correct in pursuing his amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. DICKS. Mr. Chairman, first of all, I want to rise in opposition to the Nadler amendment. As I understand it, we would be cutting $420 million out of the F–22 procurement.

Now, what this would do would be to slow down this program.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I would advise the gentleman it is $420 million for the R&D, not procurement.

Mr. DICKS. Excuse me, Mr. Chairman, reclaiming my time, $420 million from the R&D account, not the procurement account. I wish we were in procurement, but we are not there yet. We are still in R&D.

What that will do is to slow down this program rather substantially. I think this is a program that has already been stretched out to such an extent that one has to be concerned about how much money we are going to spend on R&D to get this program into procurement.

Now, the F–22 is the Air Force's No. 1 priority. Now, anyone who listened to the earlier debate, I might have a different set of priorities for the Air Force, but they believe that the F–22, the air superiority fighter, is absolutely essential for the United States to be able, as we did in the Gulf war, to be able to gain air superiority once a war starts.

Of course, this is the airplane that will be involved in coming in, attacking other aircraft, attacking surface-to-air missiles, Scud launchers, and it will be very, very important in the early going in order to gain air superiority and to be able to cap the enemy so that they cannot get their aircraft off the ground.

Once we do that, then we can bring in all the nonstealthy assets that we currently possess, like the F–15's, the F–16's, the F–18's, et cetera. But it is the enabler. That is why stealth is so important, not just for bombers but also for our fighter aircraft. So I believe that this is one of the two or three most important programs we are involved in.

I think if we put together the F–22's and the B–2's, we get a tremendous synergism with an airplane that can give us air superiority and another one that can take advantage of that, to go in and knock out a variety of enemy targets and to ultimately allow us to win the war in such a way that we save American lives.

So I would argue strongly against slowing down the F–22, and that is what this amendment will do by cutting back R&D funding. I would assume it would slow it down for at least 1 year, maybe even more. It would have a devastating effect on the program itself.

Every time Congress gets up and does this, we adjust these programs, then the money is cut back, and then the contractors have to go back and readjust their entire schedule for developing the plane. So I feel very strongly that this program has already been interrupted and we should not do it again with this amendment.

Mr. Chairman, I urge a ''no'' vote on the Nadler amendment.

Mr. NADLER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would like to simply take this minute to say that I agree with one point the gentleman has just made. I think it is a mistake for us to stretch out the purchase time for every large weapon system that we buy because it does raise the per unit cost.

But if we agree with that, then we have to face up to the choice that we have to cut out one or more of these weapon systems. And that is why, it seems to me, that the Congress is making a grave mistake if we do not eliminate one of the three tac air systems which the Pentagon is supposed to buy under this bill.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would say to the gentleman that one area we did not look at, that was not looked at in the Quadrennial Defense Review, is our nuclear weapons. I would argue we could make a reduction ourselves in nuclear weapons and use that money to fund these conventional programs which are usable.

I am a believer that nuclear weapons are there for deterrence and only deterrence, and we really do not get a hell of a lot of military capability out of them.

Mr. OBEY. Mr. Chairman, I do not argue with that, but unless we are willing to cut the number of systems we buy, then the only choice we have is to pursue what the gentleman is pursuing.

Mr. NADLER. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from New York [Mr. NADLER] has 4 minutes remaining, and the gentleman from Florida [Mr. YOUNG] has 7 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from New York. The F–22 will be the Air Force's air superiority fighter for the first part of the 21st century. The Air Force needs the F–22 as soon as possible.

Right now the Air Force relies on the F–15 to fly its air superiority missions. The F–15 has served our Nation well and has been critical to ensuring that no American ground troop has been killed by enemy aircraft in over 40 years. But the F–15 is aging. Much of its technology was developed back in the 1970's and even the 1960's.

□ 1315

Though it was far superior than anything in the world when it was introduced, the rest of the world has slowly but surely caught up with the F–15. We still might have an edge in air superiority, but it is a slight edge at best.

The effect of the adoption of the amendment of the gentleman from New York [Mr. NADLER] would be to continue to rely on this old technology for years to come and to just get by. We would keep on flying the aging F–15 and hope that the world does not completely catch up with us before we unleash the F–22 fighter wings.

Mr. Chairman, we cannot afford to compromise our national security interests, as well as the safety and security of the brave men and women who serve our country, by just getting by. Proponents of cutting the F–22 argue that the world is a safe place and that we face no imminent dangers that justify immediate production of the F–22. But one of the main reasons that we face no dangers today, and I stress today, is that any potential enemies recognize the superiority of American technology and fighting strength.

But the longer we delay incorporating 21st century technology into our military, the more we invite potential foes to take the chance that they can match us in battle. Investing in technology like the F–22 Raptor today will, therefore, save us in the long run. War will be much less likely to occur if our enemies and potential enemies understand that engaging our military in battle is a guaranteed losing proposition.

The costs of war, even the cost of a brief and successful war like Desert

Storm, are much greater than the cost of peace. But more important than the ultimate economic savings we will reap from preventing wars with investing in the F–22 are the lives of fighting men and women that will be saved. By preventing as many conflicts as possible and then by thoroughly dominating those few in which we might have to engage, the F–22 Raptor will minimize harm to our troops in the field. The mothers and fathers of our men and women in uniform will be able to sleep better at night knowing that their children are less likely to be in harm's way.

Mr. Chairman, the F–22 is needed, and it is needed without any additional delay in production.

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

Mr. Chairman, a number of arguments are made against this amendment. The argument is made by the gentleman from California, who we all respect, is that we have to have air superiority, which we all agree with, and that if we do not have the F–22, we will not have air superiority, and that American fighters in some future war, therefore, will, God forbid, die from lack of the superiority in the technical equipment.

The argument ignores two facts. First, we heard the gentleman from Wisconsin [Mr. OBEY] refer to the Rand Commission reports. The Rand Commission says the air fleets of potential adversaries are small and aging. They are not coming up with new technology fighters. We do not see the Russians doing the research and spending the money to produce the next generation of fighters. The Chinese Air Force is going to be retired and not replaced because they are not doing it either.

So with whom are we competing for this great new technology? The French, our allies? The Defense Department says they see few high performance aircraft any time soon anywhere else in the world, other than perhaps in France, our allies.

Second, we are not opposing the F–22. We are saying stretch out the time before the procurement, do not reduce the procurement time, stretch out the time before the procurement so that there is not a 7-year overlap with the F–15. We will have the aircraft when we need it. But we do not need three separate tactical aircraft programs at the same time.

Finally, let me say, again the gentleman from Wisconsin [Mr. OBEY] alluded to this, in this 5-year budget agreement that everyone is talking about today, we have Defense Department caps for each year. We are not going to be able to maintain them if we keep buying every weapon on system, if we need more B–2's, if we need three new tactical aircraft systems.

So what are we doing? We are penny pinching in operations and training and personnel, when we ought to be spending more money, instead of procuring large numbers of new weapons systems which we cannot possibly afford in the future and which we do not need. Some of them we need. But we have to make choices. Governing is about making choices.

This amendment is about making a choice, about reducing the cost overruns in this program, and hopefully giving us time to reconsider whether we need three tactical aircraft programs as a follow-on to the F–15, which, last time I looked, was one aircraft.

So I urge the adoption of this amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time, and I rise in opposition to the Nadler amendment. I understand that it is well-intentioned. Even though the program has already been slowed down with the agreement of the Congress, it is the No. 1 priority for the United States Air Force.

The phrase ''air superiority'' has been used during this debate several times. Let me tell you what air superiority is. Air superiority is the ability of our pilots flying our airplanes to go into the war zone and to deny access to the air by the enemy planes, either to shoot them down or, as we did in Desert Storm, to scare them so that they run when they see our airplanes.

The other part of air superiority is the soldier on the ground. The soldier on the ground, when he looks up, he wants to see an American airplane in control of the sky, he wants to know that the airplane up there is not going to drop a bomb or some kind of munition on him. That is why air superiority is so important.

The F–22 will guarantee us air superiority and control of the skies in the world as we know it today. But as the gentleman from California [Mr. CUNNINGHAM] pointed out earlier, many other countries are building new and outstanding technology aircraft. We have got to be able to keep up with that.

In the year 2015, a date that has been mentioned when the F–22 might be fully capable, fully operational, the F–15, which is a tremendous airplane, will be 45 years old. My 10-year-old son has told me repeatedly that he wants to be a fighter pilot. Well, if that should happen and he cannot fly the F–22 until the year 2015, he can be flying a 45-year-old airplane. I do not want that to happen, and I do not want anybody else that is going to be flying a combat aircraft to have to fly a 40-year-old airplane.

It is just not right because it takes away his advantage, it takes away his edge over the enemy. All of us pray to God that we never have to send another pilot to war or another soldier to a ground war. But unfortunately that may not be the case. But we have got to go with the best equipment, the best technology, the best training that we possibly can so that our soldiers in the air, on the ground, our sailors on the sea, under the sea have the best training, the best equipment, the best technology possible so that they can, No. 1, accomplish their mission, Mr. Chairman, but No. 2, give themselves some protection while they are at it.

That is what this F–22 will do. It will help accomplish the mission and give our pilots protection and the ability to come home in their airplane, rather than come home as a POW or come home in a body bag. That is why this investment is a good investment and we ought to deny this amendment and allow the F–22 program to continue.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,494,337,000, to remain available for obligation until September 30, 1999: *Provided*, That not less than $444,898,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: *Provided further*, That funds appropriated for the Dual-Use Applications Program under section 5803 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208), shall remain available for obligation until September 30, 1998.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $268,183,000, to remain available for obligation until September 30, 1999.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $32,684,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, $9,300,000 shall not be obligated or expended until authorized by law.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $971,952,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve

Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $1,199,926,000, to remain available until expended: *Provided,* That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further,* That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further,* That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That of the funds appropriated in this paragraph, $18,300,000 shall not be obligated or expended until authorized by law.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,309,750,000, of which $10,035,682,000 shall be for Operation and maintenance, of which not to exceed three percent shall remain available until September 30, 1999, and of which $274,068,000, to remain available for obligation until September 30, 2000, shall be for Procurement: *Provided,* That of the funds appropriated in this paragraph, $55,300,000 shall not be obligated or expended until authorized by law.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $595,700,000, of which $472,200,000 shall be for Operation and maintenance, $67,200,000 shall be for Procurement to remain available until September 30, 2000, and $56,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $713,082,000: *Provided,* That funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further,* That of the funds appropriated in this paragraph, $51,411,000 shall not be obligated or expended until authorized by law.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $142,980,000, of which $141,180,000 shall be for Operation and maintenance, of which not to exceed $600,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,800,000, to remain available until September 30, 2000, shall be for Procurement: *Provided,* That of the funds appropriated in this paragraph, $4,600,000 shall not be obligated or expended until authorized by law.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $196,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $125,580,000, of which $39,011,000 for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999: *Provided,* That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2000, and $3,000,000 for Research, development, test and evaluation shall remain available until September 30, 1999.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $10,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $2,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further,* That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds: *Provided further,* That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase

the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. (a) None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Family of Medium Tactical Vehicles.

(b) None of the funds provided in this Act and hereafter may be used to submit to Congress (or to any committee of Congress) a request for authority to enter into a contract covered by those provisions of subsection (a) that precede the first proviso of that subsection unless—

(1) such request is made as part of the submission of the President's Budget for the United States Government for any fiscal year and is set forth in the Appendix to that budget as part of proposed legislative language for appropriations bills for the next fiscal year; or

(2) such request is formally submitted by the President as a budget amendment; or

(3) the Secretary of Defense makes such request in writing to the congressional defense committees.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 1998, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1999.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided,* That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further,* That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8014. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8016. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8017. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the

United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided,* That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further,* That the Department of Defense's budget submission for fiscal year 1999 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further,* That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further,* That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8020. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8023. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8024. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8025. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8027. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8028. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8029. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8030. Of the funds made available in this Act, not less than $27,200,000 shall be available for the Civil Air Patrol, of which $22,702,000 shall be available for Operation and maintenance.

SEC. 8031. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided,* That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1998 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, the Secretary of Defense shall reduce the total amounts appropriated in titles II, III, and IV of this Act by $55,000,000: *Provided,* That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $55,000,000 to reflect savings from the use of defense FFRDCs by the Department.

(e) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1998: *Provided,* That, after the submission of the report required by this subsection, the department may not reallocate more than five percent of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the congressional defense committees.

(f) The Secretary of Defense shall, with the submission of the department's fiscal year 1999 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(g) The total amounts appropriated to or for the use of the department in title II of this Act are hereby further reduced by $86,300,000 to reflect savings from the decreased use of non-FFRDC consulting services by the department.

(h) No part of the reductions contained in subsections (d) and (g) of this section may be applied against any budget activity, activity group, subactivity group, line item, program element, program, project, subproject or activity which does not fund defense FFRDC activities or non-FFRDC consulting services within each appropriation account.

(i) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (h) above pursuant to this section.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8033. For the purposes of this Act, the term ''congressional defense committees'' means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8034. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8035. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1998. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8036. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8038. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided,* That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further,* That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided,* That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Working Capital Funds if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1999 procurement appropriation and not in the Supply Management Activity Group or any other area or category of the Defense Working Capital Funds.

SEC. 8045. None of the funds provided in this Act and hereafter shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided,* That this prohibition shall not apply to safety modifications: *Provided further,* That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8046. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1999.

SEC. 8047. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in

America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency, or to increase the number of personnel assigned to a field operating agency of a headquarters activity; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the Department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes.

SEC. 8054. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1998, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: *Provided,* That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

''Aircraft Procurement, Army, 1997/1999'', $10,000,000;

''Procurement of Ammunition, Army, 1997/1999'', $5,000,000;

''Other Procurement, Army, 1997/1999'', $46,000,000;

''Aircraft Procurement, Navy, 1997/1999'', $24,000,000;

''Other Procurement, Navy, 1997/1999'', $2,200,000;

''Aircraft Procurement, Air Force, 1997/1999'', $27,000,000;

''Shipbuilding and Conversion, Navy, 1996/2000'', $35,600,000;

''Other Procurement, Navy, 1996/1998'', $3,300,000;

''Research, Development, Test and Evaluation, Army, 1997/1998'', $7,000,000.

SEC. 8056. None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year.

SEC. 8057. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8058. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8059. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided,* That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further,* That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8060. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided,* That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8061. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1997 level: *Provided,* That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8062. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000.

SEC. 8063. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8064. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8065. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8066. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: *Provided,* That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8067. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8068. Notwithstanding any other provision of law, the Naval shipyards of the

United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8069. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8070. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided,* That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8071. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8072. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8073. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8074. None of the funds provided in title II of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8075. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8076. Notwithstanding 31 U.S.C. 1552(a), not more than $14,000,000 appropriated under the heading ''Aircraft Procurement, Air Force'' in Public Law 102–396 which was available and obligated for the B–2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such Program until September 30, 2003.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided,* That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further,* That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8078. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

SSN–688 attack submarine program, $3,000,000;

DDG–51 destroyer program, $1,500,000;

LHD–1 amphibious assault ship program, $8,000,000;

T–AO fleet oiler program, $3,453,000;

AOE combat support ship program, $3,600,000;

For craft, outfitting, and post delivery, $2,019,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

SSN–21 attack submarine program, $21,572,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':

DDG–51 destroyer program, $1,060,000;

LHD–1 amphibious assault ship program, $1,600,000;

LSD–41 cargo variant ship program, $2,666,000;

AOE combat support ship program, $7,307,000;

For craft, outfitting, and post delivery, $12,000,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':

SSN–21 attack submarine program, $24,633,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

LHD–1 amphibious assault ship program, $5,592,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

SSN–21 attack submarine program, $5,592,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/1998'':

LHD–1 amphibious assault ship program, $400,000;

DDG–51 destroyer program, $1,054,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/1999'':

For craft, outfitting, and post delivery, conversions, and first destination transportation, $715,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

LHD–1 amphibious assault ship program, $17,513,000;

For craft, outfitting, and post delivery, conversions, and first destination transportation, $878,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2001'':

For craft, outfitting, and post delivery, conversions, and first destination transportation, $3,600,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2001'':

DDG–51 destroyer program, $24,160,000;

From:

Under the heading, ''Aircraft Procurement, Air Force, 1997/1999'', $73,531,000;

To:

Under the heading, ''Research, Development, Test and Evaluation, Air Force, 1997/1998'', $73,531,000.

SEC. 8079. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 1998 a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 1999 budget request was reduced because Congress appropriated funds above the President's budget request for that specific activity for fiscal year 1998.

SEC. 8080. (a). None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless—

(1) the auditable savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one, or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and

(3) the report required by Section 818(e) of Public Law 103–337 to be submitted to Congress in 1997 is submitted.

(b) Not later than April 1, 1998, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(1) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(2) an analysis of the specific costs associated with workforce reductions;

(3) an analysis of the services provided to the workers affected by business combinations;

(4) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(5) in accordance with section 818 of Public Law 103–337, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(c) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of Federal dollars.

SEC. 8081. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided,* That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8082. (a) The Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement to fully recover the costs for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray all costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8083. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided,* That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further,* That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8084. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation: Funds obligated by the Army for contract number DAK F 40–92–H–5001 from funds made available in the Department of Defense Appropriations Act, 1992 (Public Law 102–172) under the heading ''Operation and Maintenance, Army''.

SEC. 8085. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation: Funds obligated by the Economic Development Administration for EDA Project No. 04–49–04095 from funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103–189).

SEC. 8086. None of the funds provided by this Act may be used to pay costs of instruction for an Air Force officer for enrollment commencing during the 1998–1999 academic year in a postgraduate degree program at a civilian educational institution if—

(1) the degree program to be pursued by that officer is offered by the Air Force Institute of Technology (or was offered by that institute during the 1996–1997 academic year);

(2) the officer is qualified for enrollment at the Air Force Institute of Technology in that degree program; and

(3) the number of students commencing that degree program at the Air Force Institute of Technology during the first semester of the 1998–1999 academic year is less than the number of students commencing that degree program for the first semester of the 1996–1997 academic year.

SEC. 8087. Of the funds provided in this Act under the heading, ''Environmental Restoration, Air Force'', $10,400,000 shall be deposited into the Foreign Military Sales Trust Fund to the credit of the Canadian Government pursuant to the exchange of notes between the Governments of the United States and Canada concerning environmental cleanup at former United States' military installations in Canada.

SEC. 8088. During the current fiscal year, the amounts which are necessary for the operation and maintenance of the Fisher Houses administered by the Departments of the Army, the Navy, and the Air Force are hereby appropriated, to be derived from amounts which are available in the applicable Fisher House trust fund established under 10 U.S.C. 2221 for the Fisher Houses of each such department.

SEC. 8089. During the current fiscal year, refunds attributable to the use of the Government travel card by military personnel and civilian employees of the Department of Defense may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8090. During the current fiscal year, not more than a total of $60,000,000 in withdrawal credits may be made by the Marine Corps Supply Management activity group of the Navy Working Capital Fund, Department of Defense Working Capital Funds, to the credit of current applicable appropriations of a Department of Defense activity in connection with the acquisition of critical low density repairables that are capitalized into the Navy Working Capital Fund.

SEC. 8091. Notwithstanding 31 U.S.C. 3902, during the current fiscal year interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8092. At the time the President submits his budget for fiscal year 1999, the Department of Defense shall transmit to the congressional defense committees a budget justification document for the active and reserve Military Personnel accounts, to be known as the ''M–1'', which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for fiscal year 1999.

SEC. 8093. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $100,000,000 to reflect savings due to excess inventory, to be distributed as follows: ''Operation and Maintenance, Army'', $15,000,000; and ''Operation and Maintenance, Navy'', $85,000,000.

SEC. 8094. The amount otherwise provided in this Act for ''Environmental Restoration, Army'' is hereby reduced by $73,000,000, to reflect funds carried by the Army as a result of shared cleanup costs.

SEC. 8095. Notwithstanding any other provision in this Act, the total amount appropriated in title III of this Act is hereby reduced by $50,000,000 to reflect savings from repeal of Section 2403 of title 10, United States Code.

SEC. 8096. None of the funds in this or any other Act may be used by the National Imagery and Mapping Agency for any mapping, charting, and geodesy activities unless contracts for such services are awarded in accordance with the qualifications based selection process in 40 U.S.C. 541 et seq. and 10 U.S.C. 2855: *Provided,* That an exception shall be provided for such services that are critical to national security after a written notification has been submitted by the Deputy Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8097. During the current fiscal year, the Secretary of Defense may award contracts for capital assets having a development or acquisition cost of not less than $100,000 of a Working Capital Fund in advance of the availability of funds in the Working Capital Fund for minor construction, automatic data processing equipment, software, equipment, and other capital improvements.

SEC. 8098. The Secretary of Defense shall submit to the congressional defense committees not later than November 15, 1997 an aviation safety plan outlining an appropriate level of navigational safety upgrades for all Department of Defense aircraft and the associated funding profile to install these upgrades in an expeditious manner.

SEC. 8099. The Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and Senate, not later than April 15, 1998, a report on alternatives for current theater combat simulations: *Provided,* That this report shall be based on a review and evaluation by the Defense Science Board of the adequacy of the current models used by the Department of Defense for theater combat simulations, with particular emphasis on the tactical warfare (TACWAR) model and the ability of that model to adequately measure airpower, stealth, and other asymmetrical United States warfighting advantages, and shall include the recommendations of the Defense Science Board for improvements to current models and modeling techniques.

SEC. 8100. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided,* That this restriction does not apply to end-items used in development and test activities preceding and leading to acceptance for operational use: *Provided further,* That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8101. The budget of the President for fiscal year 1999 submitted to Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as ''subactivities'') in the operation and maintenance accounts of the military departments and other appropriation accounts, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the expansion of the North Atlantic Treaty Organization. The budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 1999, and subsequent fiscal years, shall provide complete, detailed estimates for the incremental costs of such expansion.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title VIII, through page 96, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 96, after line 7, insert the following new sections:

SEC. 8100A. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

SEC. 8100B. None of the funds in this Act may be used to pay for NATO expansion not authorized by law.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment states that members of NATO should contribute their fair share for any expansion of NATO in Europe. It also states that funds in this bill shall be used for those which are authorized by the Congress. Very straightforward and simple.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania, the distinguished ranking member.

Mr. MURTHA. The chairman and I have discussed this at length, and we will fall on our sword trying to get what the gentleman from Ohio [Mr. TRAFICANT] wants. We will do everything we can to take care of the gentleman from Ohio.

Is that not right, Mr. Chairman?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would say that we agree completely with what this amendment is trying to accomplish. We do have a little concern about how this language might fit in with the President's signing of the bill. But we do appreciate the gentleman making some changes in the language that were recommended.

With that, we prepared to accept the amendment with the understanding that if we hear from the administration, we may have to come back and see if there would be additional changes that the gentleman might be agreeable to.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS], the distinguished linebacker from the University of Washington.

Mr. DICKS. Mr. Chairman, I want to say to my friend, the gentleman from Ohio [Mr. TRAFICANT], I read his amendment. I think it is a good amendment. We will work hard with him with the administration, and I hope the House will support his amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, in closing out here, we need not have a black sinkhole hole for money going to protect Europe folks. All we say is, let us go by which we authorize. The Congress and people govern. We do not have governance through the White House.

Mr. Chairman, I urge an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered at this time although it addresses a portion of the bill not yet read for amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON:

Page 100, after line 15, insert the following new section:

SEC. ____. The Secretary of the Army may reimburse a member of the Army who was deployed from the United States to Europe in support of operations in Bosnia and who incurred an out-of-pocket expense for shipment of a personal item to or from Europe during the period beginning on October 1, 1996, and ending on May 30, 1997, if the shipment of that item, if made after May 30, 1997, would have been provided by the Department of the Army through the Temporary Change of Station (TCS) weight allowance under the Joint Travel Regulation, as in effect after that date.

□ 1330

Mrs. CLAYTON. Mr. Chairman, I have spoken both with the ranking minority member and the chairman of the subcommittee, so they are aware what the basis of this amendment is. This is an equity issue. It is a fairness issue. By approving this amendment, we will authorize the Department of the Army to pay for the shipment of personal items which the Department itself has paid for before and which now, after some persuasion, are again providing for.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentlewoman came to us with this amendment today. We talked to the staff and we know there has been an injustice here. If the gentlewoman will withdraw her amendment, we will do everything we can to work this thing out in conference.

Mrs. CLAYTON. I do plan to withdraw it because we do have the commitment from both sides to work it out; but if I may proceed, just to give the equity reason for it. I wanted our colleagues to know what this committee will be doing to try to rectify this issue.

This is an issue that was caused because there was an administrative procedure change which meant that we did not reimburse the National Guard or the Army Reserve that went to Bosnia when we had before. So there were a number of individuals, National Guard Members who came to me saying they had no way of getting their moneys back because there was no authority to reimburse them for sending their personal items back home.

What this means: That those men and women serving in our military in Bosnia would have to pay it out of their own pockets unless the committee works this out. I am delighted that the committee sees the value and the equity of ensuring that those who serve us in our Armed Forces are not required to take on an extra burden. In the light of their cooperation, not only the 125 Reservists and National Guardsmen in my district, but some

4,280 throughout the Nation had to pay for it out of their pockets. With this committee correcting this, this will mean that more than 4,000 people will now be able to have these expenses reimbursed and they will not have to assume the obligation of the American people and defending our country out of their pocket. I want to thank both the chairman and the ranking member for providing the leadership.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. POMEROY. Mr. Chairman, I move to strike the last word. I rise to engage the gentleman from Florida [Mr. YOUNG], the chairman of the subcommittee, in a colloquy.

Mr. Chairman, I am deeply concerned about the Pentagon's plan to retire 23 B–52 bombers, roughly 25 percent of the B–52 fleet. In light of the uncertain prospects for Russian ratification of START II and the continuing need for long-range conventional airpower, I believe it would be unwise to make unilateral reductions in the only battle-tested, dual-capable bomber in the U.S. inventory. I would ask the subcommittee chairman if he shares my concerns about the proposed reduction in the B–52 fleet.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. As the gentleman knows, in each of the last 4 years, the subcommittee has supported additional funding to maintain the full fleet of B–52's. But I am sure that he is also aware that the Senate has included additional funds to keep all 94 B–52's in the active inventory. Although the House authorization committee did not authorize this for this fiscal year, the action taken by the Senate is consistent with this subcommittee's recommendation in recent years.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Washington.

Mr. DICKS. I rise to express my strong support for maintaining the full fleet of 94 B–52's. In the last decade, over $4 billion has been invested to thoroughly modernize the B–52 bomber. The B–52 not only supports the air-leg of the nuclear triad, but it is also a potent conventional weapon able to carry the complete inventory of smart weapons. I assure the gentleman from North Dakota that I will work to see that the necessary funding is provided in conference to keep all 94 B–52's in the active inventory. I have discussed this with the gentleman from Pennsylvania [Mr. MURTHA] as well.

Mr. POMEROY. I thank the gentleman from Florida and I thank the gentleman from Washington. I look forward to working with them as this bill moves into conference.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. Pursuant to House Resolution 198, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 222, not voting 12, as follows:

[Roll No. 336]

AYES—200

Abercrombie
Allen
Andrews
Baldacci
Ballenger
Barrett (WI)
Barton
Bass
Becerra
Bereuter
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (OH)
Burr
Camp
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Coble
Coburn
Combest
Condit
Conyers
Costello
Coyne
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Doyle
Duncan
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Flake
Foley
Ford
Frank (MA)
Franks (NJ)
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Goode
Goodlatte
Goodling
Gordon
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hilliard
Hoekstra
Hooley
Houghton
Jackson (IL)
Johnson (WI)
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tierney
Towns
Upton
Velazquez
Vento
Wamp
Watt (NC)
Waxman
Weldon (PA)
Weygand
White
Wise
Woolsey
Wynn
Yates

NOES—222

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Clyburn
Collins
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Filner
Fowler
Fox
Frelinghuysen
Frost
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
LaHood
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Maloney (CT)
Manton
Manzullo
Martinez
Matsui
McCollum
McCrery
McDade
McHugh
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Millender-McDonald
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Radanovich
Redmond
Reyes
Riggs
Rodriguez
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Sherman
Shimkus
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Visclosky
Walsh
Waters
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—12

Cummings
Dingell
Foglietta
Forbes
Gonzalez
LaTourette
McInnis
Ney
Riley
Schiff
Wexler
Young (AK)

□ 1355

Messrs. BRADY, BONO, PITTS, Ms. WATERS, and Mrs. JOHNSON of Connecticut changed their vote from ''aye'' to ''no.''

Mr. STENHOLM changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Chairman, unfortunately on rollcall 336, I did not

verify the electronic vote. It was my intention to vote ''no'' on the Obey amendment as a strong supporter of the B–2 and I either inadvertently or incorrectly voted ''yes.''

PERSONAL EXPLANATION

Mr. LATOURETTE. Mr. Chairman, I was unfortunately detained for rollcall vote No. 336 to the Department of Defense Appropriations Act. Had I been present I would have voted ''yes''. As my voting record will reflect, I have consistently voted against additional B–2 funding.

I was not present for the vote because I was testifying before the National Capital Memorial Commission in support of my legislation, H.R. 1608, the Pyramid of Remembrance Act. As you know, H.R. 1608 would establish a memorial in the District of Columbia or its surrounding areas for soldiers who died in undeclared military conflicts and training exercises. I am proud to report that the idea for this bill came from high school students at Riverside High School in my district. Since its introduction, the bill has gained bipartisan support in the House of Representatives. I am looking forward to working with the leadership in moving the bill through the legislative process so that the lives of these brave and selfless soldiers are not forgotten.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8102. (a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the deployment of any ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after—

(1) June 30, 1998; or

(2) such later date as may be specifically prescribed by law after the date of the enactment of this Act, based upon a request from the President or otherwise as the Congress may determine.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply to the extent necessary to support (1) a limited number of United States diplomatic facilities in existence on the date of the enactment of this Act, and (2) noncombat military personnel sufficient only to advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina.

(c) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

(d) LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES IN BOSNIA.—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for the conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(e) PRESIDENTIAL REPORT ON POLITICAL AND MILITARY CONDITIONS IN BOSNIA.—(1) Not later than December 15, 1997, the President shall submit to Congress a report on the political and military conditions in the Republic of Bosnia and Herzegovina (hereafter in this subsection referred to as Bosnia-Herzegovina). Of the funds available to the Secretary of Defense for fiscal year 1998 for the operation of United States ground forces in Bosnia-Herzegovina during that fiscal year, no more than 60 percent may be expended before the report is submitted.

(2) The report under paragraph (1) shall include a discussion of the following:

(A) An identification of the specific steps taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

(B) A detailed discussion of the proposed role and involvement of the United States in supporting peacekeeping activities in the Republic of Bosnia and Herzegovina following the withdrawal of United States ground forces from the Republic of Bosnia and Herzegovina pursuant to subsection (a).

(C) A detailed explanation and timetable for carrying out the President's commitment to withdraw all United States ground forces from Bosnia-Herzegovina by the end of June 1998, including the planned date of commencement and completion of the withdrawal.

(D) The date on which the transition from the multinational force known as the Stabilization Force to the planned multinational successor force to be known as the Deterrence Force will occur and how the decision as to that date will impact the estimates of costs associated with the operation of United States ground forces in Bosnia-Herzegovina during fiscal year 1998 as contained in the President's budget for fiscal year 1998.

(E) The military and political considerations that will affect the decision to carry out such a transition.

(F) Any plan to maintain or expand other Bosnia-related operations (such as the operation designated as Operation Deliberate Guard) if tensions in Bosnia-Herzegovina remain sufficient to delay the transition from the Stabilization Force to the Deterrence Force and the estimated cost associated with each such operation.

(G) Whether allied nations participating in the Bosnia mission have similar plans to increase and maintain troop strength or maintain ground forces in Bosnia-Herzegovina and, if so, the identity of each such country and a description of that country's plans.

(3) As used in this subsection, the term ''Stabilization Force'' (referred to as ''SFOR'') means the follow-on force to the Implementation Force (known as ''IFOR'') in the Republic of Bosnia and Herzegovina and other countries in the region, authorized under United Nations Security Council Resolution 1008 (December 12, 1996).

□ 1400

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 1998''.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

Page 100, after line 15, insert the following new section.

SEC. 8103. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection for 1997 or a subsequent year.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SOLOMON. Mr. Chairman, I will not take 5 minutes. Discrimination in America is wrong. It goes against everything we stand for as a nation. What is especially ugly is discrimination against disabled veterans, and Vietnam veterans, in particular. Mr. Chairman, we owe these men and women the best of the very best, fair and open consideration for employment.

A couple of years ago we passed a program called Vet 100, which requires contractors to report their hiring practices of veterans, disabled veterans and Vietnam veterans. Since that time, there were 25,000 contractors across this Nation that were either intentionally or unintentionally in noncompliance for this law. After an amendment we passed last year, we brought 8,000 of those contractors, simply because they were made aware of it, into compliance in the program.

We are asking now that this be attached to this particular bill so that it will bring notice to all of the contractors and make them aware so they can again comply with this law, so we can begin to hire these disabled American veterans, along with Vietnam veterans.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the very distinguished gentleman from Florida [Mr. YOUNG], the chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, as the gentleman has stated, last year we did accept this amendment. We thought it would work fine. It has worked partially. I think it is important that we continue this language. The chairman of the Committee on Rules, the very distinguished chairman, has worked with us on writing the language in such a way I think as will be very effective. I am very, very happy to accept this amendment. I think it is something that ought to be done.

Mr. SOLOMON. I certainly thank the gentleman, Mr. Chairman. With him having said that, I am getting a signal from the very distinguished ranking member of the subcommittee, a great former marine.

Mr. Chairman, I ask consideration on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 100, after line 15, insert the following new section:

SEC. 8103. None of the funds made available in this Act may be used to approve or license the sale of F–22 advanced tactical fighter to any foreign government.

Mr. OBEY. Mr. Chairman, this country is going to spend $85 billion to build

a new generation of fighter aircraft, the F–22, and we are told that the reason we must do that is because we have sold so many of our F–16's around the world, and so many of our F–15's, that we now have to stay ahead of the capability of other countries. So we are told that in order to do that we have to make this large expenditure.

Mr. Chairman, all this amendment says is that if we are going to go ahead and spend that $85 billion, that we ought not to make the same mistake we made in the past. That is why this amendment says that no F–22's can be sold abroad.

The reason I am urging that we adopt this amendment is that the contractor, Lockheed, has already been quoted several times saying that they fully plan to market the F–22 abroad, and the Air Force is also indicating they are looking at foreign sales as a means of reducing the overall cost of the program.

Everything that we know about this plane tells us it is going to be a technological marvel. I would like to know why on Earth we would even consider selling this plane abroad if the purpose of building it in the first place is to react to the fact that we have sold abroad so many sophisticated fighters in the past that we now have to build this new plane in order to stay ahead of the people we have sold it to.

Very simply, all I am saying is that we have to make a choice. We either stand up for America's interest and support this amendment, or stand up for the contractor's interest and oppose it, because this is an argument between those of us who believe that if we are going to spend $85 billion, we ought to keep that technology at home, versus those who say, ''Well, sorry, but we have not learned a thing from the last round. So even though we are being told we have to build this plane because we have sold so many sophisticated aircraft around the world, we are willing to ignore past history and do it all over again.''

So I think the purpose of the amendment is self-evident. I cannot imagine, I cannot imagine any reason for turning down this amendment except that the contractor wants to sell these planes abroad, and has therefore convinced people that we ought to make the same mistake over again.

Anybody who is paid what we are is being paid enough to avoid a stupid mistake like that. I would urge support for the amendment.

Mr. KASICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is the first I have heard of this amendment. I will probably vote for this amendment. I will tell the Members why. This will really fundamentally fall on a lot of deaf ears in this House, and maybe it will make a few people yawn. I have to tell the Members that I think one of the most serious things that is going on in the world today is the unregulated, the unprecedented level of arms sales that exists in the world today.

I support the F–22 because I think it is absolutely essential that we maintain air superiority in any time of trouble for the United States and our allies. I think the F–22 is essentially the next leap of technology that allows us to maintain air superiority. I, of course, do not share that view on the necessity of the stealth bomber, but I do share that view on tactical aircraft.

But frankly, if we are going to develop a sophisticated tactical aircraft, to develop the next level of sophisticated fighter aircraft designed to give the United States clear air superiority, then to turn around and sell that technology to other countries forces us into the next level of tactical aircraft at great cost.

Look, Republicans and Democrats on both sides of the aisle, do Members not understand what we are doing in the world with the sale of all this sophisticated weaponry, designed to a large degree to preserve assembly lines? What we do is we give enemies weapons with hair-trigger mechanisms that allow each side to have more lethality, to have more power, more quickness, less warning time. Whenever conflicts arise, it denies us the time we want in order to resolve those conflicts without death.

I also would point out that the greatest fear I have for our children in my lifetime is the proliferation of weapons of mass destruction. I worry that some day, at some point, some world leader or some group of terrorists will get their hands on these lethal weapons of mass destruction that can be used without the consideration of loss of flesh and blood of people on any part of this globe. I worry that at some point in our lifetime we will wake up one morning and find out that two brutal enemies have used these weapons against one another.

I do not know whether it is true, the article that was written in one of the magazines several years ago about the almost conflict between India and Pakistan. But I do not want to wake up one morning, having armed these enemies to the teeth with increasingly effective weapons with increased lethality, to find out that somehow we played a role in it. That does not mean we do not need to develop the sophisticated weapons to guarantee the national security of the United States and our allies, but it does mean we need to be careful with this technology.

I wish we would all step back for a second and think about what our policies are on arms sales, what our commitment is to protect those elements that contribute to the weapons of mass destruction, to deny them from individuals in this world who would use them against the cause of order and peace and humanity.

I would urge everybody to march to this floor today and deny the ability of the defense industry to begin to sell this weapon of sophistication that the United States needs. Let us protect that technology. Let us slow down the arms race. Let us do it for our children. Let us not just do it for ourselves, let us also do it for our children.

I would hope that on a bipartisan basis, we could begin to get a handle on this problem of proliferation of weapons and of sky-high arms sales. There are better ways in this world to make money, to make profits, than to allow this seemingly free flow of technology. Let us stand up for national security, but let us also stand up for peace.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my original thought was, and the gentleman from Texas Mr. MARTIN FROST was quite concerned about this amendment, but actually when we look at the facts, it really would not have any impact because this is a 1-year bill. Certainly we have to send a message that when we have a technological superiority, it is something we want to look at very closely.

Mr. Chairman, I would, with reservations, accept this amendment, and hope we could work something out in conference.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have talked to the gentleman from Wisconsin [Mr. OBEY] about this. He made several changes that we thought were important to make to this so it applied properly to the bill. Having done that, we have been prepared to accept this amendment, and we are happy to hear from the gentleman from Ohio, but we are prepared to accept the amendment.

From the leadership of the subcommittee, we accept the amendment, Mr. Chairman.

Mr. CUNNINGHAM. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I will only speak for a short amount of time. Mr. Chairman, I understand what the gentleman from Wisconsin [Mr. OBEY] is attempting to do here. I would caution him, and I will support the amendment, one of the most troubling times I had in my military career was being outspoken about letting F–14's go to the Shah of Iran.

□ 1415

I made a statement that we were being blackmailed at the time. This was at a time when there was an oil embargo. We remember the long gas lines we had in this country because of the shortage. I said, now, Iran is not Arabic and it is the Arabs that were holding us hostage over oil. Iran is Persian. But yet they will not have to pay for one single one of those F–14's because all they have to do is raise the price of oil by a cent and they get them free.

I said the second point is that as a fighter pilot, I do not want to have to look down the barrels of those F–14's if the shah ever falls. Well, I felt like Billy Mitchell after that happened because we did look down the barrels of those F–14's.

So I understand the intent of the gentleman and support it. But in future language, I would ask the gentleman to be very cautious because there are countries that I have flown with, like South Korea, some of our allies that have F–16s, England, I would not give them to France, personal opinion. They sell arms to every one of our enemies. There are socialists and Communists there now, and I would not give them a dime or any weapons. But there are countries that I think that, if we are flying there in a conflict and some of the NATO countries that would ally, and I do not care if it is a British pilot taking a Mig off my tail or someone else, then I would like that support. But I support the gentleman's amendment and I understand the merit behind it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me thank the gentleman for supporting the amendment and say that I recognize that there are some countries I would not mind providing sophisticated weapons to, but I think we need a policy ahead of time before we build these systems so that we know exactly who is going to get them and that we are assured that they are going to be provided on as limited a basis as possible around the world.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong opposition to the Nadler amendment to cut important funding for the F–22 fighter. The F–22 is the Air Force's next generation premier fighter and is intended to replace the aging F–15 fighter which has been in use for nearly 30 years. The next generation aircraft will have both air-to-air and air-to-ground fighter capabilities and will ensure our air superiority in the 21st century.

A cut of the size proposed by this amendment would have a devastating effect on the development and production of the F–22. In fact, the Air Force estimates that a $420 million cut in the program would result in a major program restructure and actually result in an increase of costs in the out years of $7.7 billion because of the restructuring of the current development and production timeline.

Let me close by quoting Gen. Ronald Fogelman, the Chief of Staff of the Air Force:

> The F–22 will continue to ensure our continued dominance of the aerial arena and protect our forces across the entire spectrum of conflict. No United States soldier has been lost to enemy air power on over 40 years, and the F–22 will continue to uphold that record.

I urge my colleagues to oppose this amendment, and support our continued aerial dominance.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COBURN

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

The Clerk read as follows:

Amendment offered by Mr. COBURN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION

SEC. 8079. None of the funds appropriated or otherwise made available by this Act may be made available for the United States Man and the Biosphere Program, or related projects.

Mr. COBURN. Mr. Chairman, it is my hope that this will not take any time. The purpose of this amendment just simply to limit DOD funds to not be spent on a totally unauthorized, never approved program from this Congress or any other Congress. We have voted now four times in this body to uphold this policy. This is simply an amendment that would extend that policy to the Department of Defense. It is my understanding the chairman as well as the ranking member have accepted this amendment.

I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I would say that we are very familiar with this issue. We do support the amendment. We hope that it will be agreed to.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, just briefly, 47 of these biosphere reserves were established before the public even knew what was happening. One of these was established in the northern part of the congressional district I represent in the Adirondack Mountains without me or any local government officials ever knowing about it. That was outrageous. These biosphere reserves violate individual property rights, and they give executive branch political appointees the authority to make property decisions in place of these individual landowners or even local zoning ordinances. I think that is outrageous. I am so happy that the gentleman is offering the amendment.

Mr. COBURN. Mr. Chairman, I would ask the body to support the Coburn-Peterson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY of MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 100, after line 15, insert the following new section:

SEC. 8103. (a) None of the funds appropriated or otherwise made available by this Act for the Department of Defense specimen repository described in subsection (b) may be used for any purpose except in accordance with the requirement in paragraph numbered 3 of the covered Department of Defense policy memorandum that specifically provides that permissible uses of specimen samples in the repository are limited to the following purposes:

(1) Identification of human remains.

(2) Internal quality assurance activities to validate processes for collection, maintenance and analysis of samples.

(3) A purpose for which the donor of the sample (or surviving next-of-kin) provides consent.

(4) As compelled by other applicable law in a case in which all of the following conditions are present:

(A) The responsible Department of Defense official has received a proper judicial order or judicial authorization.

(B) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement.

(C) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available.

(D) The use is approved by the Assistant Secretary of Defense (Health Affairs) after consultation with the Department of Defense General Counsel.

(b) The specimen repository referred to in subsection (a) is the repository that was established pursuant to Deputy Secretary of Defense Memorandum 47803, dated December 16, 1991, and designated as the ''Armed Forces Repository of Specimen Samples for the Identification of Remains'' by paragraph numbered 4 in the covered Department of Defense policy memorandum.

(c) For purposes of this section, the covered Department of Defense policy memorandum is the memorandum of the Assistant Secretary of Defense (Health Affairs) for the Secretary of the Army, dated April 2, 1996, issued pursuant to law which states as its subject ''Policy Refinements for the Armed Forces Repository of Specimen Samples for the Identification of Remains''.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise to offer an amendment which simply aligns our funding priorities with the current Department of Defense policies that protect the information in its DNA data bank for soldiers. The Department of Defense operates the Armed Forces repository specimen samples for identification of remains.

This DNA data bank currently holds millions of blood samples for both active and inactive personnel. This pool of genetic data is one of the largest in the entire world. Health, life and disability insurers might soon try to flex some muscle in obtaining sensitive information. Heightened concerns have been raised over the last year about the many ways that people can be discriminated against based on their genetic profile. Soldiers were not free from those same worries regarding blood samples in this DNA data bank.

The Pentagon has always maintained that such information was collected only to identify the remains of soldiers killed in combat. But many of my colleagues may recall that last year two marines were court-martialed for refusing to provide blood samples to the DNA data bank. They were fearful of inadequate privacy protections for the sensitive information being obtained from their DNA. The Pentagon as a result took the proper steps to revise its

policy and instituted several new conditions on the use of DNA in the data bank, including limiting them to identify human remains, investigate crimes, purposes for which the donor and next of kin provide consent, plus an approved use by the Assistant Secretary of Defense and health.

I had spoken to the chairman of the committee, the gentleman from Florida [Mr. YOUNG], as well as to the ranking member. I believe that this amendment will be accepted. But I just would like to mention, the truth is that the current rules and regulations that determine how your DNA data is going to be utilized at the Department of Defense is really at the discretion of the secretary.

I would urge both the chairman as well as the ranking member to take actions, I hope, in the conference to make certain that this does not become an arbitrary policy. This kind of data can be used by private companies or others at the decision of the secretary that could have devastating consequences for any of the soldiers who happen to be ordered to provide those DNA samples.

I would hope that the chairman would be willing to institute a policy where no variation other than the specific purposes which are currently in this year's bill, could be varied without the consent of the Congress of the United States and the signing into law by the President. I think that this is an entirely, it is a new issue, but it is one that is very, very important for the personal privacy of the soldiers that choose to serve this country.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, as the gentleman and I have discussed earlier, we are happy to accept this amendment as we did last year, and the new issue that he raises I think is a legitimate issue. We would be more than happy to address it during the conference.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman.

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

The amendment was agreed to.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to request a colloquy with the gentleman from Florida [Mr. YOUNG] regarding the fate of the Advanced Self Protection Jammer radar system.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I am very happy to address the concerns of the gentleman from Maryland about this program.

Mr. CARDIN. Mr. Chairman, I am concerned that the bill does not include funding for the Advanced Self Protection Jammer which is recognized as the finest self-protection jamming system in production today. Following the 1995 shootdown of the Navy pilot Scott O'Grady in Bosnia, ASPJ were deployed in aircraft in the Bosnian theater to correct the self protection deficiency under which our pilots were operating.

Mr. Chairman, the ASPJ proved to be an effective tactical aircraft countermeasure in the Bosnian theater.

Additional purchases of the system were recently authorized by the Committee on National Security. Shortage of the ASPJ's means that the Navy cannot equip all of its F–14D and F/A–18C/D planes with this system widely demanded by the Navy and Marine Corps pilots. Most of these planes, which will be in the fleet well into the next century, are now vulnerable. The Navy can only equip 72 aircraft with the ASPJ, although it has a requirement for deployment of this system on over 500 F–14D's and F/A–18C/D's. I hope the chairman will consider providing the Navy and Marine Corps with the funds necessary to equip the forward-deployed F–14D and F/A–18C/D squadrons with this system.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman's concern for the system and its potential benefits for the pilots. The ASPJ is a valuable system. I share the gentleman's concern and will work with my colleagues on the committee and with the Department of Defense on this issue as this bill moves forward.

Mr. CARDIN. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK.

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

At the end of the bill add the following new section:

SEC. . In the paragraph entitled ''Operation and Maintenance, Defense-Wide,'' after ''$10,066,956,000'' insert ''(increased by $1,000,000) (reduced by $1,000,000).''.

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, in 1988, Congress passed and the President signed into law a requirement that the Department of Defense report details of crimes, including rape and sexual assault, committed within their jurisdiction to the Federal Bureau of Investigation.

However, the Department of Defense has failed to comply with this law. That means that there are thousands of crimes committed on base and off base by members of the armed services and others that are never reported to the FBI. I would like, Mr. Chairman, to put in the RECORD a letter from the general counsel of the Department of Defense and other press articles on this which state that they are looking at this, that they would like to proceed forward, but that there is a problem with funding.

My amendment provides $1 million to the Department of Defense so that they could collect and report these statistics. The money comes from the operation and maintenance budget. I hope that my amendment will be considered in the conference report. I thank the gentleman from Florida and the gentleman from Pennsylvania for their support and their commitment to work on this in conference.

Mr. Chairman, I include for the RECORD the following:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, May 27, 1997.

Hon. CAROLYN B. MALONEY,
House of Representatives,
Washington, DC.

DEAR MRS. MALONEY: This further responds to your letter to the Secretary of Defense, dated February 26, 1997. In my interim reply, dated March 11, 1997, I informed you that I had asked the Judge Advocate General of the Army to provide me information on certain cases you mentioned in your letter. I now have this information and am prepared to respond to your questions.

On October 24, 1995, then-Representative Dornan wrote the Secretary of Defense requesting an investigation of allegations made by Mr. Russell Carollo in a series of articles in the Dayton Daily News. After review by the Service Judge Advocates General and my office, I replied to Mr. Dornan on April 23, 1996. Your February 26 letter asks follow-up questions based on my reply to Mr. Dornan. I will address your questions in the same order as I replied to Mr. Dornan's inquiry.

Do many accused sex offenders avoid prosecution or escape criminal punishment? You have asked whether the Department of Defense disputes the validity of the ''hard facts or statistics'' in Mr. Carollo's articles. Mr. Carollo was highly selective in the statistical data he chose to publish. Mr. Carollo's published figures on sex crime complaints included cases where the perpetrators were unknown and involving civilian suspects who were not subject to the jurisdiction of the military justice system. In those cases, it was not possible for a complaint to result in a court-martial conviction. Also, the offense ''titled'' on a complaint form or investigation report is often not the same offense that is formally charged. The decision on what title to use is made by an investigator at an early stage of the investigation. A formal charge, however, is preferred after full investigation and proof analysis by a military prosecutor. A formal charge is only referred to a court-martial after additional legal review, and this review may produce other changes. Even assuming that a court-martial charge reflects the same offense in the complaint, there may be a court-martial conviction for a lesser (but nonetheless serious) crime. For example, an accused may be acquitted of a rape charge, but found guilty of attempted rape or assault with intent to commit rape. Acquittal of a principal charge, but conviction of a lesser one, is a

process that goes on every day in every jurisdiction in the United States, where each element of any charged offense must be proven beyond reasonable doubt.

The military does not prosecute rape charges in ''misdemeanor courts'' or administrative hearings. If a complaint of rape is not prosecuted at a general court-martial, there is a reason and that reason is grounded in the evidence. A case may begin with a rape allegation, but end in another, lesser charge prosecuted at a special court-martial, nonjudicial punishment action, or other administrative action. In another case, the quality of the evidence may persuade military authorities to accept an accused's offer to separate from the Service (with an Under Other Than Honorable Conditions Discharge) rather than face a court-martial. If one of these actions happens, it is because particular circumstances make it appropriate. If a rape charge is supported by sufficient evidence for conviction, that charge is referred to a general court-martial as is fitting for a crime of that seriousness.

In Mr. Carlo's articles and associated correspondence, we have seen many comparisons of the military justice system with the ''civilian judicial system'' that reflect a misunderstanding of both. A monolithic ''civilian judicial system'' does not exist. There are fifty-one such systems in the United States, the Federal system (including the commonwealths and territories) and one for each state. In none of these systems does a complaint of rape automatically result in a trial, conviction, and long prison sentence for the defendant. In each of the civilian systems, just as in the military, prosecutors must make decisions based on the quality of the evidence before them. If a case is prosecuted as a rape, a civilian court must determine guilt based on the evidence before it. In doing so, the court applies a ''beyond reasonable doubt'' standard of proof, just like a court-martial. If there is a conviction for rape, or of a lesser offense, a civilian court then determines a sentence based on the particular circumstances of the crime and the offender, just as a court-martial does.

One significant difference between the military justice system and its civilian counterparts concerns the availability of alternative actions when there is insufficient evidence to prosecute in court. In any civilian jurisdiction, if a prosecutor or grand jury decides not to prosecute, nothing happens to the alleged offender. In the military, if the evidence is insufficient for a court-martial prosecution, commanders still have several options, any of which may result in significant sanction. The use of these options should not be cited as evidence that the military does not take crimes as seriously as in civilian jurisdictions, when these actions are not even available to civilian authorities.

In your February 26 letter, you discussed several Army cases at Fort Carson, Colorado, and Fort Leonard Wood, Missouri. According to information provided by the Judge Advocate General of the Army, much of what you have been told about these cases is incorrect. Moreover, these cases are excellent illustrations of how, in any system, each case must be judged on its own specific facts.

Your letter states that Army investigators at Fort Carson ''found substantial evidence for claims of rape against 13 soldiers in 1995 and 1996,'' yet only two were tried and five others received nonjudicial punishment. According to the Army Judge Advocate General's information, this statement is not accurate. Of the thirteen cases, in one the subject was a civilian, over whom the military had no jurisdiction, and in another the perpetrator was never identified. Of the remaining eleven cases, the State of Colorado assumed jurisdiction of two. In one of these, the State treated it as a domestic violence case. Of the remaining nine, in three cases the alleged victims either recanted their accusations or refused to cooperate after making an initial statement. In one of these, however, a soldier received nonjudicial punishment for consensual sodomy with another soldier's wife, an offense to which he confessed in his statement to investigators. The other two cases resulted in no disciplinary action. Of the remaining six cases, Army prosecutors determined the evidence was insufficient to go forward with trial in three cases, and three cases went to court-martial. Of the three soldiers who were tried, one was acquitted of rape, but convicted of consensual sodomy and indecent acts, and sentenced to hard labor without confinement. Two soldiers were convicted of rape. One of these was sentenced to 28 years. In the other, the accused (First Sergeant David Medeiros) received a sentence of only reduction to staff sergeant (two pay grades).

Of the thirteen Fort Carson cases, the only apparent anomaly is the Medeiros case. I will not speculate as to the reasons for such a light sentence for the crime of rape, as I was not at the trial and do not have detailed knowledge of the evidence. However, you should be aware that the alleged victim in the Medeiros case later recanted her trial testimony and claimed her sex with Medeiros was consensual.

Concerning the Fort Leonard Wood cases, your letter states that the post commander, Major General Ballard, reversed the ''sexual assault'' convictions of three soldiers, substituting administrative discharges. You asked ''[w]hat right did [General] Ballard have to reverse convictions?''

General Ballard had the powers and duties of a general court-martial convening authority, conferred by Congress under several articles of the Uniform Code of Military Justice. As convening authority, General Ballard had ''authority . . . to modify the findings and sentence of a court-martial [as] a matter of command prerogative involving [his] sole discretion. . . .'' Art. 60(c)(1), UCMJ, 10 U.S.C. §860(c)(1). The Judge Advocate General of the Army informs me that General Ballard exercised his discretion in these three cases, after legal advice from his staff judge advocate, to reach what he thought was an appropriate result under unusual circumstances.

The three Fort Leonard Wood cases are connected. None involved ''sexual assault.'' They involved three young soldiers dating, and having consensual sex with, three underage teenage girls. Two of the girls were not living at home, but had taken up with a local ''biker gang.'' In the other case, the girl's mother had introduced her daughter to the soldier in a bar. All the sexual conduct occurred off-post, but the local Missouri prosecutor declined to prosecute. However, the Army prosecuted the soldiers at special courts-martial for ''carnal knowledge,'' that is, consensual sex with a minor. See Art. 120(b), UCMJ, 10 U.S.C. §920(b). Each soldier's court-martial sentenced him to reduction in grade, forfeiture of pay, and restriction to post, but did not impose either confinement or a bad-conduct discharge. General Ballard, using his powers under law as a convening authority, determined the best interests of the Army would be served by approving administrative discharges in lieu of the court-martial convictions. In each case, the soldier received an Under Other Than Honorable Conditions Discharge, which deprives the soldier of entitlement to many benefits administered by the Department of Veterans Affairs. Such a discharge also carries a social stigma.

I also invite your attention to data available from the United States Disciplinary Barracks at Fort Leavenworth, Kansas. The USDB is the central facility for long-term confinement for prisoners from all Services. Of the 1,023 inmates at the USDB, 495 are serving sentences for sex crimes—almost half the prison population and nearly double the next category (homicide, 256 inmates). The Army reports that 1,392 soldiers have been tried by courts-martial for sex crimes since 1991. Of these, 870 have been convicted, with an average confinement sentence of just over 6.5 years. Of these, 253 were convicted of rape, with an average confinement sentence of 12.2 years.

I hope this discussion has shown that statistics and anecdotes do not necessarily tell an accurate story, especially when the statistics are incomplete and the anecdotes are, at best, one-sided or, at worst, wrong. Mr. Carollo's fundamental premise is that the military lets an unacceptably high number of sex offenders off (either completely or with light punishment) out of apathy, investigative incompetence, and/or prosecutorial indifference. As I emphasized in my letter to Mr. Dornan, nothing could be further from the truth. The truth is that military investigators, prosecutors, convening authorities, judges, and court-martial members deal with real cases, in real time, involving real people as accused and alleged victims, Every case is different and every decision must be made on its own merits.

Does the military fail to report many criminal records to the FBI as required by law? In my letter to Mr. Dornan, I acknowledged that the Services' investigative arms had not consistently complied with Department of Defense Inspector General Memorandum 10, dated March 25, 1987, which requires submission of fingerprint cards to the FBI in certain cases. I also described an evaluation of Memorandum 10 compliance by the Inspector General, as mandated by section 555 of the National Defense Authorization Act for Fiscal Year 1996. That evaluation is now complete and the Inspector General's report is available. That study confirmed that the Services have not done well in complying with Memorandum 10.

In November 1996, the Inspector General replaced Memorandum 10 with another memorandum clarifying the Services' reporting requirements. Moreover, the Inspector General intends to replace this memorandum with a Department of Defense instruction. A draft instruction is presently in the coordination process within the Department of Defense. When issued, the instruction will clearly state required actions by Department of Defense law enforcement organizations.

In a related area, you have also asked about the Department's progress providing Uniform Crime Reports (UCR) statistics to the FBI. The UCR is part of the National Incident-Based Crime Reporting System (NIBRS). The Department is now implementing the Defense Incident-Based Reporting System (DIBRS). NIBRS information will be reported by DIBRS along with other information of special significance to the Department of Defense. On October 15, 1996, the Deputy Secretary of Defense signed DoD Directive 7730.47, Defense Incident-Based Reporting System. While many DIBRS issues are still under review, we expect the Services will begin reporting this year and hope to have the system fully on-line by early 1998.

Your letter also states that you ''understand that the military can expunge criminal records from the FBI's database,'' and asks for information about such expungements. The military has no authority to ''expunge'' any record from the FBI database. However, a Military Department can correct an erroneous record and inform the FBI of that correction, causing a corresponding correction in the FBI database.

Department of Justice regulations permit a person, on request and verification of identity, to review his or her information in a Department of Justice criminal history record information system. If a person believes the system contains incorrect or incomplete information, he or she may submit a correction or update. An individual usually applies to the agency that contributed the questioned information. A person may also make a request for correction to the FBI Identification Division, which will forward the request to the concerned agency. If the agency agrees that the record should be corrected, it notifies the FBI and the FBI will make the necessary changes.

Do victims of violent crime continue to be victimized by the military justice system? As I described to Mr. Dornan, the process of a criminal trial in any court is a difficult one, especially for victims and their families. This is particularly true with respect to sex crimes, which often involve intensely personal facts. While no court system intentionally seeks to harm victims, such harm is often a regrettable result. Recognizing this, each Service has a victim assistance program that compares favorably with federal civilian and state programs.

Concerning your suggestion to create an ''ombudsman'' for servicemembers, comment at this time would be premature. As you know, one aspect of the Secretary of Army's pending inquiry into sexual harassment is the mechanism for reporting complaints. When the Army's inquiry is complete, the Department of Defense will review its recommendations for application to all Services.

Is the military's judicial system plagued by sketchy records, secret proceedings, and abuse of discretionary power given commanders? I respectfully disagree with your characterization of my reply to this question from Mr. Dornan as ''terse'' and ''contradict[ing] the facts shown by the Dayton Daily News.'' As I explained to Mr. Dornan, a court-martial is a public trial unless closed for a specific lawful reason (such as to prevent public disclosure of classified information). I also reiterate that military law and Service regulations provide for records of trials. As for records of nonjudicial and administrative proceedings, there continues to be a misunderstanding that I hope I can resolve here.

The Privacy Act of 1974 prohibits disclosure of personnel records except under specified circumstances. This is not military ''secrecy,'' but a law that the Department of Defense, including the Military Departments, is bound to follow just like other federal agencies. Nonjudicial and administrative actions are evidenced in personnel records covered by the Privacy Act and, unless an exception applies, may not be released under the Freedom of Information Act. As required by the Privacy Act, the Services did not disclose information about such actions to Mr. Carollo when he was researching his articles. It appears that Mr. Carollo then characterized these personnel records as ''secret'' as a literary device to imply that something sinister was going on in the military. Unless the Congress amends the Privacy Act to exempt military personnel records, such records may not be released except under the limited circumstances provided in the Privacy Act. As I emphasized in my reply to Mr. Dornan, it is wrong to label these personnel records as ''secret'' and imply that nondisclosure of personnel records is unique to the military.

Did the Navy fail to take appropriate action against personnel involved in the 1992 incident in Sitka, Alaska? In referring to my response to Mr. Dornan, you stated, ''I agree with the DoD's response in that the Navy [sailors] were not punished for their transgressions.'' You then declined further comment because the case was in litigation. I wish to clarify an apparent misunderstanding concerning my response and inform you of recent developments in the Sitka cases.

My reply to Mr. Dornan was not intended as an opinion that the sailors were not properly punished for misconduct. While I provided Mr. Dornan a summary of the incidents at Sitka involving sailors from the USS DUNCAN, I expressly reserved comment on whether the actions taken were justified. That was because there was an ongoing civilian prosecution against two DUNCAN sailors, one of whom was still in the Navy. That prosecution concluded in January 1997, when the Alaska Superior Court dismissed the indictments against both men.

The Sitka cases involved two separate incidents. In the first incident, two underage girls admitted lying to two enlisted sailors that they were over 16, the age of consent for sexual intercourse under both military law and Alaska law. After an investigation, the Alaska state's attorney declined to prosecute the sailors, as did the DUNCAN commanding officer. There has been no further action concerning this incident. The second incident, however, eventually produced state indictments.

As described in my letter to Mr. Dornan, the second incident involved sexual contact with two underage girls by two members of the DUNCAN crew. No intercourse occurred. A commissioned officer, although an ensign (the most junior commissioned officer grade), participated in these acts in the presence of an enlisted sailor. Both men knew the girls were underage. After the incident was reported and investigated, the girls' parents did not want to press charges, and the Alaska state's attorney declined to prosecute. Under the circumstances, the DUNCAN commanding officer determined that disciplining the enlisted sailor was inappropriate because his participation had been encouraged by a commissioned officer. The Navy took action against the ensign that eventually resulted in his separation from the Navy in lieu of trial by court-martial.

Although the ensign's request for separation in lieu of court-martial was approved, it resulted in an Under Other Than Honorable Conditions Discharge. As discussed previously, this character of discharge deprives the recipient of entitlement to any veterans' benefits to which he would otherwise be eligible and carries with it a significant social stigma. For the ensign's transgressions, he lost his job, any possibility of a military career, and present and future entitlements to veterans benefits. He will also endure the lifetime of disgrace associated with an Under Other Than Honorable Conditions Discharge. I am aware of no civilian authority that can impose administrative sanctions of such severity and permanence. I still decline to comment on the appropriateness of these actions, as I was not there and am not in a position to pass judgment on the officers who made these decisions. However, any perception that this ensign escaped punishment is not accurate.

You have concluded from Mr. Carollo's allegations and ''recent military sexual misconduct scandals'' that there is a need to reexamine the military justice system. The only things proven by Mr. Carollo's articles are that sex crime allegations make hard cases and the military justice system adjudicates them one at a time. It is ironic that recent ''scandals'' have been cited as evidence that the military justice system is failing in comparison to the civilian system. To the contrary, these events have proven the worth of the military justice system. Please examine Mr. Carollo's anecdotes and find out how many were cases that civilian authorities declined to prosecute or had no interest in from the start.

In the military justice system, if a particular allegation has resulted in a lesser charge, conviction of a lesser offense, punishment that may seem lenient, or exoneration, that is because someone made a hard decision. The same is true if an allegation has produced a conviction as charged and a severe sentence. In all cases, the decisions are made by those who, under the law, have the power and duty to do so, based on the applicable law and the evidence before them.

I will close by assuring you, as I did Mr. Dornan, that the military justice system is fair and efficient. I reaffirm my rejection of any allegation that service members live and work in a culture that officially condones sex crime or shelters sex offenders. To anyone who is genuinely familiar with the military and the military justice system, that notion is nonsense.

Thank you for your letter. I hope this reply has been helpful in addressing your concerns.

Sincerely,

JUDITH A. MILLER.

ARMY PROBE TO FOCUS ON TOP LEVELS; INQUIRY TO EXAMINE LEADERS' RESPONSIBILITY IN SEXUAL MISCONDUCT

(By Dana Priest, Washington Post Staff Writer)

The Army's civilian leader has ordered a wide-ranging investigation into the chain of command's responsibility in the sexual abuse scandal at Maryland's Aberdeen Proving Ground and into the management of the headquarters for all the Army's training centers.

The inquiry is the first high-level look at the possible role of senior officers in fostering the wrong atmosphere or otherwise contributing to a scandal that has so far mostly involved lower-level, noncommissioned personnel, such as sergeants.

In addition, the Pentagon acknowledged yesterday it does not know how many female service members are victims of sexual violence each year because it does not collect the information, even though Congress passed a law ordering it to do so in 1988.

''The department admits its deficiency,'' Defense Department spokesman Kenneth Bacon said.

Pentagon officials said Army Secretary Togo D. West Jr. plans to announce today that he has asked the Army's inspector general to find out what the commanders at the Aberdeen Proving Ground ordnance training center knew about the alleged incidents of sexual abuse, which include multiple rapes. The probe also will look at whether the commanders contributed to creating an atmosphere that permitted or fostered such misconduct.

West also has asked the inspector general to assess the management of the Training and Doctrine Command, which has control over Aberdeen and other Army training centers.

''It's an order to look top-to-bottom,'' a Pentagon official said.

West could not be reached for comment yesterday.

Asked the day the Aberdeen allegations became public whether the problem involved a few ''bad applies'' or was the result of more systemic problems, Maj. Gen. Robert D. Shadley, commander of Aberdeen, replied, ''I think it's a combination of both.''

Five drill instructors at Aberdeen are alleged to have had improper, and illegal, relationships with female trainees under their charge. Three of the five have been charged with criminal offenses and the other two

have received administrative punishment. Another 15 trainers still are under investigation. The more egregious offenses include assault, rape and threatening to kill or harm the victims if they disclosed the attacks.

Sexual misconduct, including assault by drill instructors, is not a new problem in the Army, but has come to public attention because of the gravity of the Aberdeen charges. The Army made the Aberdeen cases public because it did not want to be accused of a coverup.

Most of the Army's other major training posts report numerous cases of sexual misconduct by drill sergeants, who have near-complete control over their young recruits and trainees.

Holly Hemphill, a Washington attorney and chairwoman of a defense advisory panel on women in the armed services, known as DACOWITS, said Defense Secretary William J. Perry asked the group to visit Army training posts and conduct informal interviews with female soldiers.

Also yesterday, spokesman Bacon said the Defense Department had not complied with a 1988 federal law that required the Pentagon to create a uniform system for reporting all crimes, including sexual crimes, in the military.

Some of the services do not keep centralized statistics on sexual crimes such as rape and indecent assault, according to service officials interviewed recently.

Hemphill said the advisory committee had tried many times to get the services to give it information on sexual violence against female soldiers but ''we kept getting the wrong information.'' She said the services collect statistics on spouse abuse, but not abuse of their female members. ''We recommended in October that the department expand [its database] to include violence against military women. * * * It detracts from productivity and readiness, which is a huge understatement.''

Bacon said one problem was that Congress had not given the department any money to create the new database. Congress, he added yesterday, still had not come up with any new funds ''but basically, after this hadn't been done for awhile, somebody decided that it was time to do [it], and we're in the process of doing that now.'' He said the directive was issued Oct. 15.

The information in the new Defense Incident Base Reporting System also will be shared with the Justice Department. Other federal agencies are under the same mandate to report crime in their ranks to the Justice Department, but many have not complied either, Pentagon officials noted yesterday. The Army also has set up a military-civilian panel to review its efforts to combat sexual harassment.

House Speaker Newt Gingrich (R-Ga.) sent a letter Wednesday telling Rep. Floyd Spence (R-S.C.), chairman of the House National Security Committee, that Congress should monitor closely all the military services' reviews of sexual harassment prevention programs.

Gingrich urged all House members to visit Aberdeen.

A group of congresswomen, mostly Democrats, plans to visit the base in mid-December.

DEFENSE INCIDENT-BASED REPORTING SYSTEM [DIBRS]

Potential Question: What is DIBRS?

The Defense Incident-Based Reporting System (DIBRS) is a data collection system and repository designed to meet the Department's needs for oversight of law enforcement activities. DIBRS collects and reports violations of the Unified Code of Military Justice (UCMJ). It will permit the Department to respond to requests for statistical data on criminal offenses and other high-interest issues including suicide, sudden infant death syndrome, fraternization, and sexual harassment. When finished, DIBRS will provide a standard data system that tracks, criminal incidents from initial allegation to final disposition through the law enforcement, criminal investigation, command action, judicial and corrections phases.

Potential Question: What is DIBRS' relationship to the Uniformed Crime Reporting Act of 1988, the Victims Rights and Restitution Act of 1990, and the Brady Handgun Violence Protection Act of 1994?

Answer: Data requirements for the Uniformed Crime Reporting Act and the Brady Handgun Violence Protection Act are part of DIBRS. These data will be extracted from the DIBRS data based and transmitted to the FBI as required by statute. DIBRS also permits us to monitor and measure compliance with the Victims Rights and Restitution Act.

The Uniformed Crime Reporting Act established the National Incident-Based Reporting System (NIBRS), the national counterpart of DIBRS (see attachment). NIBRS collects and annually reports statistics on crime in the United States. At present only ten states and no federal agencies are fully compliant with the provisions of NIBRS.

Under the Victim Rights and Restitution Act, victims and selected witnesses must be notified of their rights at certain phases of a case from the time of initial contact by law enforcement through the investigation phase, prosecution phase, and if the case results in confinement, of change in confinement status. The confinement authority must advise the victim or witness of an inmate's status, to include length of sentence, anticipated earliest release date, place of confinement, the possibility of transfer, the possibility of parole or clemency, release from confinement, escape, and death.

Under the Brady Handgun Violence Protection Act, the DoD must report to the FBI:

Persons who are under indictment for, or have been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year,

Persons who are fugitives from justice;

Persons who are unlawful users of, or addicted to, any controlled substance;

Persons who have been adjudicated as mental defectives or who have been committed to a mental institution; and,

Persons who have been separated from the Armed Forces with a dishonorable discharge.

Potential Question: Will DIBRS report all instances of Sexual Harassment in the Services?

Answer: DIBRS will report only those incidents of sexual harassment that are reported to DoD law enforcement personnel or adjudicated via the UCMJ. This would include incidents investigated by equal opportunity advisors and subsequently referred for action under the UCMJ. Sexual harassment complaints that are reported to and investigated by equal opportunity advisors and determined to be unfounded would not necessarily be forwarded as DIBRS reportable incidents. This distinction between DIBRS reportable incidents is necessary to protect the identities of both alleged victims and alleged offenders, as well as preserving the integrity of service equal opportunity organizations as alternative means of reporting, investigating, and resolving interpersonal disputes.

Potential Question: How much does DIBRS cost?

Answer: Approximately $30 million. This figure includes Army: $3.9 Million, excluding Judge Advocate; Navy: $11.5 Million; Marine Corps: $5.5 million; and Air Force: $5.1 million.

These figures are still approximate, as we are attempting to accelerate development of this much-needed system into this Fiscal Year.

Potential Question: When does the Department expect to have DIBRS completed?

Answer: DoD Manual 7730.47, which the USD(P&R) signed on November 29, 1996, directed the Air Force to begin reporting within 90 days of that date (March 1, 1997). The Navy and Marines were next at the 270 day point (August 26). The Army had 360 days to achieve compliance. The Defense Manpower Data Center, the DoD repository for DIBRS, has begun working with Air Force and Marine Corps data.

Potential Question: Why did it take so long to develop DIBRS?

Answer: Work on DIBRS began in FY 1994. The Directive for DIBRS was in coordination and revision for over one year. That Directive and its accompanying manual are now signed and implementation is underway. This year, we expect to be the first Federal agency to join the ten states who currently are reporting NIBRS data to the FBI.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we will work out something that will force the Defense Department to adhere to what we suggested last year and what the gentlewoman is suggesting here. They should come up with figures which are reasonable. We will certainly try to work something out.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Page 100, after line 15, insert the following new section:

SEC. . None of the funds provided in this Act may be used to transfer any of the Marine Corps helicopters and associated support personnel located at El Toro Marine Corps Base, California, and Tustin Marine Corps Base, California, to Miramar Naval Air Station, California.

Mr. FILNER. Mr. Chairman, this is a bill affecting the national security of the United States. I thank the Chair and the ranking member for all the work on this bill.

I have an amendment which pertains to my home town of San Diego, an amendment which I believe will protect the citizens of my city by preventing the serious negative impacts to their health, safety, and environment associated with the arrival of a Marine Corps helicopter fleet.

Mr. Chairman, the 1995 Base Realignment and Closure Commission, as we call BRACC, specifically eliminated the mention of Miramar Naval Air Station as a receiving base for the helicopters under discussion. That is to

say, this amendment has nothing to do with a BRACC decision. The BRAC Commission realigned Miramar Naval Air Station to Miramar Marine Corps Station, but said nothing about these helicopters. So we are not in this amendment interfering with any BRACC decision.

□ 1430

Miramar Air Station is situated in the middle of a populated area of San Diego, a populated area now scheduled to receive up to 163 of these helicopters, 163 huge 99-foot CH–53 Super Stallions, CH–46 Sea Knight transport helicopters.

Now, I have heard from some folks that such amendments should not micromanage what the Defense Department is doing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding to me.

My colleague mentioned that this was not designed to interfere with any base closure recommendation, and I agree with his position. But let me remind the gentleman as well as the House that in the initial base closure go-round where this recommendation was made, the commission actually recommended that the very helicopters the gentleman is talking about leave Orange County and go to 29 Palms, CA, to a marine base where they would welcome these helicopters. Frankly, I cannot understand why they shifted that decision, except maybe some people want to live near the beach.

In the meantime, if the gentleman would consider somewhere along the line amending this a bit to look at 29 Palms, I probably would not be offended.

Mr. FILNER. Mr. Chairman, reclaiming my time, I would be happy with a friendly amendment from the gentleman. I agree with the gentleman there seem to be better places for these helicopters.

I have been asked by several people why I am micromanaging a Defense Department decision. I do not call a decision which affects over 600,000 residents, thousands of businesses, and 154 schools micromanaging. These helicopters will fly at 1,500 feet or below. The potential for loss of civilian life and property is great.

Just recently, Mr. Chairman, in Okinawa, Japan, the Pentagon said to the Japanese, who had concerns about these helicopters in their area, they will build a floating heliport to separate the helicopters from jet fighters, saying it would be extremely difficult to control the traffic of the slower choppers with fixed wing aircraft. It was a safety concern.

If the Pentagon is willing to spend money in Japan to significantly reduce the burdens and threat to the people in Okinawa, why will they not do the same thing for my constituents in San Diego? We are being treated differently, and I do not know for what reason.

These helicopters will discharge 1,600 tons of air pollutants per year. That significantly affects our quality of life but, even more importantly, may bring the city of San Diego into a worse classification in terms of our air quality and, therefore, bring restrictions which will slow our economic growth. We should not allow such environmental impacts to affect our economic growth.

Most of the residents near this Miramar Naval Air Station oppose the relocation of helicopters. They believe the Navy misrepresented the facts in their environmental impact statement. One resident said to me, ''What is going on here? These marine helicopters are noisy, dangerous, polluting weapons of war. They have no business flying over densely populated areas. They are a disaster waiting to happen. The Pentagon's thinking is inexplicable.''

Now, Miramar Naval Air Station is not directly in my own district, but my constituents will be affected by the pollution, by the potential slowing of economic growth because of that pollution and, equally important, I have in my district a naval helicopter station now. We understand that to somehow meet the concerns of the folks who live around the Miramar Naval Air Station, they might want to conduct some of their flight training in my district.

So bringing these helicopters in affects the noise levels of tens of thousands of people, it affects the quality of life, it affects our environment, it affects the safety. This is not a decision that ought to be ratified by this Congress, and my amendment would prevent any funds from being used to transfer those helicopters.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I do not disagree with anything my colleague from California has said. In the very first BRACC, before this was even a concern, this Member sought to try and put fixed-wing aircraft with fixed-wing aircraft at Miramar. It is much more efficient. We lost that fight.

During the second BRACC, when they decided to close El Toro and Hawaii and some other bases and move helicopters, I also opposed helicopters coming to Miramar for some of the same reasons my colleague from California mentioned.

We went through the study of noise, we went through environmental, we went through the Secretary of the Navy. They said no. We went to General Krulak. The Marine Corps said the helicopters are coming. We went to the Secretary of the Navy. They said the helicopters were coming.

My colleague and I even went to the White House to try to get support from then Chief of Staff Leon Panetta, and after an extensive study, the Chief of Staff said the helicopters are coming. The President said the helicopters are coming.

It is my responsibility to my constituents in whose area these helicopters are coming to be truthful and to point out to them when there is, A, merit, which I think there is merit in the gentleman's amendment. But the chance of the amendment getting through is very, very small. It is like telling an MIA family that there are MIA's alive. We get their hopes up and then when it does not happen, it goes down. We have been through this year after year after year.

I would say, Mr. Chairman, I have gone back and asked General Krulak, I have asked Jay Johnson in the Navy, I have asked the Secretary of Defense, and all the way up to the President, and they said that, no, this does interfere with the BRACC decision and that it will not happen.

So instead of getting my constituents all in hopes that they are not coming, I would like to work with my colleague to make sure, first of all, the I–15 corridor that goes up and down, which has Scripts' Ranch and Rancho Bernardo, and a lot of the affected area. The FAA has been very forthcoming, and the administration has helped us with this, which I am very thankful for, but if it is IFR, under instrument flight rules, we have limited the number of flights that go up and down the I–15 corridor. If it goes to the east, over a certain departure, we have actually altered the departure route for that so it does not overfly much of the population.

I cannot tell the gentleman the difficulty it took or takes to change airways, because it affects everything.

The third thing we have done is change the altitudes. They were going to go out a thousand feet. I would also like to work with the chairman. I live out here at the marina, and those helicopters are coming by every morning and every night at 0-dark-hundred in the morning from the White House, and I want them stopped because they are noisy. And those things are about 200 feet over the top of my boat, and it is going to stop.

But I also want to point out that we have also lost, Mr. Chairman, six marines in car accidents that have been forced to travel up and down the corridor. Military construction for the base. And I think the helicopters are coming, I would say to my colleague, and we need to do everything that we can to make sure that, A, the military is welcome; that, B, we do everything we can to appease our citizens in South Bay and my district as well, and to work together on this issue.

But I do not think the amendment will pass and I think the actual potential of it ever making it through is zero. So for that reason I would oppose the gentleman's amendment.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

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

Mr. FILNER. Mr. Chairman, I appreciate the gentleman's kind words. The gentleman has been fighting this for longer than I, and we have fought together. I would just suggest to the gentleman that with his support we could get it through.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, I would say that I will support the amendment, but I do not think it will pass. The reason I am hesitant in doing that is because if it gets my constituents' hopes up, I think they will get dashed.

I will support the gentleman's amendment, but I do not think it will pass.

Mr. FILNER. Mr. Chairman, I would hope with the gentleman's support, he can get his side, I will get my side, and we will get it passed.

Mr. PACKARD. Mr. Chairman, I move to strike the last word, and to reluctantly oppose my friend, but very forcefully so.

The claim of the maker of the amendment is that this is not a BRACC issue. It really is a BRACC issue. It was in the BRACC in 1993 to make the transfer, to close El Toro and to transfer the helicopters. This was a fixed wing, and the noise has always been at Miramar. The helicopters replaced fixed wing but the noise will still be there. It will be a different noise, and I understand that, but that is not the real issue.

In 1988 we established the BRACC process specifically to prevent the President and the Congress from meddling in the closing of bases and from politicizing it. We have very, very carefully adhered to that purpose. We do not want to open up the process to where we can make changes in the BRACC.

It is my subcommittee that finances the closing of bases. We just completed voting on my bill that funds the final stage of closing El Toro and transferring the helicopters to Miramar and constructing the facilities to accommodate the transfer. $375 million has been appropriated to close the base and to transfer the helicopters. All but $48 million of it is being spent and has been appropriated.

The $48 million final part is in this year's military construction bill. We voted on that just 3 weeks ago here on the floor of the House. All but 14 Members of the House voted for it, including the maker of this amendment, which had $48 million to complete the transfer of the helicopters to Miramar. The gentleman has already voted on it and voted in favor of it.

Aside from that, let me read carefully the amendment. ''None of the funds provided in this act,'' in this bill before us today. There are no funds in this bill today to transfer the helicopters. So the amendment really has nothing to do with this bill. It will not eliminate, add to, or change the allocation of this bill whatsoever.

So I would suggest that the gentleman withdraw the amendment, because it has absolutely no bearing upon this bill and, to be very honest with my colleagues, as the gentleman from California [Mr. CUNNINGHAM] outlined, it has gone through review after review after review, all the way to the President, and in every case the answer came back exactly the same, no change. No change in the BRACC.

The last thing this Congress ought to do today is open up the chance of changing BRACC, because that is what we established BRACC to do. I had probably half a dozen to a dozen requests to alter the BRACC process in my bill 3 weeks ago. I rejected every one of them. Because the moment we open that door, that is the moment that the whole BRACC process will unravel. And the last thing I want to do is to reject my colleagues in Florida and here and there throughout the country of making a change in BRACC, and then find one right next door to my district and say, well, I tend to agree that we should change that one. Absolutely not.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

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

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentleman partially, except that I intentionally put in the language that would allow this to happen. The only problem is that every source we have gone to has said no, it will not happen.

The gentleman is correct, there is no money to make it happen. And we tried every effort, whether it was 29 Palms or whether it was March or what, we thought it was a better avenue. I still do. The language is in there that would allow it, but none of the sources that would allow us to do that at this time will allow it to happen.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments. I urge my colleagues to vote against the amendment, primarily from the standpoint of not the parochial issue but the fact that we do not want to meddle in the BRACC process. That would be a precedent that I think would be unacceptable.

And I strongly urge my colleagues, if this comes to a vote, to vote against it. I would hope that the gentleman would withdraw the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me. I do not want to prolong this debate beyond a couple more minutes. I want to point out to my good friend from California, Mr. PACKARD, here is a copy of the BRACC report. It specifically says, ''and change a previous recommendation that says that these helicopters may be moved to other air stations consistent with operational requirements.''

That is, the BRACC report opens the door to several other alternatives. Those alternatives do exist. We have heard the gentleman from California [Mr. CUNNINGHAM] saying that was his change. My other colleague, the gentleman from California [Mr. LEWIS] has suggested other alternatives, and other communities who are negatively affected by base closures want these helicopters. It is not inconsistent with BRACC.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me.

The point the gentleman from California [Mr. CUNNINGHAM] brought out, though, was that the very decision of transferring the helicopters, not any other part of the decision of transferring the helicopters to Miramar, was reviewed time and time again by every agency, all the way up to the President, and they all came back with the same decision: The helicopters should go to Miramar.

□ 1445

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. FILNER. I understand that. But this authority has not yet passed on it. Many of those decisions were based on an environmental impact statement, which is being challenged in court right now as being, at the least, dishonest and, at the worst, deliberately misrepresenting the facts in terms of the environmental impacts. So other authorities have ruled. I would like this Congress to rule.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHAYS

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

The Clerk read as follows:

Amendment offered by Mr. SHAYS:

Page 100, after line 15, insert the following new section:

SEC. . The total amount obligated from new budget authority provided in this Act may not exceed $244,415,000,000.

Mr. SHAYS. Mr. Chairman, this is a freeze amendment. This is an amendment that says we are going to spend no more next year than we spent this year on defense. It is a recognition on the part of this Congress that we are slowing the growth of entitlements, we are truly cutting parts of domestic spending, and we are saying that the defense budget, which constitutes basically half of what we vote out and appropriate, should be under the same basic scrutiny.

It is a recognition on the part of this Congress that we need to look at the fact that the cold war has ended and we are waging a different type of warfare. In many cases, it is an economic warfare. In many cases, it is a warfare against terrorism. This amendment is a recognition that we need to look at all our weapon systems and determine that some need to go forward and some need to be discontinued in terms of research and development but not deployment. It is a recognition that this Republican Congress will realize that a freeze is not a cut, as we have said when we have argued against domestic spending. It is a freeze. It is a recognition that we need to look at our defense budget with the same kind of scrutiny and desire that we have looked at other parts of the budget. It is a recognition that, if we are going to get our country's financial house in order, we cannot allow the defense budget to go up.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK], a cosponsor of this amendment. We have a number of cosponsors, but he is the primary partner.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding.

Let me anticipate one argument. This is not an across-the-board cut. This would, if it passed, have the Subcommittee on Appropriations, in conference, have the authority to allocate where to reduce what they ask for. And if they have trouble fingering places, I will suggest some: Funds for Bosnia; the funds for the expansion of NATO beyond our fair share. Maybe they are even talking about not sending 100 officers over here to help us do our job.

The point is that we are talking about the largest single operational budget in the Federal Government, and we are saying, at a time of great austerity, at a time when we are admittedly cutting back on programs that are of great value in a number of areas, we would ask the Defense Department to participate.

A number of Members here have said that they think we are overextended. We have passed legislation in this House that has said to the administration, cut back, you are overextended here, you do not belong over there.

They will continue to ignore those with absolute impunity until this House does the one thing it can do to restrain excessive interventionism, and that is reduce the funding. We know that from our history. What this bill then says is to Members who think we are excessively engaged here or there, we will trust the appropriations subcommittee. They will tell us with false modesty that this will be a job much too hard for them. But I have more confidence in their ingenuity than that.

Given the mandate from this House to make this relatively small cut to bring it back to a freeze, they would have the option of restraining the administration from entering into or continuing efforts which we do not think they should be in. They could crack down on waste. We could get serious about telling our allies in Europe that it is their turn to pick up some of the tab.

Indeed, if we forced the Europeans to do just a little bit of what they ought to be doing, we could easily afford this cut. This at this point, because we are in a fire wall situation, would not be available for domestic spending. I wish it would. In later years, it might be.

What we are talking about is another $3-plus billion of deficit reduction. I must say, as I look at how that deal is working out, which I do not happen to be a fan of, some of my colleagues who are voting for it may need a little extra deficit reduction, because that deal is going to be a deficit increase for a while.

So those of my colleagues who are planning to vote for the deal and claim credit for getting the deficit down might want to borrow our $3½ billion, because they are going to need it, as I do the arithmetic, in the next year.

But, in any case, it would be a very grave error to continue spending at the level that the committee asked for, increasing spending by a couple percentage points, continuing to fund excessive intervention, continuing to fund the subsidy of our Western European allies. All we do in this amendment is say to the Appropriations Subcommittee we have confidence that you, if you ask for a fair shake for America in the world, can make this small saving at a time when we are in fact putting the crunch to program after program after program.

I thank the gentleman from Connecticut [Mr. SHAYS] for his leadership, and I yield back to him.

Mr. SHAYS. Mr. Chairman, in conclusion, we urge adoption of this freeze amendment to the defense budget.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

I reluctantly oppose my good friend, the gentleman from Connecticut [Mr. SHAYS], because he is such a gentleman and is always so accommodating when there are legislative matters before the House. But I have to respond to some of the comments he made.

He said we cannot allow defense spending to continue to go up. This, Mr. Chairman, is the 13th year in a row that defense investment has gone down. In the last 10 years, the active duty forces have declined by 714,000 uniform personnel. The civilian work force has declined 318,000 personnel. The Guard and Reserve have been reduced by 267,000 uniform personnel.

In constant fiscal year 1998 dollars, the defense budget has declined by $120 billion in the last 10 years. In constant fiscal year 1998 dollars, the procurement budget has declined by $65.7 billion, or 70 percent, in the last 10 years. The budget request for procurement is the lowest since before the Korean war. So this defense budget has not been continuously going up. It has been continuously going down. And we are trying to level it off. This amendment would cut $4 billion out of this bill.

The number in this bill is consistent with the defense numbers agreed to in the budget agreement. It is consistent with the House-passed budget resolution. It is consistent with the House-passed defense and intelligence authorization bills. This amendment, Mr. Chairman, would undermine all of those agreements that have been agreed to by the House.

Besides, this amendment would leave it to the administration or the Pentagon to determine where the cuts would be. I do not think the Members of the Congress want to allow that to happen. We are the ones that are supposed to make these kinds of decisions.

The gentleman has suggested that the defense bill should have the same scrutiny as all other budgets. Let me point out, most of the other budgets have gone up. The defense budget has gone down, as I just said. But if Members will read the report published by this subcommittee, they will learn that we have scrutinized every one of these budgets. We have killed off some of the programs. We have reduced some of the programs. And we have accelerated some of the programs, as the gentleman from Connecticut [Mr. SHAYS] has suggested. So we have done that.

This is a good bill. To cut $4 billion out of this bill, let me tell my colleagues what it would take. This would take it down to the President's budget number, basically. We added $60 million above the President's budget for housing allowances for members of the military. We added medical research and operations increases above the budget request for $370 million, including $125 million for breast cancer research that we talked about so much today. We provided $79 million, a 25-percent increase over last year's level, for the DOD programs dealing with Gulf war illness. We provided $99 million above the budget for combat training programs; $622 million above the budget for Navy and Air Force shortfalls in flying hours and spare parts related to flying hours, training. We provided $925 million above the budget for real property maintenance, including barracks repair and renovation.

We added $184 million above the budget for the Guard and Reserve forces operation and maintenance programs; $473 million above the budget request for depot maintenance. We provided $713 million, $60 million over the President's budget, or nearly 10 percent above the budget request, for DOD counterdrug and drug interdiction programs.

This list goes on and on, Mr. Chairman. Which of those programs do my colleagues want to cut? If the Shays-Frank amendment is agreed to, those will all have to be cut and a whole lot more. I just do not think the Members of this House want to do that.

As we prepared to go to markup, we had requests for adds above the President's budget of $20 billion. By the time we found the duplications and where several requests included the same request, we got it down to about $12 billion above the budget request. The subcommittee worked through this problem, and we bring a bill today that is above the President's budget request but it is in line with our budget resolution, the authorization bills.

We ought to defeat this amendment out of hand because it would make such a slash, a drastic meat ax cut in the defense funding for the next fiscal year. Oppose this amendment.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Frank-Shays amendment. This would make this year's Pentagon spending equal to that of last year's. This year we are accomplishing a very historic task, we are bringing the Federal budget into balance in the next 5 years. But what that means is that we have to now begin to set some sensible budget priorities.

I do not think it is sensible to continue cold war spending priorities. I think we have heard a lot of figures, but maybe I could simplify this by talking about the fact that there are in fact two budgets. One is a discretionary budget. The other is entitlements. I have a picture here of the discretionary budget so that the American people will understand what we are talking about because pictures really are probably easier than all these figures.

What it shows in this picture is that the discretionary budget of this historic agreement, 52 percent goes to the Pentagon and 48 percent of discretionary spending goes to everything else. Well, what does everything else include? Agricultural, commerce, community development, education, energy Federal retirement, health, international, justice, natural resources, science, transportation, and veterans. All those things are funded out of the 48 percent that is left over.

So I would say that these are misplaced priorities. It is time to change the focus of the priorities to reflect on the fact that national security means more than outdated cold war systems, it means providing our children with a quality education.

How wonderful it would be if national security would include access to health care for our families and for everyone a safer place to live and to learn. Now recent reports show that our children, the children of America, are at more risk than their contemporaries in any other industrialized nation in the world.

We are first, however, in military technologies in preparedness, in expenditures. But we are 18th in infant mortality, 17th in low birth weight babies, and we are the last in protecting our children against gun violence. We spend more on the military than do the next eight countries combined.

There are several weapons systems in this appropriations bill that were initiated during the cold war for the purpose of fighting the Soviet Union. If we were to cancel these, we would save over $500 billion.

I would like to quote from an admiral of the U.S. Navy, Adm. Eugene Carroll, retired, who says, ''For 45 years of the Cold War, we were in an arms race with the Soviet Union. Now it appears we are in an arms race with ourselves.''

□ 1500

If we can go home and brag about balancing the budget when all the pain comes from non-Pentagon spending, I think our constituents have something to ask us about. I urge my colleagues, support this sensible amendment. Begin to set our priorities straight.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am delighted to hear those figures offered by the gentlewoman that just preceded me. I think she might be interested in looking at a chart that I have been carrying around for some time. We all remember the days of Camelot, the days of Jack Kennedy when all was good and peaceful and it never rained except at night. In those days, in the peak of the cold war, the United States spent half, not of the discretionary budget but of its entire budget on the defense of this Nation, because Jack Kennedy thought it was important to protect the American people against the onslaught of the Communist menace. Half of everything we spent is depicted in this lower yellow portion of the discretionary budget. I might add, the nondefense discretionary was roughly a third of that remaining.

In today's chart, which I do not have in front of us, the picture has entirely changed. Defense has dropped from half of the entire budget to roughly one-sixth of the entire budget. Yet the portion of nondefense discretionary stayed effectively the same. It has grown with the budget. The budget has grown from $106 billion to $1.6 trillion today and nondefense discretionary is roughly the same. Entitlements have grown from what was a quarter to about 55, 56 percent of what we spend today, and interest on the debt has grown from a mere 6 percent of the budget back in Jack Kennedy's day to as much as we spend on the defense of this Nation, within $2 billion to $5 billion. We spend as much on interest to service the debt that we have accumulated in the last 25 years as we spend on the defense of this Nation. The fact is the one big declining portion of the budget since Jack Kennedy's day has been defense. Defense has shrunk and everything else has grown astronomically. Since 1985 procurement for new weapons systems has declined between 75 and 80 percent.

This administration has troops deployed to more corners of the world than perhaps any other preceding President, in peacetime. He did not want to pay for them because over the last 2 or 3 budgets he actually asked for between 7 to $12 billion in cuts in the defense budget. We did not do it. We froze the defense budget in real dollars, but the fact was when we count inflation, the budget shrank. Each and every year after inflation, the budget for the Defense Department shrank. In fact it has shrunk consistently since 1985.

I want to commend the gentleman from Florida [Mr. YOUNG], the chairman, and the gentleman from Pennsylvania [Mr. MURTHA] for doing an outstanding job in putting together a bill that makes up for some of the shortfalls proposed by this administration. This bill pays for the Reserve forces pay accounts, makes up for the shortfalls in the Defense Health Program, pays for the Army's successful breast cancer research effort, pays and fully funds the Air Force and Navy flying hour and spare parts shortfalls, pays for the real property maintenance backlogs where we have young troops, young sailors, young marines, young airmen living in barracks that were built in World War II and are in deplorable condition. This bill pays for drug interdiction program, Guard and Reserve equipment, and missile defense program shortfalls.

If we agree to this amendment, the fact is that we would go from what used to be one-half of the full budget, now is one-sixth of the budget, to a significantly smaller portion of the budget and in fact we would leave our troops underfunded and our country underdefended. I think that is an appalling lapse and I just do not think we can do it any more. We have shrunk enough.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to associate myself with the gentleman's remarks. The height of the Reagan buildup ended in 1985. We have cut this budget in defense every single year. We have cut it by over $100 billion. I believe that we are now down at a point if we cut it any further, we are going to cause real problems in the military which has been deployed more than any military during the cold war. These numbers are absolutely accurate and defense spending has been cut too far.

Mr. LIVINGSTON. Reclaiming my time, I appreciate the gentleman's comments. The fact is that between uniformed military and defense-related industry personnel, we have shrunk the whole defense establishment of this country by over 1 million people. If any portion of this budget has given since 1962, the defense portion of the budget has paid more than its share. I urge the defeat of this amendment.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. RAMSTAD. Mr. Chairman, I rise today in strong support of the bipartisan Shays-Klug-Ramstad-Frank-Hinchey-Luther amendment to freeze fiscal year 1998 defense spending at fiscal year 1997 levels.

As we continue our efforts to balance the budget and reduce the Federal debt, each and every Government program, including defense, must be scrutinized for potential savings.

By freezing the defense budget we force the Pentagon to cut wasteful and duplicative programs and to live within their means, like every American family and business must do every day.

This freeze is a modest reduction. In other words, this reduces the defense budget by only 1.7 percent or $4.3 billion.

While I fully understand and strongly support the need for a strong national defense, I believe freezing defense appropriations at last year's level will produce further Pentagon cost savings reforms, without endangering our national security.

Above all, it will show the American people that Congress treats all parts of the Federal budget fairly when it comes to cutting programs, balancing the budget and reducing the deficit.

I strongly urge you to support this amendment.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Louisiana who just spoke. He managed to point out to the membership that since John Kennedy became President, we created the Medicare Program.

It is true in 1962 defense was a much higher percentage of the total spending. We had no Medicare Program. But that was not John Kennedy's fault. He wanted one. It is true that we had no environmental spending. So the argument from 1962 in terms of percentages is built on the fact that in 1962 we had no environmental program, we had no Medicare Program, we had no Medicaid Program, and it is true that they have now reduced the total percentage.

But it also has nothing to do with a rational decision about how much to spend. The point of defense spending is to be far stronger than your enemies. One thing has changed even more since 1985 than the defense number and that is the nature of our enemy in the world. No one I know of thought at the time that the Soviet Union and its allies in the Warsaw Pact were not the major focus of our defense spending. There were other enemies, there was North Korea, there was Iran, but the major focus of our defense in every way, shape and form in terms of nuclear and conventional was the Soviet Union and the Warsaw Pact. That has disappeared.

There is no area of government where the objective situation has changed so greatly in our favor. Yes, we do have a potential problem with China. We have Iran and Iraq and Libya. We had those then. So, of course, we have cut spending some since 1985. If what had happened to the Soviet Union between 1985 and now had happened to cancer, we would not have a National Cancer Institute. There has been a total collapse, a disappearance of the major enemy.

The question is, do we need to spend at the current level to be secure against Iraq and Libya, et cetera? The answer seems to me to be clearly no. Of course, we should be the strongest Nation in the world. It is much cheaper to be. The gentleman from Florida, the chairman of the committee, said this is what the budget agreement called for, this is what the authorization called for. The gentleman knows that those are ceilings, not floors. The budget resolution, the authorization, they set ceilings. We are told at the time, this is the ceiling, this is the maximum. The notion that we always must appropriate up to every penny of the authorizing and budget resolutions is clearly one this House rejects.

The gentleman also inaccurately stated that this amendment would give the President the authority to make the changes. Nothing could be clearer. If this amendment were to pass, the bill would go to conference and the conferees would have entire authority to change the spending priorities.

The gentleman says, well, we would have to cut breast cancer, we would have to cut this. No. How about enforcing this House's vote that said we should be withdrawing from Bosnia? This bill funds, and let us be clear about this, this bill funds a full 12 months in Bosnia despite the fact that this House voted that the Bosnia enterprise should end June 30. This bill is inconsistent because it gives the administration the money to keep the troops in Bosnia in July and August and September over the vote of the House.

This bill continues the practice of saying to France and Germany and England and Norway and Italy and Belgium, ''You are objects of our charity.'' The worst example of cultural lag in the history of the world is that the United States taxpayers through this bill will be continuing to subsidize our NATO allies. We have voted several times to say they do not do enough. Their percentage of their spending of their GDP on defense far lags ours.

Yes, defending Western Europe is in our interest, but let me make a statement that I hope is accepted. While defending Western Europe is in our interest, it is at least as much in the interest of the Western Europeans. Let me make it a 50–50 proposition. It is at least as important to Belgium and France and Italy that we defend Belgium and France and Italy as it is to the United States. But we would not know that from looking at the figures or from looking at the appropriations, because while people in those countries have health care, people in those countries have much better unemployment compensation, their American equivalents may find themselves without health care, without unemployment compensation, without other things that we could use because we are subsidizing their defense, because we spend in many cases twice as much of our gross domestic product on defending them.

So I say to the Committee on Appropriations, work a little at it. Tell the administration that we are serious about withdrawing from Bosnia on June 30. We would save a billion or two there. They can do it if they put their minds to it.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did want to mention that it has been my privilege as a member of this subcommittee to sit for endless hours in the hearings of the appropriations subcommittee that handles our national security, and I rise simply to express my deep appreciation to the gentleman from Florida [Mr. YOUNG] and to the gentleman from Pennsylvania [Mr. MURTHA] for the phenomenal job that the two together have done in developing a highly bipartisan product that reflects the broad needs of our country.

To say the least, even though it involves $4 billion or so, an across-the-board cut, the very authors of this amendment know, is the worst way to govern. You do not take a machete and go across the board. You end up in that process by hurting the very people you say you support, the young men and women who live in conditions that are considerably less than we would have them live in, the circumstances that impact the quality of life in terms of housing on the bases that are involved. Across-the-board cuts are the wrong way. Indeed, defense has paid the price over a number of years of shrinking budgets. This indeed is a very, very well-developed, well-balanced bipartisan, almost nonpartisan measure. I commend the committee for its work.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment presented by the gentleman from Connecticut [Mr. SHAYS]. We have the highest standard of living in the world and have had for generations now not only because we have wonderful people in this country working hard every day but because of our military and because of the strength of our Defense Department. To propose a cut in spending on our military at this time would be a huge mistake. This money does not just provide the necessary weapons we need to maintain our freedom and liberty around the world but it provides money for training, very important training that must go on regardless of whether we are in

peacetime or war. It also provides for the maintenance necessary to keep our planes running and keep the tanks running, keep the trucks going, keep all of those things ready in the event we do have a problem. All of this affects readiness.

The reason that we are at peace right now is because the strength of the military through these processes keeps us at a level where no one wants to mess with us and threaten our quality of life. Quality of life is what I started out talking about a moment ago. In this country regardless of our income bracket, whether we are at the top or bottom, the biggest concern we generally have these days is whether or not we are going to be able to watch the video of our choice this weekend or what clothes we are going to be wearing this Saturday night or whether or not we are going to be able to get a cell phone to use in our car. All of those things are a great, great accomplishment and a great testament to our quality of life in this country because our military allows us to maintain that standard of living. We are also talking about health care for our military troops and for retirees. There are situations in this country right now where retirees cannot get in to see a doctor when necessary because of the funding cuts over the years.

□ 1515

This bill tries to address all of these needs.

It is a crime in this country when a military retiree has to wait 5 weeks to see a doctor. We are talking about people who saved the world in situations like World War II and saved the country. How can we not provide them the funds necessary to see a doctor?

This also includes money for pay raises, very important. We have still too many people serving in the military that are on food stamps, and it is a sad commentary on having that occur in this country in this day and age when our quality of life is so high in the civilian sector.

The other thing that this affects greatly for those who support peacekeeping missions, and I do not, it threatens the ability for our military to serve in peacekeeping missions around the country and for situations like Haiti. Haiti has turned out to be a fiasco. Whether we had a peacekeeping mission there or not, the government is about to fall apart, and we have wasted probably $3 billion in Haiti.

Mr. Chairman, those who support peacekeeping on the other side ought to be able to stand up and say, ''Well, we can't be gutting the military at this time because we need to pay for these peacekeeping missions as well.''

So all of these things make a big difference. To stand up here and say that the military ought to be the first place we ought to look to make cuts are very misguided. Let us enjoy our peacetime. Let us continue to enjoy it providing the military the funds that they need to do the job right not only for this generation, but for generations to come.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am delighted to see other Members here to join this debate. We are talking about the largest single appropriation. It seems to me appropriate that we ought to fully air it.

First of all, I was disappointed my friend from California had to rush off the floor and could not yield to me because he, I do not think, and he is back, good; he did not perhaps read the amendment when he said it is an across-the-board cut. It simply is not. An across-the-board cut, as we all know, means we cut every item by the same percentage. This amendment does not do that, and I am flattered that he apparently thinks the real amendment would be hard to criticize so he criticized a nonexisting amendment. And I would join him in opposing that nonexisting across-the-board amendment, if offered.

This amendment clearly says the total amount obligated cannot exceed X, and if it passes without question it is then within the province of the appropriations subcommittee in conference to comply with it. It would be entirely their choice. The President would have nothing to say. He would get a bill that would have to be this total, but what the components were would be entirely up to them. And so they would not have to cut these other things.

They could, as I have said before, enforce this House's view about Bosnia, and let us be clear we had a large majority that said we want to pull out of Bosnia by June 30. Why then is the Committee on Appropriations fully funding them to stay there for 12 months?

We have had the House say that we are picking up a disproportionate share in Europe. My friend from Massachusetts who yielded to me noted we ought to compare what the average worker gets in health benefits and unemployment compensation and tuition for higher education. In every case they get a better deal than the American because the American gets to pay for Germany's defense and Belgium's defense and France's defense because the percentage that we pay far exceeds theirs, and this appropriations bill funds a continuation of that inequitable pattern.

That is what we are telling the Committee on Appropriations: Instead of all this talk about burden sharing you are the ones who can enforce it because you are the ones who can say to our European allies, ''You will have to pay some more on your own.''

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Chairman, I yield now to a man who has been genuine in his consistent interest in reducing the deficit, the author of the amendment, the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, could I just inquire how much time the gentleman is yielding to me?

The CHAIRMAN. The gentleman had 5 minutes, and he has 2½ minutes remaining.

Mr. SHAYS. Mr. Chairman, the gentleman from Massachusetts [Mr. FRANK] has been totally consistent for years on the fact that we need to get our Defense budget in line with the other parts of our budget, and that is why I am more than happy to participate in this bipartisan amendment to have this Congress, this Republican Congress, realize that we have waste, fraud, and abuse, believe it or not, in Defense budget as much as we have it in domestic programs.

We have had hundreds of hearings on the waste and the fraud and the abuse and mismanagement that we see in domestic programs. We have hardly had any hearings on the waste and fraud and abuse that exists in the Defense budget. The gentleman from Massachusetts [Mr. FRANK] and I and the sponsors of this amendment want a strong national defense. We want in fact a stronger national defense than we have now. We do not feel though we can commit to so many programs, spread ourself so thinly and then come back to Congress and say we have to keep spending more.

This is truly a freeze amendment. We are going to be spending about $244.4 billion this year, and we are saying that we should spend about that amount next year. We are not cutting, we are not increasing; we are freezing. It is very disingenuous for people, particularly my own side of the aisle, to start talking about the fact that adjusting for inflation in this amendment is actually a cut and not a freeze. Well, if we say that, then let us be consistent with all the other programs that we say we are not cutting.

Mr. Chairman, I am asking that we treat the Defense budget like we would treat any other budget.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, to say the gentleman made a very good point. When we find fraud or waste in other programs, our impulse is to cut those programs to penalize them. Where we have found in the intelligence budget, which is part of this appropriation; remember, this includes the intelligence budget, the people who have the disappearing $4 billion that they got to keep. Our approach is when we find a waste in the national security area to give them more money to make up for what they wasted. The incentive for efficiency in this area is zero, the incentive to cut back in overextended interventions is zero, and the incentive this budget gives the administration to make our allies, our wealthy allies, pay a fairer share is also zero. That is what the freeze would accomplish.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words,

and I rise in opposition to the amendment, and I just wanted to say before I will yield, and I am going to yield to my distinguished chairman; but before I yield, I just want to say that as my colleagues know, we have always had in this House a bipartisan coalition of Democrats and Republicans who have supported national defense and national security throughout the years.

One of the reasons we won the cold war: Because Congress steadfastly stood behind the administration, whether it is Democrat or Republican, and we continued to fund an adequate program for national security. We have cut that budget by $100 billion since 1985. I think that is too deep. The Chairman of the Joint Chiefs, all the Joint Chiefs, wrote a letter to Perry saying we are $60 billion short. We need to get up to a level of $60 billion a year in procurement. We are well below that still.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Florida [Mr. YOUNG], who has done a great job, he and the gentleman from Pennsylvania [Mr. MURTHA], in bringing this bill to the floor.

Mr. YOUNG of Florida. I just wanted to say, Mr. Chairman, that it is obvious to me that the sponsors of this amendment, as well meaning as they are, have not read our report because in this report we explain how we cut over 200 programs from this bill, which is, by the way, the 13th appropriations bill for national defense, 13th one in a row that is less than the year before in actual purchasing ability. We cut over 200 programs. They are described in this report, and we targeted the Pentagon bureaucracy and their overhead. The QDR recommended certain reductions for next year; we took them for this year, $325 million worth. Other headquarters reductions, we took $149 million; civilian personnel overbudgeting, we took $245 million; for consultants and advisory services, we took $210 million; for defense dual use and commercialization programs, we took $188 million. We stopped certain programs. JASSM; $140 million, we took out of the program. In appropriating budgeting and working capital funds, we took out $111 million; automated data processing programs, excess growth in the programs, we took out $110 million; excess defense supply inventory, we took out $100 million, the Joint Aerostat Program, we could not find anybody that supported it so we terminated it, $93 million; the improper use of RDT&E funding for using RDT&E money for procurement, we stopped that, $71 million we took out; growth in federally financed research centers, $55 million we took out; growth in civilian employee travel, $52 million we took out.

The list goes on and on. We took out a lot of money that we did not think was being spent wisely. We have scrutinized this bill probably better than any other appropriations bill that has been on this floor. We have scrutinized every section of it, and we have come up with a bill that has been agreed to by the authorizers, both intelligence and the House Committee on National Security, a bipartisan coalition of the appropriation subcommittee, the Committee on Appropriations, all of the votes on the House. This is a good bill, and to try to cut it by $4 billion just takes away things that are important to those who serve in our military.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, let me say the gentleman noted that the defense budget had gone up to 385, as I understand it, which I thought was too high then, but he said we have cut it $100 billion. That is what; about a 30-percent cut? I would ask the gentleman from Washington this:

Given the collapse of the Soviet Union and the switch of sides of so many leading nations in the Warsaw Pact to where they are now about to join NATO, would he say there has been at least a 30 percent reduction in the physical threat faced by the United States since 1985?

Mr. DICKS. Regaining my time, I would say this to the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I would say to the gentleman that what we have in the Soviet Union today is in many respects a more dangerous situation than we faced before.

Mr. FRANK of Massachusetts. Would the gentleman yield, because I want to congratulate him for keeping a straight face?

Mr. DICKS. I cannot yield because I want to finish my statement. I would say that when we look at their nuclear weapons, when we look at the instability in their society, when we look at the organized crime and the Mafia, I worry about the future of Russia, and they still have nuclear weapons, and those nuclear weapons are not pointed at anybody else. We may have them off target for 5 minutes.

All I would say is and then we look at Iran, Iraq, we look at North Korea, look at emerging China, and I would tell the gentleman I think, and if he looks at the program we are trying to fund and sending these kids everywhere in the world, to Haiti, to Bosnia, and to everything else, we are, the military today is more deployed than it has been, and we have cut the money by $100 billion.

Now we cannot have it both ways. We cannot ask these kids to go out there and not adequately train them, adequately equip them, and I think it would be a great mistake to cut this $4 billion out in a meat ax approach here on the floor when we have got people who have always been opposed to defense, who were opposed to it during the cold war.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to make a couple comments since we are talking about the changes, and I have to say to the gentleman who is a gentleman that I do not reluctantly oppose, I strongly oppose the gentleman's amendment.

But in review of the Department of Defense program on breast cancer research, an advance copy that we received from the Institute of Medicine; now, as the Soviet Union declined, we in the defense subcommittee, the Subcommittee on National Security, tried to change the emphasis in the Defense Department.

□ 1530

We tried to initiate programs which were important to quality of life. One of them was breast cancer. I personally started the breast cancer research program with $35 million several years ago. It must have been 5 years ago. Since that time, we have spent $500 million in breast cancer research. There have been questions on both sides of the aisle whether this was a good program, whether NIH should be handling the program and not the Defense Department.

Here are the conclusions of the National Academy of Sciences:

> The committee concluded that USAMRMC has succeeded in establishing a fair peer review system, a broad-based research portfolio, by stimulating scientists from a wide range of disciplines to participate as applicants, reviewers, and advisors.

We are talking about the cancer program in the Department of Defense.

> The committee commends the Army for developing such a program under the serious time constraints and fluctuations in funding that have characterized the program to date. Moreover, the program fills a unique niche among public and private funding sources for cancer research. It is not duplicative of other programs and is a promising vehicle for forging new ideas and scientific breakthroughs in the Nation's fight against breast cancer. Among the most outstanding features of the program are the flexible approaches for setting priorities annually, the involvement of breast cancer advocates and the consumers in the giant peer review process, and the level of commitment and diligence of the individuals who serve the program in various capacities.

Mr. Chairman, this program started because of women, spouses, dependents in the Defense Department who came to me. I presented the program to the subcommittee. They agreed wholeheartedly something ought to be done. When we first presented it to the Department of the Army, they could not figure out what to do with the money. Finally, they started the program, which has received these rave reviews.

We have started also an ovarian cancer program. We started a program on

ovarian cancer, on prostate cancer. The chairman of the committee, the gentleman from Florida [Mr. BILL YOUNG], started a bone marrow program which has had a phenomenal success in indexing people who have had the possibility of being able to transfer bone marrow from one person to another.

We have tried over the years to expand the programs away from the past and to take care of quality of life, because the tempo of operations has been so high and because we know quality of life is so important. We have troops that have spent three or four Christmases away from home. We have troops that have to get out of the service because the families have been left alone so much. We have a real recruitment problem. We have tried to put money in those resources.

Mr. Chairman, there is no question in my mind, the cuts that have been made in defense have been so severe with the tempo of operations that we are talking about, that we are having a real problem with attracting the kind of people we want into the service.

A couple of years ago I reported to the committee that I did not have the number of people applying to the academies that I had had in the past. As a matter of fact, we had to have a couple hundred. Now it is down to 40 or 50. That is disappointing and discouraging. I realize the economy is in competition. I recognize the fact that many, many people can make more money on the outside but are not willing to make the sacrifices. The quality of the troops is absolutely essential to the success of the military and the success of these deployments.

I would hope the Members of Congress would oppose this amendment to cut 1 percent, or $4 billion, out of the defense budget. I would hope they would have confidence that we have already passed a distribution which we do not think is enough but which we are abiding by, and that they will support the committee in our transition, in moving away.

We cut procurement from $120 to $40 billion over the last few years. We have a problem in modernization, so we are trying to keep readiness up. We ask the support of the House so we can go forward with these quality-of-life programs.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I would like to indicate that I rise in support of the Shays-Frank amendment. The practical effect of this amendment is that it would freeze military expenditures to last year's level, deriving $3.9 billion in cuts. In supporting that amendment, I would like to make a few comments.

First, the gentleman from Washington, in the context of his remarks, used the term ''those people who are always opposed to defense.''

Mr. Chairman, our position has been over the years, without fail, that we need to spend what is necessary on defense, but let us have an honest, rational, intelligent debate over what is, indeed, necessary. There is nothing very bright, very intelligent, very intellectual, to use phrases like ''I am strong on defense.''

What does that mean? It is a bumper sticker slogan. We are supposed to be here to rationally and intelligently engage each other. Just because people rise to cut the budget does not mean they are opposed to defense. That is bizarre and extreme, and I challenge anyone to come to the mike and really make that case.

Mr. Chairman, having said that, let me go to the second point. A number of my colleagues have marched into the well and argued that we have already cut the budget, we have already cut defense. Let us put that in its proper context. In the heyday of the height of the cold war, during the period of the 1980's, we spent in excess of $300 billion per year, during the decade of the 1980's, which means in that 10-year period we spent over $3 trillion on the military budget.

The cold war is now over, Mr. Chairman. During the period we were spending $300 billion a year, 70 percent, extrapolating mathematically, that means $210 billion per year of that $300 billion, was designed to prepare us to fight a war either with the Soviet Union or the Warsaw Pact. Like magic, Mr. Chairman, the Soviet Union no longer exists. Communists cannot be elected President of the Soviet Union. It no longer exists. A democrat is now President of Russia. The Warsaw Pact no longer exists.

Do Members have to be brilliant rocket scientists to understand that if we are spending $300 billion a year, 70 percent of that money designed to fight two enemies that no longer exist, that we certainly can reduce the military budget? No, we do not have to be very bright, just to have what my grandmother used to call mother wit, street sense, modest intelligence, and we can understand that we can bring down the military budget.

Mr. Chairman, I would assert that we are much more likely to be engaged in the Haitis, the Somalias, the Rwandas, and the Bosnias of the world than we are to engage in major war; peacekeeping, as opposed to warfighting. That has enormous implications.

For those who argue that now that the Soviet Union no longer exists, the Warsaw Pact no longer exists, suddenly the world is more dangerous, that is making an extreme and bizarre set of arguments. There are dangers there, but we ought to be intelligent enough to talk about the reality of those dangers and the parameters of those dangers, not on 30-second sound bites, not on bumper sticker comments, and not on comments that do not challenge people to think, to be rational, and to be intelligent, like ''I am strong on defense,'' as if that suddenly means something. We are strong on defense, but we ought to have a debate on what that means.

Mr. Chairman, one of my colleagues got up and talked about how far this budget is cut. If Members listen very carefully to all the lists of the things that were cut, what did we cut? Consultant fees. Big challenge when you are cutting consultant fees. Everybody in here can cut consultant fees. Or we are going to cut bureaucrats. Gee, it takes great courage to cut bureaucrats. It takes great courage to cut an agency. But have Members seen anybody stand up and say, we have cut somebody's weapons system? No. In here, we buy each other's toys, no matter how many billions of dollars it costs to buy those toys.

Just a few moments ago, we rejected an effort that would have saved $27 billion. We walked away from that. But we can cut consultant fees and we can cut a few bureaucrats.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, let us talk about where we can cut. First, our whole approach to our force structure, our readiness levels, our modernization schedule, et cetera, are all based on a bible that was generated as a result of the Persian Gulf War. Remember, Mr. Chairman, when Saddam Hussein went into Kuwait, we did not within 48 hours suddenly put our troops out there and start to wage war. We built up troops. The first thing we did was we put 4,000 troops in Kuwait to show resolve. Secondly, we put an aircraft carrier in the area, and then for several months, about 7 months, we built up forces, 500,000 troops. Then we said, now we are going to fight Saddam Hussein.

After that was all over, we then created a Bible that said, you have to be on location to wage a war within 48 hours. Now, stop and think about the implications: for the forward deployment, billions of dollars; force structure, billions of dollars; inventory, billions of dollars.

All Members have to do is slow down the response time from 48 hours to a more reasonable amount of time and they can save billions of dollars; no radical idea, just sound planning and thoughtful tactical and strategic approaches. We can bring down the readiness level, we can gear the readiness. Everyone does not have to be at level one, so it costs billions of dollars for that. We can bring down the level of the force structure, the deployment schedule becomes different. We can save tremendous amounts of money.

Second, Mr. Chairman, if we got rid of cold war weapons, weapons that were designed to fight the cold war, and now that the cold war is no longer with us, we are now in this new post-cold-war environment, we can stop weapons designed to fight in a cold war situation that no longer exists. Again, we do not have to be too bright to get to that position. If we designed weapon

systems for an area that no longer exists, take the weapons system off the table and generate weapon systems that are designed, that are much more purposeful for the era that you are evolving yourselves into.

The B–2 is the classic example. This was a weapon that was supposed to drop nuclear weapons in the Soviet Union and rearrange the rubble after a nuclear war started. But look, Mr. Chairman, that weapons system gets built in somebody's district, built in somebody's State, so they have to try to find a mission to solve the problem of building more of these planes. But that era is over, so now we are trying to find a conventional environment to fly a plane that was designed for the cold war.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. YOUNG of Florida. I have to object to that, Mr. Chairman. The gentleman has used a lot of time today. He has extended his time numerous times. I am constrained to object.

The CHAIRMAN. Objection is heard.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me, and I rise to close the debate on this amendment today.

I would like to say to my friend, the gentleman from California [Mr. DELLUMS], who has spent a lot of time telling us what the world is like today but obviously spent very little time listening to some other things that were said on the floor, he said, no one has said——

Mr. DELLUMS. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] has the time.

Mr. DELLUMS. Mr. Chairman, I am making a point of order.

Mr. Chairman, I move that the gentleman's words be taken down. I am listening. I have tried to listen here as much as anyone in these Chambers.

Mr. YOUNG of Florida. Is the gentleman through?

Mr. DELLUMS. I would ask the gentleman to withdraw that comment about listening, because I am one person that is prepared to listen all day, Mr. Chairman.

Mr. YOUNG of Florida. If the gentleman would let me continue, I would like to clarify that statement.

The CHAIRMAN. The gentleman from Florida will suspend. The Clerk will report the words.

Mr. DELLUMS. I ask to withdraw that request, Mr. Chairman.

□ 1545

Mr. YOUNG of Florida. Mr. Chairman, what I was trying to say was the gentleman stood there just a few minutes ago and said no one came to the floor to talk about any weapons systems that were terminated or cancelled or stopped. That is not true. Because just a few minutes before that, I talked about Aerostat, a program that we stopped. I talked about JASSM, a program that we stopped despite the fact that there were many in the outside world who wanted to have these programs go forward. We did stop the programs. We made many cuts in the requests that we had received from all sources. I apologize to the gentleman if he is offended by my comment, but his comment offended me somewhat because we have made a list of numerous cuts and they are all listed in this report. I referred to it several times.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

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

Mr. DELLUMS. Mr. Chairman, the gentleman knows for over a decade, the quarter of a century I have been here, I have never tried to impugn anyone's integrity. It was not designed to challenge the gentleman. I am always prepared to debate on the substance. I thank the gentleman for his apology. My effort was not designed to challenge him in any personal way. I think everyone in this Chamber knows me by my reputation in that regard.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I think they know both of us in that regard, I would say to my distinguished friend from California.

Mr. Chairman, the arguments about how much we spend and invest in our national security versus the rest of the world, that argument has been made many, many times today. What is not mentioned in those debates is that we have an all-volunteer force. Unlike the Russians, unlike the Soviets had, unlike the Iranians, unlike the Chinese, unlike the North Koreans, we have an all-volunteer force.

We pay the Members of our military far more substantially than these other nations pay theirs. They pay theirs almost as if it is slave labor. In fact at one point we were asked to provide funding to provide housing for Russian soldiers, which we did not do, by the way, but we were asked to do that. The point is that an all-volunteer service is very costly.

Approximately 70 percent of the money appropriated by this bill does not go to buy weapons. It does not go for RDT&E or things of that nature. It goes to provide salaries and allowances and clothing and housing and medical care and training for the members of the military and their families. We are trying to do a better job in that regard. We are trying to take those lower ranked people who live in barracks that really are not fit, in my opinion, I would not want one of my children to live there. We are trying to repair those and renovate them and make the quality of life better.

We are trying to get to the point that, if a mother brings her daughter into a military hospital while the husband is overseas on deployment, they do not have to wait four or five hours with a child in pain from an infected ear or something like that. Those are the things that we are trying to do in this bill. The dollars for procurement, the Joint Chiefs, the war fighters will tell you that even this bill does not provide anywhere near the modernization or procurement dollars that they, the war fighters, think that they need. I am not talking about the folks in the Pentagon. I am not talking about the budget office. I am talking about the war fighters who are deployed around the world, the commanders of those units that understand what the shortages are.

There are real shortages. I know some Members get tired of me rolling out this scroll. I will not roll it out today. But it could go from one side of this well to the other listing items that are never written about in the news media or reported on radio or television. They are never the subject of some great committee hearing. But what they are are items like flashlights and compasses and small arms ammunition and things of this nature, communications gear, communications cable that need to be purchased to keep the infrastructure working. They are listed here. On this scroll it is hard to tell, but some of them have been outlined in blue ink that means we have taken care of those items that are essential.

The ones that have not been outlined in blue still need to be taken care of. We do not need to cut this budget by this bill by $4 billion. We ought to go ahead and defeat this amendment and then pass the bill and get onto other business.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman for yielding to me. I would like to finish my remarks with respect to where we can save money. I mentioned about the time factor slowing that down, save billions of dollars, not a radical idea. Moving away from cold war weapons, saving billions of dollars, not a radical idea.

Mr. Chairman, the third place where we can save money is to reduce our nuclear forces, our nuclear weapons and reduce the inventory that supports our nuclear weapons. We all know that we are going to move to Start III. We ought to anticipate moving to Start III. None of us in this room would put money in a base that is going to be closed. We know that we are going to Start III. Why do we put money in this budget for D–5 missiles for the deployment on Trident submarines when we know eventually we are going to reduce the number of submarines, reduce

the number of weapons, thereby saving billions of dollars?

By reducing our nuclear arsenal for our children and our children's children, and reducing the infrastructure designed to support those nuclear weapons, we can indeed reduce, save billions of dollars.

Fourth, on the question of presence, we deploy nuclear aircraft carrier task force around the world for the purposes of presence. I have asked on numerous occasions, why do you need a task force as muscular as a nuclear carrier task force in order to simply show presence? Can you not show presence with a task force that is much less muscular than a nuclear task force? That can save you billions of dollars. In terms of the ships you deploy, in terms of the personnel, in terms of the planes, et cetera, et cetera. Billions of dollars.

Finally, we cannot talk, Mr. Chairman, about the intelligence budget, but there are many of us here who have intimate knowledge about the intelligence budget. I can assure you that there are places that the intelligence budget can be cut. At the end of the day, what we are saying with this amendment is that the committee can determine where they want to make these cuts. This simply says, go back to last year. What I tried to lay out for Members is that there are clearly places where we can save billions of dollars; $3.9 billion does not suddenly throw the United States from being the only peg standing, the only superpower in existence at this point into some Third World position. We are an extraordinary military power with extraordinary military capability.

I would ask this rhetorical question. If we had the mightiest military force on the face of the earth and our cities were deteriorating, our children not being adequately educated, people who need to work not able to work, drugs creating problems in our various communities, violence overtaking some of our communities, what are we out there defending? What this budget, what this does is save us some money. At the end of the day I think that redounds to the benefit of the country.

Finally, on a personal note, I would say to the gentleman from Florida, he and I walked in the door together. I have never objected to the gentleman's comments. Here it is very difficult to make complex arguments on multibillion-dollar amendments in 5-minute segments. It is just difficult to do. I have never, I have sat there in a position of chair of the committee and have never ever once objected to anyone standing up debating, because I think that is why we get paid here, is to debate.

Sometimes we get upset when people are debating who have something to say and are prepared to challenge them in a fundamental way. I am not trying to challenge anyone's intellect here. I am simply saying, let us rise to a level that allows us to understand these issues at a profound enough level to make us make the right decision.

I think the Shays-Frank amendment is the proper decision. I think that is what we can do. I believe that we can cut money from the military budget and the world goes on. The Nation goes on. Our children do not die. Our children's children are not threatened. I think that is hyperbole and overstatement, Mr. Chairman.

I appreciate the opportunity that the gentlewoman gave me to conclude my remarks. I am simply saying that I think we ought to support this amendment, and exaggerated comments to the contrary notwithstanding, I think this is a reasonable amendment. I think it can be accomplished and I would urge my colleagues to support it.

Ms. WOOLSEY. Mr. Chairman, I would like to say that I support also the Shays-Frank-Klug-Hinchey-Ramstad-Luther amendment. It makes sense. Let us cut wasteful defensive spending and let us invest in our children and their education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 290, not voting 7, as follows:

[Roll No. 337]

AYES—137

Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Camp
Campbell
Capps
Carson
Castle
Chabot
Clay
Clayton
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Doggett
Doyle
Duncan
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Foley
Fox
Frank (MA)
Franks (NJ)
Furse
Ganske
Green
Greenwood
Gutierrez
Gutknecht
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Jackson-Lee (TX)
Kanjorski
Kelly
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lantos
Leach
Levin
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Metcalf
Miller (CA)
Minge
Mink
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Porter
Portman
Poshard
Ramstad
Rangel
Riggs
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Stabenow
Stark
Stokes
Stupak
Tierney
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Yates

NOES—290

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fawell
Fazio
Flake
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Menendez
Mica
Millender-McDonald
Miller (FL)
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Northup
Norwood
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Ryun
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White

Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—7

Davis (FL)
Foglietta
Forbes
Gonzalez
Ney
Schiff
Young (AK)

□ 1612

Mr. BILBRAY and Mr. CHRISTENSEN changed their vote from ''aye'' to ''no.''

Ms. CARSON and Mr. PORTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NEY. Mr. Chairman, on rollcall Nos. 336 and 337, I was unavoidably detained in Columbus, OH, at an Elections Hearing. Had I been present, I would have voted "yes" on 336, and "yes" on 337.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

□ 1615

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCHUGH] having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2266), making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for the other purposes, pursuant to House Resolution 198, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore [Mr. MCHUGH]. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REDUCING TO 5 MINUTES VOTES ON POSTPONED SUSPENSIONS

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that following passage of H.R. 2266, the DOD appropriations, the two votes on suspensions debated Monday, July 28, 1997, House Concurrent Resolution 735 and H.R. 1348, be 5 minutes each.

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

There was no objection.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 322, nays 105, not voting 7, as follows:

[Roll No. 338]

YEAS—322

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Flake
Foley
Ford
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—105

Ackerman
Baldacci
Barrett (WI)
Becerra
Berry
Blumenauer
Bonior
Bono
Brown (CA)
Brown (OH)
Camp
Campbell
Cardin
Clay
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dingell
Doggett
Doyle
Ehlers
Engel
English
Eshoo
Evans
Fattah
Filner
Frank (MA)
Franks (NJ)
Furse
Ganske
Gephardt
Gutierrez
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Johnson (WI)
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Miller (CA)
Minge
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Rahall
Ramstad
Rangel
Riggs
Rivers
Roukema
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Sensenbrenner
Serrano
Shays
Smith (MI)
Stabenow
Stark
Stupak
Torres
Towns
Upton
Velazquez
Vento
Watt (NC)
Waxman
Yates

NOT VOTING—7

Coburn
Foglietta
Forbes
Gonzalez
Hunter
Schiff
Young (AK)

□ 1632

Ms. STABENOW changed her vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2266, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2200

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 2200.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed from Monday, July 28, 1997, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 75, by the yeas and nays; and

H.R. 1348, by the yeas and nays.

Pursuant to the order of the House of today, the Chair will reduce to 5 minutes the time for both electronic votes in this series.

EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY TO ATTACK PROBLEM OF REPEAT CRIMINALS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 75.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 24, answered ''present'' 1, not voting 9, as follows:

[Roll No. 339]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—24

Carson
Clay
Conyers
Cummings
Dellums
Hilliard
Jackson (IL)
Kilpatrick
Lewis (GA)
McDermott
Oberstar
Olver
Payne
Rangel
Rush
Sabo
Sanders
Scott
Serrano
Stark
Stokes
Towns
Velazquez
Watt (NC)

ANSWERED ''PRESENT''—1

Snyder

NOT VOTING—9

Coburn
DeFazio
Foglietta
Forbes
Gonzalez
Schiff
Smith, Linda
White
Young (AK)

☐ 1644

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPANDED WAR CRIMES ACT OF 1997

The SPEAKER pro tempore [Mr. MCHUGH]. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1348, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. JENKINS] that the House suspend the rules and pass the bill, H.R. 1348, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 32, not voting 11, as follows:

[Roll No. 340]

YEAS—391

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn

Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—32

Carson
Clay
Conyers
Cummings
Davis (IL)
Delahunt
Dellums
Frank (MA)
Jackson (IL)
Kanjorski
Kilpatrick
Kucinich
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Miller (CA)
Murtha
Olver
Pappas
Paul
Payne
Rangel
Rush
Scott
Serrano
Tierney
Towns
Velazquez
Waters
Watt (NC)

NOT VOTING—11

Abercrombie
Bonior
Coburn
Foglietta
Forbes
Gonzalez
Scarborough
Schiff
Thomas
White
Young (AK)

□ 1653

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. METCALF. Mr. Speaker, because of weather problems at Dulles Airport my flight was delayed and I missed all the rollcall votes yesterday. Had I been present, on rollcall votes 332, 333, and 334, I would have voted ''no.'' On rollcall vote 335, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. MCDERMOTT. Mr. Speaker, like the previous gentleman, due to weather problems here in D.C. I missed all four votes. On rollcall vote 332, I would have voted ''yes,'' on rollcall vote 333, I would have voted ''no,'' on rollcall vote 334, I would have voted ''yes,'' and on rollcall vote 335, I would have voted ''no.''

CORRECTION TO THE RECORD OF JULY 28, 1997, PAGE H5879

The speech printed on page H5879 and erroneously attributed to Mr. BURTON of Indiana, was submitted under general leave by Mr. WAXMAN, and should appear as follows:

Mr. WAXMAN. Mr. Chairman, the legislative branch appropriations bill for fiscal year 1998 cuts the funding level for the General Accounting Office by $9 million from the fiscal year 1997 funding level. This cut is unwise and unfair and should be reversed in Conference.

Two years ago, the GAO and House and Senate appropriators reached an agreement on a two-year plan to reduce GAO's budget. As part of that agreement, GAO's budget has been reduced by 25 percent and its staffing has dropped below 3,500—its lowest level in almost 60 years. These cuts have taken a heavy toll. Hiring and promotions have been frozen for a long time. Staff reductions have diminished expertise in key areas. And needed investments in information technology have been placed on hold. Additional cuts now are not only a violation of that agreement, they will result in a loss of morale and a further loss in staff expertise as the agency's future is cast in doubt.

Instead of pursuing this foolish course of action, the House should have honored the agreement over funding for the GAO. It could easily have made up for the revenue difference by refusing to fund the Government Reform and Oversight's partisan witch-hunt into campaign fundraising practices. The budget for that ''investigation'' is an extravagant waste of taxpayers' money. The Senate is doing a better, and fairer, job while the House's investigation is in a shambles. We are wasting millions of dollars on a mistake-plagued House investigation which duplicates the more comprehensive and bipartisan efforts of the Senate. Instead of funding partisan investigations in the Government Reform and Oversight Committee, let's give money to those than can really use it, the professional auditors and investigators of the GAO.

The Senate has also taken a much wiser approach to GAO's funding, and kept faith with the agreement reached two years ago. By funding GAO at their requested level, the Senate has provided less than a 2 percent increase; not enough for any staff or program increases, just enough to continue current operations at their present levels. In essence it is a cost of living increase. This is certainly the least Congress should provide for the GAO, our own investigative arm. The cuts in the House bill are penny wise and pound foolish because the GAO remains an excellent investment for the American taxpayer. The financial benefits from its work in the last five years alone total over $103 billion.

If we in Congress are to continue doing our jobs well, we need a strong and effective General Accounting Office. I urge my colleagues on the House Appropriations Committee to carefully consider these issues during the conference with the Senate on this bill.

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.

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.

HAROLD SCHUITMAKER

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

Mr. UPTON. Mr. Speaker, I rise today to honor a dedicated and devoted community leader and a dear friend, Mr. Harold Schuitmaker of Paw Paw, MI. Harold has been very active in our community, lending his hand wherever he can to help our neighbors. As a Rotarian, United Way board member, an Elk, an advocate for children, an active member of his church, Harold has always been there for the community of Paw Paw.

I talked to a few of our neighbors, and they all agree when it comes to

this community Harold has never said no. In fact, I first got to know Harold through his fine work with the child and family services organization.

Harold has also been an active leader in our Republican Party. For as long as anyone can remember he has been at the helm of the Republican Party in the Sixth District serving as its Chair, and at convention after convention, whether it be on the local, State, or national level, Harold has exhibited the kind of leadership that is both admired as well as respected.

But his efforts are about a lot more than just working for today. One of the indelible images of Harold that sticks out in everyone's mind is him holding his 2-year-old grandson Jordan at every event, the get-togethers, Harold brings his grandson Jordan. He starts early showing the next generation what leadership and service and dedication are all about, and he also helps to remind us what we are working for as well here in this House.

Mr. Speaker, I would like to thank Harold for all his efforts. I would also like to thank a special woman in his life and for everyone's life for that matter, Zoe, for her dedication. Thanks, Harold. The whole community joins me in thanking you for your fine work. You have made a difference for all of us.

□ 1700

THE PROBLEM OF CAMPAIGN FINANCES IN AMERICA

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

Mr. ALLEN. Mr. Speaker, I rise tonight to talk about the problem of campaign finances in this country. Today is a good day to be talking about this subject, because we have an agreement, a budget agreement, entered into by the President and by the Republican leadership, and that budget agreement and tax agreement has drawn strong support across the aisles today.

The problem I want to discuss today is an area where we also have some bipartisan agreement. I have been the cochair of a freshman task force with the gentleman from Arkansas, Mr. ASA HUTCHINSON. This freshman task force has spent 5 months working on the issue of campaign finance reform. I want to speak a few words about the problem, and then describe a little bit what we have been going through.

All of the freshmen went through the experience in 1996 of going through a different kind of an election, an election where there was a vast amount of money spent in our races to influence our races, either by the national parties or by outside groups that were not connected with our campaigns. So in many ways, we felt as if we did not have the same kind of role in the campaign that candidates had had in the past. In short, there was too much money in politics. Soft money was a big part of the problem. Soft money is the $100,000, the $500,000, the $1 million contributions that go to national parties for so-called party-building activities.

A long time ago, when this provision was created, the thought was that this money would go to help get out the vote, to help build the party organizations. In 1996 we saw that money flowing down into districts around the country to be used for negative advertisements. That simply has to stop, because every individual contributor, every voter, every citizen is diminished when that kind of big money contribution is part of the political process.

Our task force that I cochaired with the gentleman from Arkansas, Mr. ASA HUTCHINSON, worked for 5 months on this particular issue. The gentleman from Florida, Mr. ALLEN BOYD, the gentlewoman from California, Ms. ELLEN TAUSCHER, the gentleman from New Jersey, Mr. BILL PASCRELL, the gentleman from Texas, Mr. NICK LAMPSON, and the gentleman from Wisconsin, Mr. RON KIND, were members of that task force.

We learned together. We held hearings. We had participants, groups that had made contributions, that had run ads, come in and testify. We had advocates for all sorts of change come in and testify. We went through a 5-month process to try to work out on a bipartisan basis what would be the kind of campaign reform that would be significant reform but would also be practical, that could be passed this particular year.

We have a bill. It is the Bipartisan Campaign Integrity Act of 1997. I am proud to be an original sponsor of that bill. It does three particularly important things. First, it bans soft money. It takes the biggest of the big money out of politics. Second, it provides that those groups that want to advertise will have to undergo a further disclosure than they have in the past. They will have to identify who the group is and they will have to identify what they are spending their money on, if they spend more than $25,000 in a district, or an aggregate of $100,000 around the country. Third, we will have faster reporting by candidates of their contributions, and electronic reporting in many cases, and more disclosure than we have had in the past.

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

Mr. ALLEN. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, I wanted to say to my friend, the gentleman from Maine [Mr. ALLEN] that it has been a pleasure to work with him on this task force. I think he has done an outstanding job with his colleagues. I want to commend him for his work on this. I will say more later, but I just wanted to say what a joy it has been to work in a bipartisan fashion with the gentleman and his colleagues.

Mr. ALLEN. Mr. Speaker, I thank the gentleman very much. We have had a good time. We have learned a lot. We have learned that, among other things, a group of freshmen new to this Chamber can come into this Chamber and learn to work together across the aisles. The gentleman from Arkansas [Mr. HUTCHINSON] has been an extraordinary leader in this endeavor, and other members, Republican members of the task force, have really done an outstanding job.

Mr. Speaker, I just want to address a couple of things, in addition. We have critics. No surprise. There are always critics. There are those who say we have not gone far enough. They want candidate limits or they want public financing.

To them I say whatever their agenda, however important further reform may be, the fact is that if we are going to act this year, we have to ban soft money. We have to take the biggest of the big money out of politics. There may be unfinished business for other times, but at least we must do that much.

EXPRESSING SUPPORT OF THE BIPARTISAN CAMPAIGN INTEGRITY ACT

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

Mr. HUTCHINSON. Mr. Speaker, it is my pleasure today to rise in support of the Bipartisan Campaign Integrity Act. I like that name, because that is what we need to have in our campaign system these days is simple integrity.

About 6 months ago, as my friend, the gentleman from Maine [Mr. ALLEN] indicated, a group of Members, we called it the Bipartisan Freshman Task Force, met together, six freshman Republicans, six freshman Democrats, and we called it, I called it an experiment in bipartisanship to see if we could really work together to accomplish something, to accomplish the job people sent us here to do.

We worked together. We held hearings. We listened to each other. We decided what we could agree upon. As the gentleman from Maine [Mr. ALLEN] suggested, we set aside the extremes and said what could we do for the American people that would improve our system. We focused ourselves on one primary concern, and that was the huge problem of soft money that runs in our system today.

I think the issue that faces the U.S. Congress this year, in 1997, is can we, do we have the courage, to do something about the problem with soft money. That is the overriding issue. I hope that the answer is a resounding yes. I have been encouraged recently by what I have heard from leaders from both sides of the aisle, from the public, and I dearly hope we can do that this session of Congress.

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

Mr. HUTCHINSON. I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, one of the issues that has come up is why are freshmen seeming to have such an early impact on this race. I am a Democrat from Arkansas, a freshman, and the gentleman is a Republican from Arkansas, and it seemed to me that the ugly races were ones for open seats. Both the gentleman and I from Arkansas had different political perspectives, but it was ugly because of the presence of soft money.

I loved the line the gentleman from Maine [Mr. ALLEN] used, getting rid of the biggest of the big money. These are not the $1,000 donations we are talking about, but the $50,000 or $100,000 to the party that have so distorted the system. I commend the gentleman and the gentleman from Maine [Mr. ALLEN] for his work. It truly is a bipartisan effort. I thank the gentleman for his effort.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman. I certainly concur that this has been a good effort we put forth. The gentleman and I had an opportunity in Arkansas when he was in the General Assembly, we worked in separate parties on election reform in Arkansas, and I am delighted we can set the example here in our Nation's Capital, and I hope we can have the same success as well.

If Members look at this bill, and my friend, the gentleman from Maine, described the elements of this bill, it focuses on soft money. It bans soft money, and any serious reform has to start with that. But it also increases disclosure.

I believe we need to provide information to the American public so they will know who is spending what in a campaign, and that they can find out that information in a timely fashion. That is what our bill does this year. It does those two things.

In addition, Mr. Speaker, our bill, besides providing a ban on soft money and increasing disclosure, I think it is unique because it is a product of bipartisanship, and because it has come through in that fashion I believe it has the best chance for success this year.

I believe that the timing is right, and that momentum is gathering for campaign finance reform for a couple of reasons. First of all, the Senate hearings have focused the American public's attention on the problem of soft money. I hope that the American public who is listening today, that they will write in, that they will encourage their Congressmen to address this serious issue.

Second, I have been encouraged by the response of leaders from both sides of the aisle, with a growing sense that we need to do something about this. The gentleman from California, Mr. BILL THOMAS, chairman of the Committee on House Oversight that will have the hearings on campaign finance has indicated a willingness to hold hearings. I commend him for that. He is a critical part of this effort, and I hope we can have those hearings this fall so we can move this legislation forward.

Finally, we have had encouragement even from leaders like the gentleman from Texas, Mr. DICK ARMEY, who has indicated that the freshmen are going in the right direction, that he is anxious to hear more details about this plan, and I was delighted to hear this.

Most importantly, the encouragement comes from the voters, from letters from constituents who say their voice is being diminished by the vastness, the millions of dollars in corporate and labor money that flows to the parties. They say, where is our voice? Where is the voice of the average voter, the voter out there who works day in and day out, the contributor, the small contributor to a campaign?

I was delighted also that this last week we had encouragement from very significant leaders from both parties. Former President George Bush, former President Jimmy Carter, and former President Gerald Ford all indicated support for campaign finance reform.

I like what former President George Bush said in his letter of June 19, 1997. He said, ''We must encourage the broadest possible participation by individuals in financing elections. Whatever reform is enacted should go the extra mile in demanding fullest possible disclosure for all campaign contributions.

''I would favor getting rid of so-called 'soft money' contributions but this principle should be applied to all groups including Labor.''

Speaking from this side of the aisle, I certainly believe that the soft money ban should include not only corporations but also labor. It does that. It does that, because that is the ban that is needed. It is equal and fair to all sides.

Mr. Speaker, I will enter the three letters from the former Presidents into the RECORD.

The letters referred to are as follows.

JULY 10, 1997.

Hon. NANCY KASSEBAUM BAKER,
Washington, DC.

DEAR SENATOR KASSEBAUM: Our system in financing federal election campaigns is in serious trouble. To remedy these failings requires prompt action by the President and the House and Senate. I strongly hope the Congress in cooperation with the White House will enact Campaign Reform legislation by the forthcoming elections in 1998.

Public officials and concerned citizens. Republicans and Democrats alike, have already identified important areas of agreement. These include (1) the need to end huge uncontrolled ''soft money'' contributions to the national parties and their campaign committees, and to bar solicitation of ''soft money'' from all persons, parties and organized labor by federal officeholders and candidates for any political organizations; (2) the need to provide rapid and comprehensive disclosure of contributions and expenditures in support of, or opposition to, candidates for federal office, and (3) the need to repair the system of campaign finance law enforcement by assuring that it is effective and independent of politics.

A significant bi-partisan effort across party lines can achieve a legislative consensus in campaign reforms that will help to restore the confidence of our citizens in their federal government.

I commend you and former Vice President Mondale for your leadership on behalf of campaign reform.

Sincerely,

GERALD R. FORD.

JULY 17, 1997

Hon. WALTER MONDALE,
Minneapolis, MN.

TO VICE PRESIDENT WALTER MONDALE: I am pleased to join former Presidents Bush and Ford in expressing hope that this Congress will enact meaningful campaign finance reform legislation. For the future of our democracy, and as our experience may be emulated by other nations, prompt and fundamental repair of our system for financing federal elections is required.

The most basic and immediate step should include an end to ''soft money,'' whether in the form of corporate or union treasury contributions to federal campaign, or large and unregulated contributions from individuals. The initial step should also include measures that provide for complete and immediate disclosures of political contributions and expenses.

To accomplish these and other needed reforms and to lay the basis for future ones, we also need to develop a strong national consensus about the objectives of reform. It will take more than just the action of this Congress, but fundamental reform is essential to the task of repairing public trust in government and in our leaders. We must take significant steps to assure voters that public policy is determined by the exercise of their franchise rather than a broken and suspect campaign finance system.

Please extend to Senator Nancy Kassebaum Baker my appreciation for the work that she has undertaken with you to advance the essential cause of bipartisan campaign finance reform.

Sincerely,

JIMMY CARTER.

JUNE 19, 1997.

Senator NANCY KASSEBAUM BAKER,
Washington, DC.

DEAR SENATOR KASSENBAUM, First let me commend you and the former Vice President, Ambassador Mondale, for taking a leadership role in trying to bring about campaign reform.

I hope the current Congress will enact Campaign Reform legislation.

We must encourage the broadest possible participation by individuals in financing elections. Whatever reform is enacted should go the extra mile in demanding fullest possible disclosure of all campaign contributions.

I would favor getting rid of so called ''soft money'' contributions but this principle should be applied to all groups including Labor.

I congratulate you for working for better campaign finance law enforcement.

With my respects to you and Vice President Mondale I am, sincerely,

GEORGE BUSH.

URGING COLLEAGUES TO JOIN IN SUPPORT OF BIPARTISAN CAMPAIGN FINANCE REFORM

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

Mr. KIND. Mr. Speaker, this is truly an historic day in our Nation's history.

Both parties recognize the challenges we face as far as recurring structural deficits. They came together and through some hard-fought negotiations, some compromises, some give-and-takes, it was announced today that we have reached an agreement on a balanced budget plan that will bring the books finally in balance for the first time since 1969, when I was in the first grade.

Yet, just to strike a cautionary note, this does provide the largest expansion of educational programs in the Nation's history, the largest expansion of children's health care since 1965, when Medicaid was passed. But I have always viewed this as the first step of a two-step process.

The second step that we have to begin working on right away is some long-term fixes with the entitlement programs, Medicare, Social Security, which according to all the demographics and all the analyses are due to explode starting early next century when the baby boomers start to retire.

That is the second step as far as maintaining the fiscal responsibility and the discipline started today, and that will continue into the next century.

We also face other challenges in this country and before this Congress. One of the big issues I came to Congress on and which I feel there is no bigger issue that we should be dealing with in trying to find a resolution is the role of big money in the political system.

That is why I was proud when I was called and I joined the Bipartisan Task Force on Campaign Finance Reform, working with my five freshman Republican colleagues and six Democratic colleagues. I commend the gentleman from Maine [Mr. TOM ALLEN] and the gentleman from Arkansas [Mr. ASA HUTCHINSON] for the leadership they have shown during the course of this process, which has been educational for all of us.

It has been very difficult. There were internal and outside forces doing everything they could to try to scuttle what we were trying to accomplish, because anyone who is a student of this institution realizes that nothing significant has ever been achieved without some bipartisan cooperation.

So it was with that attitude that we joined the task force, trying to work out a compromise, finding common areas of agreement and, as freshmen, proposing our own campaign finance reform bill. This is incremental in every sense of the word. This is not the type of comprehensive overhaul that I personally would have liked to have seen, but it is probably the best chance we have of passing anything in this session of Congress. What it does do is it targets the biggest, as the gentleman from Maine [Mr. ALLEN] said, the biggest of the big contributions in the political system, the soft money contributions.

Just to highlight the problem we have with soft money contributions right now, I am holding up a chart that shows the growth of soft money to the political parties, both Republican and Democrat, over the last three election cycles.

As everyone can see, in 1996, it exploded soft money contributions, close to $140 million being contributed to the Republican Party, a little over $120 million to the Democratic Party. I submit, this is just the tip of the iceberg. We really have not seen anything yet until we are able to take some action in this session of Congress.

That is why I am very proud of the product we have produced in the course of the negotiations. I am very proud, in a bipartisan fashion, of the atmosphere in which we came together to try to do what we feel is really in the best interests of the country.

I would encourage my colleagues to get behind this piece of legislation. We are already seeing a lot of support within the freshman class on both sides of the aisle, but obviously it is not until some of the more senior Members start to weigh in on this legislation that we will see any true hope of getting this thing scheduled for the House floor, having it debated, and finally, calling a vote on what I think is a crucial and vitally important issue facing our country today.

□ 1715

I encourage the leadership in the House to give it due consideration. I think it will be a great victory if we can at least bring it to the House floor. I ask Americans around the country who are listening in tonight to start calling in, start writing letters and hold their Representatives' feet to the fire on this very simple and incremental approach to campaign finance reform.

I believe that if Members in this Congress cannot get behind this, cannot cast a vote in favor of what the freshman bipartisan task force is proposing in the course of this finance reform, then really they are really not interested in true campaign finance reform.

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

Mr. KIND. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I would just like to say that the gentleman from Wisconsin [Mr. KIND] has been one of the leaders in our task force and has done an absolutely superb job. Mr. KIND makes a very good point. That point is this. If this Congress, if this Congress spends months investigating potential campaign finance abuses, almost all of which are traceable to the amount and influence of soft money and then fails to act, we will all be embarrassed. I know that is why you are here, RON, and it is why I am here. We do not want to be embarrassed. We want to legislate, not just investigate. I thank the gentleman for yielding.

Mr. KIND. Mr. Speaker, hopefully something good will come out of the investigations that we are seeing on Capitol Hill that will highlight the problem of soft money in the political process. If there was not any soft money in the last election cycle, we would not be having these investigations today focussing on the role of soft money in the campaigns.

I think it is vitally important that not only the Members here have the courage to step up and recognize the problem facing the country but people back home start weighing in on this issue and start letting their voices, their concerns be heard on this form of legislation so that we can finally have it up for a debate and a vote in this session.

SOFT MONEY

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

Mr. HILL. Mr. Speaker, I want to join with my colleagues tonight to congratulate the gentleman from Arkansas [Mr. HUTCHINSON] and the gentleman from Maine [Mr. ALLEN] to provide the outstanding leadership on the bipartisan freshman task force in developing the Bipartisan Campaign Integrity Act, which I am proud to be a cosponsor.

I think it is important for folks to understand there are a lot of problems with campaign funding and the methods that we use to raise funds for campaigns. Campaigns cost too much money. Candidates spend far too much time raising money. There is a perception out there, a perception of abuse. There is a perception that large contributions come from corporations, that come from labor unions and large contributions from wealthy individuals are corrupting the system.

Mr. Speaker, I would point out that this is a bipartisan problem. Both political parties, Democrat and Republican Party alike, have a problem with regard to the amount of soft money that has gone into the system. As Members have mentioned earlier, this started out as a relatively small amount of money that was supposed to be used for building political parties. But in the last two political cycles, 1992 to 1996, the amount of soft money has quadrupled in the system. Today both, or last cycle, both political parties raised nearly $130 million of soft money. Again, what is this money?

This is money that comes from corporations. This is money that comes from labor unions or this is money that comes from wealthy individuals who have exceeded the normal contribution limits. What this bill does is it eliminates, it bans soft money that is going to the national parties. The reason that I am so supportive of this measure is I believe that, if we are going to change the campaign process, the fundraising process, it is our responsibility

to start at home. It is our responsibility to deal with our own political parties. It is our responsibility to require them to clean up their act first.

Let me say this, there are some things that this does not do. I think it is important for our colleagues to be aware of the things that this does not do. It does not initiate a system of public financing for congressional campaigns. There are many who might support that. There are many who would be opposed to that. This bill does not do that. It does not put spending limits on how much money can be spent in a political campaign.

There are those who would argue that that is simply a benefit to incumbents. And it does not restrain the ability of independent parties to speak out about candidates or officeholders. In fact it very clearly establishes their right to do that. But what it does do is this: It eliminates soft money, those large contributions. It eliminates competition between the political parties and their candidates. Oddly enough, in the current campaign financing laws we have created a mechanism where people can give money to the party or give money to candidates, but it makes it difficult for them to do both. It eliminates that competition. It actually expands the role that parties can play in helping their candidates. The goal there is to allow candidates to work more closely with their parties rather than seeking support of special interest groups.

Mr. Speaker, I would just urge all of my colleagues to examine this bill. This is an incremental process, but it is the first step in restoring integrity to a system that the American public clearly believes is broken. I would urge all of my colleagues to examine this bill and support it as it moves through the process.

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

Mr. HILL. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Speaker, I just want to commend and congratulate my colleague, the gentleman from Montana [Mr. HILL], in his role in this whole process. I do not think anyone in the task force had more energy and more analysis and insight on what we were trying to accomplish than the gentleman from Montana [Mr. HILL] did. It was a pleasure working with him, attending the meetings with him.

There were some difficult times as there always is in the course of give and take in negotiations and that, but as far as anyone exhibiting and displaying a true depth of knowledge, regarding a very complex and a very difficult issue, the gentleman from Montana [Mr. HILL] ranked right up there at the top. I commend him and just wanted to tell the American people what a fine job and what a pleasure it has been to work with him in the course of this process.

Mr. HILL. Mr. Speaker, I thank the gentleman. I would just comment that I believe that everyone who worked on this task force came with a commitment to wanting to reform the system and to make it work to restore the integrity of the system and the belief of the American people. The gentleman from Wisconsin played an outstanding role in that.

I enjoyed very much working with him and all the Members of the task force. It was surprising to me how well we came together because we focused on those values that we all agree upon. We found so many of those values that we agree upon because we want to restore integrity to the system. I thank the gentleman and again I would urge my colleagues to support the bill.

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

[Mrs. TAUSCHER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CAMPAIGN FINANCE REFORM

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, first I would like to join in my colleagues in the previous speaker's comments about the accolades and plaudits of my colleagues on this bipartisan freshman task force, the gentleman from Maine [Mr. ALLEN], of course, and the gentleman from Arkansas [Mr. HUTCHINSON] and the fine work and leadership that they demonstrated in this process.

In fact I was very honored to be a part of what I think is a very historic freshman task force in an effort to reform campaign finances in our country. Yes, the subject was controversial. As a freshman for the first time, we all have recent and very personal encounters with the campaign finance laws of this Nation. To augment our experience, we had several hearings with groups and individuals with a variety of expertise in this area. It was very constructive for myself personally and for the rest of the Members. It became an environment in which we got to know not just the other Members of the other party and Members in our own class, but we got to know the subject matter a great deal and a lot better than we had before we entered.

Almost all of us agreed to one conclusion after this, that the system is broken. Those disagreements that we may have had, and they developed around some of the parts and the existing parts, but we all agreed that the system and how it is broken has a high priority in our consideration for solutions.

We want equitable solutions and we want solutions to States which have varying sizes and varying populations, varying mixes in the media and the media markets. Several facets of this issue that bore close scrutiny included soft money, as we have already heard, campaign finance disclosure, campaign spending limits, limits on individual and political action committees and their contributions. Also we considered free or reduced-cost TV rates for candidates.

It was interesting to watch our legislation evolve from a broad-based, cure all, almost certain to fail, too narrow specific language that contained no poison pills. We think our product, the Bipartisan Campaign Integrity Act of 1997, contains something for everyone. It is not so broad based that it will die of its own weight. I think that our bill, although it does not solve all of the problems nor solve all of the campaign finance ills, at least makes an honest attempt and a start at it, to correct what is wrong.

The fact that some of our leaders in each party have expressed problems with it means, and this means to me that this legislation is truly bipartisan. There are some elements that, yes, I would probably want to polish around the edges of the margins, but I am satisfied this bill as a whole is a good one. It satisfies several fundamental problems and it does deserve passage.

I am personally in favor of totally eliminating soft money. Of course this means making other sources of funding available such as increasing Federal contribution limits and/or removing coordinated limits between parties and candidates. I also think that most of the money in a campaign ought to come from the district in which the person is elected. This would mean that the people who have a vested interest, for example, in Nevada's Second District would have a greater influence in its politics rather than some outsider. With the population in Nevada so spread out, it can be costly to run a campaign, either as an incumbent or as a challenger. There have been much smaller districts with elections pending, over $6 million for each candidate. That is far too much money to be elected to the House of Representatives.

The amount of money any one individual or PAC can contribute ought to be limited. Too frequently, large donors are allowed greater access to influence than is ordinarily afforded most regular constituents.

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

Mr. GIBBONS. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I would just like to say that the gentleman from Nevada [Mr. GIBBONS] has been an outstanding member of this task force. It has been a pleasure working with him. I agree with him. As he described the process that we went through, he made a very important point. He talked about all the different, some of the different ideas that are out there and he recognized what we did, which was essentially agree on what we could agree on, and not try to do the big

comprehensive reforms that may be good in some people's eyes but cannot generate the support to pass this Congress this year. I really think that is a critical point.

As I say, it has been a pleasure working with the gentleman. We still have more work to do before we are done but I want to thank the gentleman for his dedication to this subject.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for his remarks. They are very appropriate to this occasion. I agree totally that there is a lot more things we could have done, a lot of things a lot of us would have liked to have done. But we came together as a body of both Democrats and Republicans, and I think we came out with what could be the most important bill of this Congress. I would like to thank the gentleman again, the gentleman from Maine, Mr. ALLEN, for his dedication on this.

ZORA NEALE HURSTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, ''Their Eyes Were Watching God,'' Zora Neale Hurston, published first in 1937.

Mr. Speaker, I rise today to speak about a bill that I am introducing that honors one of America's major voices in the 20th century, Zora Neale Hurston. Hurston is one of America's most famous writers and interpreters of southern rural African American culture. This bill recommends that the U.S. Postal Service issue a stamp that recognizes Hurston's contribution to American literature.

Born in 1891, Zora grew up in Eatonville, FL. That is my district, the Third Congressional District, the first official African American township in the United States. She attended the Morgan Academy, which is now Morgan State University, and Howard University and became the first African American woman to graduate from Barnard College in 1919. The dominant female voice of the Harlem Renaissance period, 1919 through 1995, Zora Neale Hurston produced two works of folklore: ''Of Men and Mules'', and ''Tell My Horse''.

Using the talk of the rural southern African-American peasant, Hurston lifted the language of these folks to a level of poetry and fine literature. Through her style of writing and the subject of the African-American experience, she attracted international followers and the interest of feminists who transcend gender, race. Her life and work have inspired the founding of the Zora Neale Hurston Society at Morgan State University and the annual festival of arts and humanities in her home town of Eatonville.

□ 1730

Since her death in 1960, respect for her writings has increased along with their popularity. The recent discovery of plays by the Library of Congress has also revived interest in her writings.

Mr. Speaker, I hope that all my colleagues will join me in celebrating the accomplishments of the life of this inspirational American. By cosponsoring this legislation, we will encourage more Americans to learn about Hurston and perhaps influence that one child to become the next American author.

Issuing a commemorative stamp in 1998 and unveiling it at the 10th annual festival scheduled in 1999 would rightfully honor this famous American who has changed the landscape of American literature.

Before I conclude, Mr. Speaker, I wish to thank the 36 Members who have already cosigned on this bill as original cosponsors. I hope that more of my colleagues will sign on in the near future in support of Zora Neale Hurston.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I am so proud of the fact that she represents Eatonville, FL. I would tell the gentlewoman that I was born and raised in Altamonte Springs, FL, 8 miles from where Ms. Hurston, who the gentlewoman so rightly seeks commemoration of, was born.

I had the good fortune of having had a grandmother, who has since deceased, like Ms. Hurston, who was a very good friend of hers and went to boarding school at the same place that Zora Neale Hurston did. I did not know it as a child, but my mother did, and other members of my family, but she was a giant of a woman, not only in size, but as the gentlewoman has appropriately indicated, in the magnitude of literature that she produced in her era and in her genre.

For that I compliment the gentlewoman, and ask, as she does, that all of our colleagues go forward and commemorate her with this stamp that we can present, and I hope to be there with the gentlewoman in 1999 when it is done.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I rise to day to speak about a bill that I would like to offer that honors one of America's major literary voices of the 20th century: Zora Neale Hurston. Hurston is one of America's most famous writers, folklorists, and interpreters of Southern rural African-American culture. This bill recommends that the U.S. Postal service issue a stamp that recognizes Hurston's contributions to American literature.

Born in 1891, Zora grew up in Eatonville, FL, the first incorporated African-American township in the United States, which is in the Third Congressional district of Florida. One of her favorite retreats was ''the lying porch'' of Joe Clarke's store. Years of stories and tall-tales that were told there, later became a part of Zora's works. As Zora grew older, her writing took shape as she found a way to express herself.

It wasn't until college when Zora's writing began to flourish. She attended Howard University and, in 1924, she had her first work published. The short story ''Drenched in Light'' appeared in Opportunity, an Urban League publication.

Attracted to the Harlem Renaissance of New York City, Zora moved to New York to further her writing career. In 1925, she won the Urban League's literary contest short story and one-act play categories. This distinction led to her association with artists and poets like the famous African-American poet Langston Hughes. In a short time, Zora Neale Nurston became the predominant female literary voice of the Harlem Renaissance.

Zora continued her college education with a scholarship to Barnard College. There she changed her focus on English to anthropology and graduated with a background in folklore of Harlem and the American South. It is this combination of Zora's writing style and the subject of the African-American experience for which she is so well known.

Through her lifetime, Hurston produced numerous works of fine quality that include an autobiography, ''Dust Tracks On A Road;'' novels like ''Jonah's Gourd Vine,'' ''Man of the Mountain,'' and ''Seraph on the Sewanee;'' folklore such as ''Of Men and Mules'' and ''Tell My Horse''; short stories, articles, and plays. But Zora's best work which I have here, is ''Their Eyes Were Watching God.'' It is in her most popular work that Zora introduces the character of Janie Crawford who represents the prototype of the 20th century women searching for her own identity.

Besides publishing many works, Zora was also a teacher, a Hollywood scriptwriter, and a newspaper columnist. Later in her life, Zora received fellowships to continue her anthropology research in the South, the West Indies, and Haiti.

Since Zora's death in 1960, respect for her writings has increased along with their popularity. The recent discovery of plays by the Library of Congress has also revived interest in Zora Neale Hurston and her writings. She has attracted an international following and the interest of feminists who transcend race and ethnicity. Modern day poets and authors such as Nobel Laureate Toni Morrison, world-renown poet Maya Angelou, and Pulitzer Prize winner Alice Walker all mention Hurston as a major influence on their writings as well. She has been listed in ''Black Female Playwrights,'' inducted into the Women's Hall of Fame and the Florida's Writer's Hall of Fame. Her writings have also inspired a Zora Neale Hurston Society, an annual festival in Eatonville, and a biography of her life by Robert Hemenway, who has placed her in history as the major, undiscovered literary voice of this century.

Mr. Speaker, I hope that you and all of my colleagues will join me in celebrating the accomplishments and the life of this inspirational American. By cosponsoring this legislation, we will encourage more Americans to learn about Zora Neale Hurston and perhaps influence that one child to become the next great American author.

Issuing a commemorative stamp in 1998 and unveiling it at the 10th Annual Zora Neale Hurston Festival—scheduled in 1999—would

rightfully honor this famous American who has changed the landscape of American literature.

Before I conclude, I would like to thank the 35 Members who have already signed on to this bill as original cosponsors. I hope that more of my colleagues will sign on in the near future in support of Zora Neale Hurston.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

GOVERNMENT SHUTDOWN PREVENTION LEGISLATION

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

Mr. GEKAS. Mr. Speaker, everyone is pleased that the budget agreement has been reached between the White House and the Congress, and that does call for applause across the Nation, but there still looms the possibility of a shutdown in Government, I hasten to say, and that kind of shutdown can do more to unravel the budget agreement that we have reached than any other single event that I can conceive at this stage of the budget proceedings.

Now, I have been trying for almost 10 years now to convince the Congress that we ought to have in place a permanent solution to the possibility of a Government shutdown; namely, that at the end of the fiscal year, September 30, if the appropriations process has not been completed, those bills that have not yet been finally formulated would simply turn over the next day and adopt last year's instant replay type of figures so that we would have last year's budget go into effect until a new budget can be prepared and adopted. This instant replay would prevent a Government shutdown.

It was outrageous, in my judgment, to have heard on the floor, when this proposition passed during the disaster relief fiasco that we underwent, the claim that if we passed the Gekas antishutdown legislation it would mean the cutting of funds. I have just finished saying, Mr. Speaker, that if my bill would be adopted, at the end of the fiscal year, if we do not have a budget, last year's figures would obtain.

So there would be no cutting of funds. It would be maintaining the same funds as last year, and then the negotiators proceed on their merry way to prepare a new budget. At any given time after September 30 a new budget could go into place, and that vitiates the instant replay that would have gone into place.

The other outrageous claim that has been made against our bill is that it creates a disincentive to negotiate. But the truth of the matter is that both sides need a new budget, so that at the end of September 30, those who want increased spending will have a chance to negotiate, those who want to cut spending will have a chance to negotiate, but in the meantime, last year's figures will obtain.

What is wrong with my proposition, I fear, is that it makes good sense. Therefore, it has very little chance of passing this Chamber on its own. But I do believe that now that we have passed this budget, or that we have reached a budget agreement, and that there would no longer be the disincentive to reach a budget because we have reached a budget agreement, that perhaps we can begin to focus on the antishutdown legislation as a permanent solution.

Not just for 30 days as a continuing resolution, not for 6 months or a year, but to put it in place for all time, so that every year when the budget looks like it will go down in flames around September 30, that we will have this fallback lifesaving mechanism to prevent a Government shutdown and all the bad consequences that flow.

After all, Mr. Speaker, this is a truism as well; that risking a Government shutdown really does cut back on funds. Cuts funds. Why? If the Government shuts down, all the mechanisms that get the Social Security checks out, the visas, the national parks, all the services that our constituents rightfully demand, all of those come to a halt. Indeed, then there is a cut in services, a cut in funding, a cut in appropriations.

That is the real risk that we have; that the Government will shut down. Not the risk that some appropriations will be less than last year's, but rather whether or not we shall have Government continue to present the benefits that are necessary to maintain the budget and to maintain what is expected of us by our constituents.

Mr. Speaker, I hope to continue to raise this issue at every convenient forum between now and September 30, and I hope that the leadership and the President see fit to reconsider the matter at a time to be set aside in the month of September. After all, the President, even as he vetoed this legislation, said that the goal of preventing Government shutdown is an admirable one. I hope that he will sign such a shutdown prevention piece of legislation to meet that goal.

THE 50TH ANNIVERSARY OF THE CIA

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, I rise today to commemorate the 50th anniversary of the founding of the Central Intelligence Agency. On September 18, 1947, the National Security Act went into effect creating the CIA.

As America entered the cold war, that act recognized the critical need for intelligence about our foreign adversaries, while attempting to balance that with a constitutional mandate that an intelligence service remain within the bounds of democracy.

In 1977, in order to monitor and safeguard that critical balance, this House established the Permanent Select Committee on Intelligence, which I have the honor to chair today. By its very nature, much of the work done by the agency will remain anonymous, but we must not make the mistake of interpreting that anonymity to mean that the CIA has had no triumphs, nor can we allow ourselves to forget the men and women who have served there and know much sacrifice and even tragedy.

Out at Langley at the headquarters of the CIA is a small courtyard under the oak trees that contains three panels of the Berlin Wall. On the eastern side of those panels there is nothing but the cold, gray face of cement, but on the western side there is color, vibrancy, and the inscription ''and the wind cries freedom.''

Those panels and that wall, Mr. Speaker, never had to be toppled by the tread of our Nation's tanks or stained by the blood of our infantry; they were, instead, breached throughout the cold war by our Nation's eyes and ears, the CIA. Through their bravery and creativity, the officers of the CIA carved a window through that wall that this Nation used during the perilous times of the cold war and ultimately relied upon to bring down the wall's demise.

The contribution of CIA officers to our national security, however, has come with a significant cost, because at the entrance to Langley is another less well-known wall on which there are now 70 gold stars. These stars, Mr. Speaker, are for those officers of the CIA who died while serving our Nation as our eyes and ears, in Vietnam, Latin America, Europe, Eurasia, Africa and elsewhere during the cold war.

We can acknowledge publicly the dedication and sacrifice of some of those officers, such as Bob Ames, who was killed in the bombing of our Embassy in Beirut, tragically, or Bill Buckley, who died in Lebanon under torture by the terrorists. The work and lives of others must remain anonymous stars on that wall and be remembered privately. Those stars, Mr. Speaker, are a measure of the courage and cost required to keep our Nation informed of the threats against it.

The end of the cold war has required the CIA to undergo a tremendous shift. New methods and focuses are needed to meet the challenge before us today. While no transition of this magnitude is ever without its bumps in the road, from my vantage point as chairman of the body's oversight committee, I am pleased to report the CIA is responding quickly and ably to the new threats of the post-cold-war world.

Since the Berlin Wall came down, those threats against our Nation have multiplied. Narcotics traffickers ship ever-increasing amounts of cocaine and

heroin into the United States; rogue states continue to acquire the components of weapons of mass destruction; foreign terrorists now target Americans at home as well as abroad; and indigenous forces threaten U.S. soldiers on multilateral missions abroad.

To address these threats, the CIA has helped the Colombian Government break up the Cali drug cartel, and enabled United States law enforcement authorities to intercept drug shipments. It has discovered several attempts by rogue states to acquire weapons of mass destruction and supported diplomatic efforts to foil those attempts. It has helped law enforcement authorities around the world identify and, in some cases, arrest several notorious terrorists, including Carlos the Jackal in Sudan, the alleged trade center bombers in the Philippines, the head of the Shining Path in Peru, and those involved in the bombing of Pan Am 103; and supported United States Forces in Panama, as well as the Persian Gulf, Somalia, Rwanda, Haiti, Bosnia, and other places.

So, Mr. Speaker, CIA officers performed vital and often perilous service as our eyes and ears during the cold war, and continue to do so in our efforts today against foreign drug lords, rogue states, foreign terrorists and those who would harm U.S. troops abroad and those of us at home.

The panels of the Berlin Wall at Langley are a recognition of the contribution of these officers. The stars on the entrance wall there are a reminder of the cost of their contribution. The officers of CIA serve their country and make their sacrifices with no expectation whatsoever of public acclaim. For the 50th anniversary of the founding of the CIA, Mr. Speaker, I am proud to commemorate their lives and their work with these few humble words.

SPECIAL ORDER CONCERNING THE VISIT OF PRESIDENT HEYDAR ALIYEV OF AZERBAIJAN

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

Mr. PORTER. Mr. Speaker, tonight I have requested some time to bring to the attention of my colleagues an important visit to Washington which is taking place right now. Tomorrow President Heydar Aliyev of Azerbaijan will meet with President Clinton at the White House to discuss United States-Azeri relations and the ongoing negotiations concerning the situation in the Caucasus. This visit has serious implications for our policies and interests in the region, and I am hopeful that it will be used to further the interests of peace.

Azerbaijan is rich in oil and natural gas resources and there are numerous United States companies which are actively seeking to assist in the development of these resources. I believe very strongly that United States companies have the technology and know-how to bring about this development in a way that ultimately would be most beneficial to the Azeri people. But these companies, and their representatives in Washington, have been pushing very hard to reshape U.S. policies in this region. I am very concerned that in their efforts to improve the relative position of Azerbaijan, they would tilt United States involvement in this very sensitive and important region in a way that will have a serious negative impact on negotiations which are currently underway in the region. I have watched with dismay as a campaign to repeal section 907 of the Freedom Support Act has been undertaken by our administration and by those with economic interests in the region, because I believe that this approach is counterproductive—indeed dangerous—to negotiations regarding the future of Nagorno Karabakh. In this regard, the House Foreign Operations subcommittee has worked to provide an evenhanded framework for United States policy which recognizes the need for objective dealings and for improving the climate for democracy in the region. If we tip the scale in favor of Azerbaijan, they will no longer have an incentive to negotiate in good faith on a permanent solution to the Nagorno Karabakh situation. This would be a great tragedy, because the termination of the negotiations brought on by a change of United States policy would almost certainly bring a return of armed hostilities between Armenian and Azeri. The world was horrified by the brutality of the last round of fighting in this tiny enclave, and we as a nation have invested a great deal in efforts to avoid a repeat of that bloodshed.

As the Minsk Group negotiations on the Nagorno Karabakh conflict continue, we must press upon all parties that inherent benefits they will receive from working together and establishing normal relations with one another. I firmly believe that it is in the long-term interests of these countries to find solutions that they can live with, where there will be peace, security, and prosperity for everyone in the region. The building of an oil pipeline in the region could be a tremendous positive force which brings these two old adversaries together and causes them to deal with each other in a mutually beneficial way. Azerbaijan cannot realize its full promise as a source of energy resources or as a legitimate player in the region until it makes peace with its neighbors and develops a better reputation for fair dealing. Armenia cannot wean itself from foreign assistance or fully develop its economy until the blockades it currently suffers under are gone and better relations are established with its neighbors to the East and Southwest. Moreover, both Russia and Iran stand ready to fill the political vacuums in both of these countries that will doubtlessly arise if there are not soon permanent solutions to the problems which plague them both.

Azerbaijan and Armenia both have everything to gain from better relations with one another. The United States must be an honest broker in the region, and must take into account the history of this conflict in evaluating the posture it should adopt toward each of these countries, both in the context of the Minsk Group talks and in one-on-one communications. The time has come for both countries to disregard the old zero sum game mentality that has been thoroughly discredited in the post-cold-war world. This would be a win-win situation for both Azerbaijan and Armenia, if only they will look for creative ways to solve their problems and work together. For its part, the United States should continue to push both countries to make appropriate concessions and to work on internal problems which are effecting their external disputes.

I believe both of these countries are important to U.S. interests in the region and we must do all that we can to bring them together, not only for our benefit but for the benefit of the parties as well. I believe that the language we have included in the Foreign Operations bill will bring us closer to this goal by providing for humanitarian assistance to all needy people in the region and allowing democracy building assistance to go to Azerbaijan for the first time. These are important steps in the right direction. I hope that tomorrow when President Clinton speaks with Mr. Aliyev, he will deliver some straight talk about the need to compromise and be a responsible player at home and abroad. I also hope that this visit by President Aliyev will be followed by an invitation to President Ter Petrossian of Armenia. Finally, I hope that in the end, the policies we adopt and implement, and the agreement which is reached by the parties, are driven by concepts of justice, fairness, international law, and an understanding by the parties that such a settlement is ultimately their best hope for the future.

THANKING COLLEAGUES FOR SUPPORTING HOUSE RESOLUTION 191

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

Mr. METCALF. Mr. Speaker, I rise to thank my colleagues for the bipartisan 416-to-2 vote in favor of my bill, House Resolution 191, last week. This overwhelming vote was certainly a factor in the European Community's decision to accept Boeing's final offer.

House Resolution 191 made clear that any European Community disapproval of the Boeing McDonnell Douglas merger would have constituted an unprecedented and unwarranted interference in a United States business transaction. It would have threatened thousands of jobs immediately and many thousands more if a trade war had resulted.

Thus, their action raises a disturbing question: How did a foreign consortium get to the point that it felt it had the authority to tell two wholly owned U.S. corporations what they could or should not do?

The House Committee on Transportation and Infrastructure will hold a hearing on this whole issue on Friday to look into this specific foreign involvement; whether it was improper and what we must consider if such a situation occurs again. I hope the hearing will be in depth and complete, as these questions demand definite answers.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. SOLOMON (during the special order of Mr. EHRLICH) from the Committee on Rules, submitted a privileged report (Rept. No. 105–216) on the resolution (H. Res. 201) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered printed.

□ 1745

ACCORD ON TAX CUTS

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

Mr. EHRLICH. Mr. Speaker, I rise today with my good friend, the gentleman from Indiana [Mr. MCINTOSH], who will be joining us shortly on the floor. The gentleman from Indiana [Mr. MCINTOSH] and I certainly extend an invitation to our colleague, the gentleman from Washington [Mr. METCALF] as well to join us in a very important day, Mr. Speaker.

We have an agreement. We just came off the steps of the House of Representatives and told the American people a lot of the things that we have been debating over the last 3 years in this town.

I notice I am joined now by my colleague, the gentleman from Indiana [Mr. MCINTOSH], my good friend.

Mr. Speaker, days like today get us thinking about where we came from and where we are and where we are going. Because in politics, Mr. Speaker, you cannot always get what you want. Sometimes you can get what you need, to paraphrase the rock and roll song.

Today, people of different political philosophies came together and signed an accord. Included in that accord are many things we have debated on this House floor over the last 3 years, many items in the Contract with America, many items that brought the last couple of freshman classes to this town, particularly the 104th freshman class, of which the gentleman from Indiana [Mr. MCINTOSH] and I are members.

I cannot help but thinking about President Reagan and President Bush today, tax cuts from President Reagan. President Bush was the victim of some demagoguery of such class warfare rhetoric about cutting capital gains for rich people and the class warfare we see on this floor time and time again on a daily basis. Yet, we bring the American people a significant capital gains tax cut.

Is it zero? No. Should it be zero? In my view, and in the view of many of us, yes. But is 28 down to 20 a step in the right direction? You better believe it. And that is the nature of dividing government. The folks that control this Congress are pretty much to the right of center philosophically. The folks that control that big house down the street are to the left of center.

We have vastly different views of the role of government in our lives. We have a vastly different philosophical orientation. Yet today, we have come before the American people with an agreement.

I am really happy to be joined by my really good friend, the gentleman from Indiana [Mr. MCINTOSH], one of the leaders of this Congress, 105th Congress. I keep thinking of the 104th Congress. And we are going to talk about a few specific items, a few specific initiatives in this particular package.

I know my friend from Indiana [Mr. MCINTOSH] wants to make a few words of introduction, as well.

Mr. MCINTOSH. Mr. Speaker, today is a tremendous day. We have seen people from all generations of politics come together for an agreement where the American people are the winners.

The gentleman from Maryland [Mr. EHRLICH] and I were fortunate enough to come in in the 1994 elections with that freshman class, now sophomore class. The gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, has been here quite a bit longer. But all of us can celebrate.

Frankly, I think we do need to say thank you to President Clinton for agreeing to sign this legislation, thank you to Speaker GINGRICH, thank you to leader TRENT LOTT, and thank you to the gentleman from Texas [Mr. ARCHER] and the others who have worked to negotiate out this bill.

It is the American people who are the winners in the bottom line. We came here with the promise to cut taxes and shrink Government. We came here with the promise to change the way Washington does business. I do not want to tell my colleagues that we have accomplished everything in this bill. But we have made a tremendous step forward. In particular, I was delighted to see that we are now going to have the $500 tax credit for children become part of the law in this land so that families who need that money will be able to benefit from that.

I would like to share with my colleagues, if I may, Mr. Speaker, an example of a family that I know from my hometown of Muncie. It is a young man and his wife who have worked hard to get ahead in this country, Gerald Hunt and Debra Darnall. They make about $30,000 a year. Gerald and Debra work in their own independent business. He is a contractor. They will benefit from this plan because they have two daughters and their daughters will qualify them to get $1,000 more each year in their take-home pay because the Government will not be taking it in taxes.

What does that mean for the Darnalls? It means a lot, I will tell my colleagues that. It means six bags of groceries each week will be paid for by this tax cut that we are going to pass this week, 2 months' worth of groceries in all, real dollars to fill their gas tanks. At about 20 bucks a week, that is 50 weeks, the whole year, that they can put gas in their gas tanks because the Government is not taking that money out the Darnalls' paycheck; new school clothes for Kellie and Ashlee, who will grow out of their school clothes every year and need that $1,000 in order to help them. Or if the Darnalls decide to start saving today in order to send their two daughters to college, we now have a new savings plan that will allow them to put aside money for those two girls to go to college and not have to pay taxes on the interest that that money earns in that savings account.

This new IRA for education will mean that literally millions of Americans can afford to send their children to college who may not have had any hope to do that for a better future. I am very proud of what we have done today. Those are just a few of the details in our tax bill.

I look forward in the next hour to working with the gentleman from Maryland [Mr. EHRLICH] in explaining to the American people what all of us, Democrats, Republicans, all Americans can be proud of the work that is being done today in Washington to finally cut taxes for working families in this country.

I look forward to having a discussion with the gentleman from Maryland [Mr. EHRLICH] now about the details of that.

Mr. EHRLICH. It is easy to discuss these issues with the gentleman from Indiana [Mr. MCINTOSH] because we agree and it is nice.

Mr. MCINTOSH. If the gentleman would yield, the great thing, though, is that President Clinton is going to sign this bill and our colleagues across the aisle are going to help us pass it. So it is not going to be a partisan rancor. We won the day, I think, on some of these issues. We are going to have a tax cut finally, but we won by joining together and all sides agreeing to go do that for the American people.

Mr. EHRLICH. Reclaiming my time, could we have received odds on this tax cut being signed 6 months ago, I think the odds would have been very long. I think the American people will wake up tomorrow somewhat surprised that this deal got done, and not only that there was an agreement made, but that the agreement was made with numbers that are not phoney, real numbers and real tax cuts and real entitlement reform and real policy initiatives, not the phoney stuff we see coming out of this town so often.

There are two taxes that I know are near and dear to the heart of my friend from Indiana [Mr. MCINTOSH], and they have been near and dear to my heart. We have campaigned on these taxes, as two Members who pride themselves on

championing the merits of small business people, small business men and small business women, who, it is a cliche these days but it is a fact, they are the backbone of the American economy. We create jobs, small business people.

What two tax issues, what two tax initiatives have been so important to that small business group? Capital gains and estate taxes. As I said earlier, President Bush, and I hope he is on the golf course today, it is a great day and he probably is, and he deserves it. But I hope he is smiling, Because he has been vindicated.

When I think back to all the class warfare and negative ads and all the silly stuff that had been brought out in President Bush in his elections, against the Republican freshmen, against the Republican conference in the 1996 elections, against the conservative Democrats, I think back to all that sort of rhetoric and I am no longer frustrated today because we are making progress.

A few facts for the gentleman from Indiana [Mr. MCINTOSH]. As he knows, we are cutting capital gains from 28 to 20 for upper income taxpayers, 10 percent for lower income taxpayers, 10 percent. Housing exemptions, I know the gentleman wants to talk about this in a bit, $500,000 for joint filers, $250,000 for single filers. No longer will they be punished for making a good economic decision in life, buying a house.

But I have a few facts I want to run by the gentleman from Indiana [Mr. MCINTOSH]. First, as of 1995, American households have more equity invested in stock markets than their homes. Think about that. Americans now put more of their savings into stocks than into their savings accounts.

According to the Federal Reserve, about 70 cents of every dollar saved by American households in the first 6 months of last year went into mutual funds. Stock ownership has doubled in the last 7 years. Listen to this, 43 percent of all adults in this country today are now investors; 47 percent of those folks are women and the clear majority are under 50 years of age.

With respect to the class warfare demagoguery, of which I am tired, my colleague is tired, the country is tired, let us get over it. Two-thirds of individuals reporting capital gains had incomes of less than $50,000, incomes of less than $50,000.

Mr. MCINTOSH. If the gentleman would yield, two points that he just made need to be repeated. First of all, over 40 percent of the investors are women. This is not a tax cut for the white male club in this country, for the rich male club. This is a tax cut for the average American person who is trying to save and get ahead and save for their family, save for their future investment, save for their retirement, and take advantage of a stock market that is just skyrocketing, without having to fear that they are going to be punished by the tax man if they actually succeed in investing and get a return on the investment.

I think my colleague's point is that 40 percent of the investors who benefit from tax cuts are women; 50 percent of the investors make less than $50,000 a year. This is a tax cut for the middle class. And I am glad that the gentleman from Maryland [Mr. EHRLICH] is pointing out that the demagoguery that this is a tax cut for the rich just does not stand up under the scrutiny of the examination of the facts.

Mr. EHRLICH. Mr. Speaker, reclaiming my time, but it is not just the middle class. It is a tax cut for every stage of life.

Getting back to capital gains for just a moment. The elderly realize a disproportionate amount of capital gains. In 1993, think about this, those over age 65 realized 40 percent of all capital gains. All those folks make up just 12 percent of the population. Tax relief for every stage of life. It is a cliche, it is a theme, but it is real when it comes to this tax package.

I know there is another tax initiative near and dear to the heart of my friend, the gentleman from Indiana [Mr. MCINTOSH], family-owned small businesses and farms, estate taxes, the death tax, or, as we like to call it around here, the tax-on-success tax.

I know my colleague is very familiar with the history of estate taxes in this country. Only 3 years ago, the minority leader in this House was talking about lowering the threshold from $600,000 to $300,000. That was actually debated in this House.

Today, we stand before the American people and we talk about an immediate exclusion up to $1.3 million for small businesses and family farms, those folks who are not surviving to the second generation, let alone the third generation. And that is un-American. It is very un-American, in my view, and in the view of the majority of folks in the Second District of Maryland, that the Federal Tax Code penalizes folks because they happen to be successful small business people. They are the backbone of the economy, as we have discussed. They are the folks that should not be punished for our Tax Code.

My friend, the gentleman from Indiana [Mr. MCINTOSH] knows very well of the estate tax. It came about early on to get at the very wealthy in this country. Today, it serves as a disincentive for folks to pass on their small businesses and their farms through their own family. That is not right. Third generation small businesses in this country have a survival rate of 10 percent in this country. That is wrong. That is immoral. This bill has, at least, a pretty good start toward a real remedy.

Mr. MCINTOSH. If the gentleman would yield further, let me talk a little bit more about those death taxes and the reforms that we are going to have as a result of this compromise with President Clinton.

Two provisions are very important for family farms, for family farms and small businesses. There is an immediate exclusion of $1.3 million from their estate. The people might say that sounds like a lot of money. But when somebody has worked 50 years in their life farming a farm that they inherited from their parents and they find that land prices have gone up, they will often discover that, although they do not have a lot of cash on hand, they are considered to be millionaires by the government when they pass away and try to hand on the family farm to the next generation.

□ 1800

I wanted to share with the gentleman and my colleagues a story about a family in my district. Gerald Hunt of Hagerstown, IN, is a family farmer. He owns 160 acres of land that was purchased in 1948. He is getting ready to retire, starting to think about passing on that farm to the next generation. He has a son Niles and a daughter Claudia. But he is afraid that under the current law, if he tries to pass on the farm to that generation, they will have to sell it just to pay the taxes, the death taxes that are in our Tax Code. Fortunately our reform will help Gerald Hunt with immediate tax relief so that he can pass on the family farm to his 2 children. This is another step in tax relief for the average American that is in this tax bill.

Mr. EHRLICH. The gentleman raises a great point. I think we need to talk about this to the American people because they hear numbers like $600,000, $1.3 million. ''My God, they're rich people.'' But he made the point, and it needs to be repeated time and again, many of these small businesses have no cash, no liquidity. They literally have to take apart what their parents have built up in order to pay Uncle Sam just to pass the business on from one generation to another. It is not fair. It is immoral.

Mr. MCINTOSH. Oftentimes the community is the loser. If it is a small business and they have to sell the assets to pay the tax bill, then we lose the jobs. That business goes out of business. People who worked with them, maybe 10, 12, 20 people who worked in that family business, are out on the street looking for a new job.

Mr. EHRLICH. What is also a potential loser is open space, because when farmers sell, that land gets developed. We need farmers in this country. I know we both represent a lot of farmers. We need farmers to stay in business. We have to stop punishing them for being successful in life.

Mr. MCINTOSH. Frankly, I like the fact that people want to pass on to the next generation the rewards of their hard work. Families are the institutions that have made this country great, and we should reward families who work and stay together and try to do that.

If I could interject a minute on another part of the tax cuts that I find very, very important, I live in the town

of Muncie, IN. We have a State university there, Ball State University. Most of the students who go there are first generation college attendees. Their parents have to scrape and save in order to pay the tuition, on average about $2,000 a year, plus room and board and books, and they are quite frankly a lot of times having to really struggle in order to stay in college. I have talked to a lot of those students when I go up to campus and visit with them about their concerns.

This tax bill, and again I think we do have to give credit where credit is due on this one, President Clinton proposed the HOPE Scholarships. He campaigned on it in the last election. We were not quite sure what it meant on the Republican side of the aisle, but we have come together to write the HOPE Scholarships into law, and I think it is a good provision for those college students and for their families.

Here is the way it would work. Up to 50 percent of the first $3,000 of tuition will be a tax credit for people who are paying taxes and paying that tuition. That means effectively the first $1,500 of that tuition will be paid out of the money that would otherwise go to Uncle Sam. That helps a lot in a family budget when they are trying to send one, two, maybe three students to college at the same time.

I think it is also important that we have been able to extend that to vocational school, where 75 percent of the first $2,000 will be credited in taxes, and for people who extend that beyond the first 2 years to their third and fourth year of education.

The other aspect of this that I find very appealing is the tax-free IRA that parents can now establish and take benefit of the fact that they will be saving their money in advance of sending their children to college, without having to pay taxes on those savings and the return on that investment. My State recently passed a bill that would encourage parents to do that in order to send students to the State colleges in Indiana.

I have to brag about them. IU has a great basketball team, also a great liberal arts school, Purdue has one of the best engineering and science schools in the country. Ball State, that I mentioned earlier, is a great teachers' training college and architecture school. These are fine institutions.

But unfortunately more and more people are struggling in order to be able to attend those institutions. Today if you find yourself with having a new baby arrive and thinking, ''Gosh, in 18 years, I'm going to have to pay out a lot of money to send that child to college,'' we want to increase the incentive for parents to start saving right now to send their children to school. These new college tuition IRA's, which will allow them to save over time, build up the cost of that tuition and then deduct it in order to pay for the tuition without having to pay taxes, are a tremendous way to allow families to plan to send their children to college.

As you and Kendel know, Ruthie and I are expecting our first child this October. I have to tell the gentleman it has already started to change my thoughts on how things should be done in the McIntosh household. But one thing I can tell the gentleman we are going to do is start up one of these IRA's so that our young child will have a chance to go to school and we will be able to afford to pay it without asking for a pay increase here in Congress.

Mr. EHRLICH. I hope that does not get the gentleman a negative ad in his next campaign, by the way. As the gentleman knows, his wife is a special person to us. I congratulate him prematurely. She is a wonderful lady.

I know that there is so much in this agreement we would like to talk about, and time is short. We have reform of the earned income tax credit, very important. We have the alternative minimum tax relief, very important for capital-intensive small businesses. I work with the printers a lot in my district and they need to invest so much in capital, in new machines, in a very competitive industry. We have exempted small corporations from the alternative minimum tax, a very important provision. Welfare privatization, an experiment in Texas, very important.

But there is one thing I think we really need to talk about before we leave today, and I know my friend from Indiana has something else he wants to say, but I just cannot resist talking about entitlement reform.

The gentleman saw the ads. How many ads were run in the 1996 campaign?

Mr. MCINTOSH. Hundreds of millions of dollars of ads.

Mr. EHRLICH. Hundreds of millions of dollars of ads were run to scare seniors, with one purpose, to get votes. Forget facts, forget what the Medicare trustees had told the Congress and the American people. Forget what people knew about how in trouble the system was at the time and is today. But in order to generate resentment for votes, let us scare seniors. That was a very important tactic in some campaigns in the 1996 elections.

Here we come today, in late July of 1997, a mere, what, 7 months later, 8 months later, and the President is signing a package containing almost all of the provisions in the package from 1995 that gave rise to those negative ads. I congratulate AARP, I congratulate the Seniors Coalition, I congratulate the over 60 folks, I congratulate all the senior groups who had the guts and the determination to be honest with the American people and their membership, which sometimes does not pay, as we know in politics, but to be honest with the American people about the problems with Medicare and particularly in the trust fund, part A.

Here we have $115 billion in savings over 5 years. We have extended the trust fund, the part A trust fund to the year 2007. We have MSA's. We remember how horrible MSA's were and all the ads about medical savings accounts. We have PSO's giving freedom to physicians and hospitals to form their own networks to compete in the private marketplace. Freedom of choice is breaking out for our seniors. We are saving Medicare. I do not see one ad on TV today. Why?

Mr. MCINTOSH. Nobody seems to want to benefit politically from telling the truth at this point.

Mr. EHRLICH. That is the right answer.

Mr. MCINTOSH. I wanted to share with the gentleman a story that happened to me over the summer. Ruthie and I were at a family reunion with her family, the McManis family, and her grandmother Ruth McManis stopped me and said, ''I'm reading things about Medicare again. Can you tell me what's happening?'' They are in their eighties, they are retired, they are in good health, thank God, but they are worried that if something should happen and they need to go to the hospital or they need to see their doctor, will Medicare be there for them?

I could reassure Ruth at that point that we are going to save Medicare. We are going to put it on a sound financial footing by getting rid of the fraud, by getting rid of the excess payments, and by giving seniors more choice, so that if they want to keep Medicare exactly as it is now, they can do that. If they want to go into an HMO or some other managed care unit where they do not have to pay the monthly payment because they cannot afford it, they can do that. If they want to go outside Medicare and hire their own doctors and take out their own insurance plan, they can now do that with this bill.

But we are going to make sure that senior citizens like Ruth and Lester McManis, my wife's grandparents, and senior citizens all over this country, are going to be able to count on Medicare being there so that they can have their health care needs taken care of.

The gentleman is right. We do need to point out that it was used politically in the last election. But I think we also, and this is becoming a recurring theme, my constituents will wonder what happened to me, because I have criticized President Clinton a lot. But now that he has agreed to do what I think is right, I do think we ought to say thank you to him as well.

Mr. EHRLICH. I agree.

Mr. MCINTOSH. That he did put politics aside in order to pass this bill.

Mr. EHRLICH. I congratulate the President as well, and I join my colleague in that. I just hope that the American people do not have such a short memory that the stuff that we saw, and I do mean stuff that we saw in 1996, is not repeated anytime again. Because it is one thing to engage in real debate about real policy with legitimate philosophical differences between the parties. I love that, I know the gentleman loves that. That is why we do this.

But to have to contend with a lot of the stuff that we saw, some people tried to sell the American people last campaign in order to create class warfare and generational, and that is what we are talking about, generational warfare here, turning grandparents against grandchildren. It does not work.

I think that was one of the lessons in the 1996 campaign. I think the White House learned it, we learned it, the folks on the other side of the aisle learned it, that when we stop that stuff and actually negotiate for the common good of the American people, we can make progress. That is what this budget agreement represents.

That is why I am happy to join with my good friend from Indiana today to talk about this. I am not going to use the term ''historic,'' but I am going to use the term ''important budget agreement,'' and I leave the last word to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Speaker, a lot of people have asked me the question, where do we go from here, what happens next? I would like to mention one thing that I think is critical in this, and that is, as we look at these tax cuts, and I have been a strong advocate of these tax cut provisions in the Contract With America from the very first day, they are not everything that we would want.

The gentleman from Maryland [Mr. EHRLICH] mentioned we would like to go to a zero capital gains tax on investment and savings. One other issue that I want to just mention because I think it is important, and I have gotten assurance from the Speaker and the gentleman from Texas [Mr. ARCHER], we will bring another tax bill forward in this Congress. One issue that I am going to really beg that we put on the table because I think it is so important for American families is the marriage penalty in our Tax Code.

One of our classmates, the gentleman from Illinois [Mr. WELLER] sits on the Committee on Ways and Means. He told me today he is going to make abolition of that marriage tax one of his top priorities on that committee. But I wanted to share with the gentleman a letter that I got, and I have talked on this floor before about this letter. It moved me and it is something that I will never forget in my career here in Congress. It is a letter from Sharon Mallory and Darryl Pierce.

''Dear Representative McIntosh, my boyfriend Darryl Pierce and I would very much like to get married.'' Sharon goes on to explain she works for about $8 an hour at the Ford electronics plant in Connersville, IN, and then she says, ''I can't tell you how disgusted we both are over this tax issue. If we get married, not only would I forfeit my $900 refund check, we would be writing a check to the IRS for $2,800 in taxes. This amount was figured for us by an accountant at the local H and R Block office in New Castle.''

She then says, ''Now there is nothing right about this. After we continually hear the government preach to us about family values. I don't understand how the Government can ask such questions as single? Married? Dependents? Darryl and I would very much like to be married and I must say it broke our hearts when we found out we can't afford it. We hope someday the Government will allow us to get married by not penalizing us.''

I wanted to share with folks today at home a picture of Sharon and Darryl, because they are the American people who will not benefit as much from this tax cut because they are not yet married, they do not have children.

□ 1815

So our next tax cut has to help them overcome that marriage penalty so that we can strengthen families in this country and they can have their fondest dream of once finally becoming a couple come true.

So our work is still ahead of us, but today is a day to celebrate because this is a very, very important tax bill for the American people, and I thank the gentleman from Maryland for allowing me to participate in this time with him. It is very important that we get this message out.

Mr. EHRLICH. The bottom line is, my friend, when you empower families, when you return money to people, when you stop the ability of government to always, always, always grow, you hardly ever go wrong, and that is the bottom line to this package. I thank my friend from Indiana, Mr. MCINTOSH.

HOUSE LEADERSHIP QUESTIONED IN CONGRESSIONAL ELECTION INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York [Ms. VELÁZQUEZ] is recognized for 60 minutes as the designee of the minority leader.

Ms. VELÁZQUEZ. Mr. Speaker, there is an unprecedented attack currently under way in this Congress. Right now Republicans are engaging in a war on women, on Hispanics and on the gentlewoman from California [Ms. SANCHEZ].

Last November the gentlewoman from California [Ms. SANCHEZ] was elected to the House of Representatives for the 46th District of California, fair and square. The loser, Bob Dornan and the Republicans, have refused to concede defeat. The story about how far they will go to defeat this woman, Hispanic Member of Congress, is shameful. After 9 months and after spending $300,000 of the taxpayers money, they still have not given up. They have issued subpoenas at Bob Dornan's request, they have forced the gentlewoman from California [Ms. SANCHEZ] to prove that the people who voted for her had the right to vote.

Mr. Speaker, this is not only unprecedented, it is wrong. The burden of proof is on the loser. The Washington Post agrees. Yesterday they said that the burden of proof falls on the plaintiff, in this case Bob Dornan. The Post takes it further. They said that there is no credible evidence to change the outcome of this race. The message is clear: admit defeat and give up.

That has not stopped the Republicans from harassing law abiding citizens though. They have subpoenaed INS records, and the result is that the INS offices has been spending all their time responding to the subpoenas and are unable to do their real work.

But that is not all. The Republicans have used this so-called investigation as a way of harassing their political enemies. They have harassed Catholic Charities, they have examined the records of 20,000 community college students, and they have admitted targeting unions that employed immigrant workers. This kind of behavior is just outrageous. The Republican leadership is using the Committee on House Oversight to try to throw out the election of a Member of Congress without being able to prove any wrongdoing.

Mr. Speaker, the gentlewoman from California [Ms. SANCHEZ] should be allowed to do what she does best, represent the people of the 46th district of California. Instead she has been forced to bear the burden of proof of her innocence. This is a total abuse of power by the Republicans.

This is not just a personal attack on the gentlewoman from California [Ms. SANCHEZ]. This is an attack on women, and it is a clear attack on Latinos. By using this opportunity to crosscheck voting records with records of the INS, the Republicans are trying to intimidate Hispanics and trying to keep them from voting.

Mr. Speaker, I have news for the Republicans. Hispanics are here to stay. They are a growing economic force, and, as the Republicans are finding out, they are a growing political force.

I will give the Republicans a bit of free advice: If they want to win elections, the best way to do it is to respond to the needs of the voters. Instead of trying to show that every Latino is an illegal and trying to deny them the right to vote, they should listen to what Latinos have to say. Instead of trying to intimidate women, they should listen to what they have to say.

Mr. Speaker, instead of learning their lesson when they lose an election, as most people do, the Republicans are using their power to distort the democratic process. Is that what the American people want? Is that what the democratic process is all about? I do not think so.

Now I will yield to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I am known here in the House as someone who is not a ranter and a raver, if I can use that phrase. I like to work whenever possible in a bipartisan manner to find common ground and to achieve

real progress for the American people. I think all of us were sent here to do this and to make a difference in that way.

But I find myself unable to remain silent any longer about the Sanchez race. You know, I am mindful that the investigation that has been going on has now consumed more time than the entire campaign and election did from filing to election date, and I think there is something wrong when an investigation that produces nothing continues throughout what looks to be a plan to consume the entire term of the person's office.

Now if there was any evidence of behavior that would affect the outcome, perhaps we could be more patient with this, but as the Washington Post has pointed out and as a matter of longstanding law as well as precedents of this House, the burden of proof is on the plaintiff in this case, and there is no credible evidence that has been brought forward that would lead any objective observer to the conclusion that the outcome of this election will be changed in any way through additional investigations.

As the gentlewoman from New York knows, I am a member of the House Committee on the Judiciary, and in that capacity I serve on the House Subcommittee on Immigration and Naturalization. I regret to report that the state of the records of the Immigration Service is so poor that the information being asked for frankly is not going to be able to be delivered in any kind of timely fashion. And by way of example, when the first request was made to the Immigration Service to match up names with INS records was delivered, 500,000 names came back, nearly, well, almost the entire population of a congressional district from all over the United States. Obviously this proves nothing. The numbers are now down to such a short percentage that there is no way the outcome could possibly be affected.

Now I have heard Members on the other side of the aisle stand here in this well and become highly enraged and distressed and upset at the concept that this investigation would be perceived as racist and would be perceived as sexist and would be perceived as partisan, and I believe that those individuals who spoke in that manner did so in good faith and honorably. But I am here to say that if you continue after today, you are warned that in fact it will be taken in that manner by people of good-faith, not only in California and Ms. SANCHEZ' district but throughout this country, because Sanchez is as American a name as Lofgren or Smith or Wong, and yet the only individuals being looked at are Americans with names like Velázquez and Sanchez.

And that is being taken very poorly in those sectors and, I think, rightfully so. We are not asking to see the naturalization papers of any Flahertys or Clintons, and I think that the voters and Americans in California have got it about right as to the impact of this investigation.

I have come to know Congresswoman SANCHEZ as a very strong, forceful voice for ordinary working people in her district. I think it is important for the Republican Party to put this matter to one side to allow Congresswoman SANCHEZ to do her job, and we will have another election just next year. Candidates can run and voters can choose. That is the way to settle this at this point.

And I would just urge that Members in good faith, Members of this House who take their oath of office seriously, will step back, ditch the partisanship, let the gentlewoman from California [Ms. SANCHEZ] do her job.

Ms. VELÁZQUEZ. Does the gentlewoman know the demographics of LORETTA SANCHEZ' district?

Ms. LOFGREN. Yes, I do.

Ms. VELÁZQUEZ. And what type of message are we sending to the Hispanic community when the names that have been checked with the INS only are those of Hispanic Americans?

Ms. LOFGREN. Well, you know it reminds me, Congresswoman, of an incident that happened, and I have only been in this Congress now for 32 months, but I served in local government in California for a number of years, and several years ago the Republican Party in southern California hired guards and posted them around the polls but only in sections of town that were primarily Latino. And, in fact, the Republican Party was sued over that and the court found that it was discriminatory and the Republicans were fined.

Many people in California are likening this investigation to that more egregious, and, I would say, intentional, effort to try and discourage Americans who are of Hispanic descent from exercising their franchise, as every other American should do. It is certainly, I think, the wrong message for America, the wrong message for our children to see.

We are living in a country, fortunately, where what defines your Americanism is not where your parents or grandparents came from, it is not whether your name is Smith, Wong, or Sanchez, it is not the color of your skin. It is your belief in freedom, it is your belief in the ideals of this country that make you. It is your willingness to stand up for your country that make you an American in belief, and the separating out of Hispanic Americans I think is terribly wrong.

And I will make this prediction as well, that in the end Latino Americans in California have taken great offense at this, and I think are certainly registering to vote in much greater numbers than historically has been true, and I think what I am hearing from my constituents or Latinos is that they now understand in quite a different way which party is on their side, and I have recently heard that from other Americans whose parents immigrated from places other than Europe, including friends in the Korean-American business community and others.

So I think in the end this will all be resolved, but for now I think it is important for us to step back. I have heard people say, well, in 1984 something happened that the Democrats did that was wrong. I was not here then. If the Democrats did something wrong, they should not have done it, but we should not do a bad thing. We should do what our oath of office requires us to do, what is right for America, what is right for this House and hold up our heads proudly.

Ms. VELÁZQUEZ. Now I yield to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I am glad to comment for a minute and then yield here for a colloquy with my friends because I think why we are here tonight is to stand on the floor of the House of Representatives in defense of this institution and criticizing essentially the attack that has been made upon this institution.

□ 1830

It has been an attack on this institution, because it is an attack on a particular Member, the gentlewoman from California, Ms. LORETTA SANCHEZ, who got elected to this House. She was declared the vote winner by the Secretary of State of the State of California, entered this House, took the oath of office. And now there is a witch hunt to say that because she had a close election, she won by 984 votes, that therefore, and because her name is SANCHEZ, and because she lives in southern California, and because many people in southern California have Latino names, that people voted in that election who should not have voted.

Mr. Speaker, I think there are probably people in most elections in America who voted who should not have voted. There are illegal votes cast in this country. But to say that they were all cast in one congressional district is ridiculous.

The reason that I am so upset about it, if indeed Members want to go after close elections, the election of the gentlewoman from California, Ms. LORETTA SANCHEZ, ranked fifth. Listen to the names ahead of her: The gentleman from Pennsylvania, Mr. JON FOX, the gentleman from Massachusetts, Mr. JOHN TIERNEY, the gentleman from Washington, Mr. ADAM SMITH, the gentlewoman from Washington, Mrs. LINDA SMITH. All of those people, Members of this House, won by lesser votes than she did.

So, essentially, the gentleman from Pennsylvania, Mr. JON FOX, won by 84 votes. Did anybody challenge that election and say there were illegal voters in his election, or in the election of the gentleman from Massachusetts, Mr. JOHN TIERNEY? Did the Canadians come in and illegally vote in the election of the gentleman from Massachusetts, Mr. JOHN TIERNEY, or the gentleman

from Washington, Mr. ADAM SMITH, and the gentlewoman from Washington, Mrs. LINDA SMITH? How many Canadians are they challenging?

No, they are picking out one race, one congressional district in all of the United States, one that came in fifth from the bottom, and going after that. Why? Because of a very controversial former Member of this Congress who has decided ad hocly not to give up his title, but to use his color of title to go after the person who won. So I engage my colleagues in a colloquy about this, and certainly would ask the gentlewoman from Connecticut (Ms. DELAURO), for a comment on it as well.

Ms. DELAURO. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I just want to say, I think my colleague is right. My colleagues who have spoken are right. I think there is an important point. First of all, the point the gentleman brought out was that there are several people who had more narrowly determined races on whom nothing is being challenged. No list of ethnic names are being addressed and none are being requested.

I think what is important to note, and the gentleman talked about it, the gentlewoman from California (Ms. LORETTA SANCHEZ), was certified the winner of this election. It was by a Republican registrar of voters, and a Republican secretary of State.

That was after, which is even a second piece of this, which is because we had some other races that in fact were more narrowly defined, but there was a recount of every single ballot, and the gentlewoman from California (Ms. LORETTA SANCHEZ), was determined and certified the winner by 979 votes. So I think that is what the point is.

When we look at this issue, what we need to wonder about is is this a politically motivated attempt to steal an election? Is it, by virtue of the requests that have been made from the Immigration and Naturalization Service about the thousands and thousands of Hispanic names to be reviewed, is it anti-Hispanic? And third, given what we know, again, about the certification and other races that were not looked into, that the nature of the hearings, are they not in fact a waste of taxpayers' dollars?

Ms. LOFGREN. Mr. Speaker, if the gentlewoman will yield, does the gentlewoman from Connecticut happen to know the amount of money that has been spent on this investigation by the House so far?

Ms. DELAURO. I will be happy to tell my colleagues. First, we have spent 9 months at this effort and over $300,000 in taxpayers' funds investigating this election.

Ms. LOFGREN. Does that include the cost incurred by the Immigration Service to comply with all these many requests that have yielded nothing?

Ms. DELAURO. It does not. As a matter of fact, in our Committee on Appropriations process, the gentleman from Maryland (Mr. HOYER), asked that the INS be reimbursed the money that they have had to put out to do this, and the answer came back from the committee as a no, that we would not reimburse them for doing that. So out of the INS budget there is that money, in addition to the $300,000 that has already been spent.

Ms. ROYBAL-ALLARD. Mr. Speaker, if the gentlewoman will yield further, I just wanted to make one more point. Although the contested election is about the result of the 46th Congressional District, in which 93,000 people voted, Mr. Dornan and his Republican allies sanctioned the INS to pry into the records of all of 1.3 million Orange County voters. This means that the Republican-led Committee on House Oversight ordered the INS to go through the records of hundreds of thousands of people not associated with the results of this contested election. Most of these people could not have cast a vote either for or against the gentlewoman from California, Ms. LORETTA SANCHEZ, or Bob Dornan because they were not even living in that district.

So it is definitely unfair, it is unethical, and an invasion of privacy for these registered voters to be subjected to the antics and the subpoenas of this private citizen, Dornan.

Ms. DELAURO. Mr. Speaker, I think it is important to set the record straight here. Bob Dornan, a former Member of the House of Representatives, no longer a Member of this body, a private citizen, if you will, he has been given the power to subpoena. That is unheard of. It is unprecedented. He has used this authority to truly harass his political enemies, forcing them to spend thousands and thousands of dollars. That is a terrific point. I think it is important for people to know he has no standing and no jurisdiction as a Member of this body.

Mr. FARR of California. In the election next door, the gentleman from California, Mr. GEORGE BROWN, he won with 17 more votes than the gentlewoman from California, Ms. LORETTA SANCHEZ, 17 more votes; the same type of mix of ethnic populations. Is anyone going after the voters in his district and suggesting that that election was a fraud? No. This is absolutely the first time in the history of this country, in this House, when they have used the powers of the INS, the Immigration Service, to go back and question people how they became legal citizens.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Mr. VELÁZQUEZ. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman raised a very valid point. Let me just add my voice to my colleagues who are here tonight. I will be brief.

As a member of the Committee on the Judiciary, we have certainly been watching from a distance, because subpoenas are extremely sacred or a very special procedural tool for which one must document and provide safeguards. You cannot just randomly go out. It is amazing to us that we would have a subpoena process by a private citizen whom this House is allowing to proceed against a sitting Member of Congress, who is duly representing 550,000 citizens.

If we do nothing more than to ask this Republican Congress to cease and desist in allowing that sort of infraction of rights because we cannot find any basis, and as the gentlewoman from California said, utilizing the INS, I do not want to say in its innocence, but in its responsibility, misusing its responsibility.

I think it is appalling, I think it is outrageous, and I do think today as we stand here, on July 29, it is time now to say, end it forever and forever, to allow the gentlewoman from California, Ms. LORETTA SANCHEZ, who has been ably serving, to serve her constituents and not to be operating under a false cloud of taintedness that has been represented by someone who has simply lost their election.

Mr. MINGE. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Speaker, I represent an area in Minnesota that is quickly seeing the ethnic composition of the population change. It has been dramatic. I know that quite often there is a suspicion that if we have a new family in town, maybe it is not documented, maybe it has come into our country illegally, or an individual. There is also a suspicion as people move in and out of apartments, large numbers of people may be living under one roof or at the same address, and do we have illegal residents.

One thing that really struck me about this case in California was the fact that it went beyond just worrying about this, but apparently there are accusations that have been made that if people live at the same address, they must be registering fraudulently to vote.

I have learned that many of these people are, say, residents at a senior housing project; or in one case, it was nuns that were part of an order, a Catholic order, and it was suspected that the nuns were illegal residents; or that military personnel, somebody at the same address, because they were at an Air Force base or a naval base, were registered illegally.

I think it borders on paranoia, and I think it is unfortunate that a colleague of ours, whether it is a Republican or a Democrat, were to have to spend vast sums of money to answer allegations which really appear to be baseless and participate in a fishing expedition.

I really think it would behoove our body if there would be some way that this investigation could be promptly brought to an end, honorably, so really

the divisive characteristic of this investigation can be put behind us. Because we certainly have, as this week indicates, some very large issues to struggle through. The budget agreement that was negotiated last spring and the legislation which is now being drafted is where we ought to be focusing our attention. I think all of us should spend most of our time on this. This is just sort of a brief interlude where we have taken deep concern in one of our colleagues' situations.

Ms. LOFGREN. Mr. Speaker, I know the gentleman represents an area more in the interior of the country, but the gentleman and I are members of a very small group here in the House, the Scandinavian Caucus. As I think back in listening to the gentleman speak about his district, I am reminded of my own grandfather who was an immigrant, and he had his naturalization certificate and he hung it on the wall, he was so proud of it.

As the gentleman is talking about newcomers coming in, I do not recall ever a time when people of Scandinavian descent were hunted down to see if there was proof of their citizenship. Yet he was an immigrant, much more than many of the Latinos in California whose families have lived in California for generations, long before my family arrived.

I wonder whether in the gentleman's experience there has ever been these issues raised about what are the Scandihoovians doing there, and are they legit?

Mr. MINGE. Mr. Speaker, I think each wave of immigration has brought with it a certain resentment on the part of the folks who are already there against the newcomers. I think even Scandinavians, unfortunately, face some of that.

But I look back in reading Minnesota history with some interest to learn that ballot instructions in my State were once printed in nine languages, including three Scandinavian languages, as well as Spanish. This was at the turn of the century, about 100 years ago. So I think when we did have these large waves of immigration from Europe, we tried to somehow fit our voting and our citizenship process to be as inclusive as possible.

I think here we see sometimes what borders on xenophobia, and it is very unfortunate. Certainly none of us want to encourage illegal immigration, but I think folks who are in our country, who are legal residents of our country, they have gone through the steps of naturalization and become citizens, they are valued members of our community. We ought to treat them with respect and we ought to welcome them into the political process and make sure they are full participants, because we need, as all of us know, as broad a participation as possible in the political process. We are constantly trying to encourage people to join with us, whether they be on our side of the aisle or not, just to be a part of the debate.

Mr. DAVIS of Illinois. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. I think the gentleman makes a very valid point, Mr. Speaker, given the fact that we really ought to be trying to find ways to bring people into the process; that is, to encourage people to participate.

We always talk about the greatness of this democracy of ours, and that people should be involved. Here we are in a situation that is actually doing just the opposite, trying to intimidate people, suggesting to them that they ought not participate.

□ 1845

I think it is horrendous. It is unbelievable. That is why I am so pleased that I decided to come over this evening and join with all of my colleagues as they all say that enough is enough. When are we going to quit it? When are we going to cut it out?

I have looked at at least 15 or 20 newspaper clippings, all indicating that the investigations are turning up absolutely nothing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentlewoman will continue to yield, I know how hard the gentleman has worked in an era of civil rights, not because of age but because of commitment. Is it not interesting that we are talking about civil rights for now a new immigrant group, Hispanics, when in the Deep South and many other places there was a chilling effect for African-Americans to vote, 1950's and 1940's and 1960's. There was the poll tax and intimidation.

Why are we in 1997 carrying on sort of the same traditions of intimidating people from voting by using INS officers coming to your door investigating nuns? It looks like this country would recognize that with Scandinavians, with new immigrants, with Asians, with Hispanics, African-Americans, I come from an immigrant background, that everyone deserves a chance to participate. It looks like that is what the gentlewoman from California [Ms. SANCHEZ] stands for.

Mr. DAVIS of Illinois. Mr. Speaker, I agree with that, because if it is Hispanics today, Latinos, then it is African-Americans, Scandinavians, Greeks, it is somebody else tomorrow. We all stand with the gentlewoman from California [Ms. SANCHEZ] and want to make sure that she does not have to keep going through this unnecessary hassle.

Mr. TIERNEY. Mr. Speaker, if the gentlewoman will continue to yield, I came in a little bit late but I, like yourself, came down here when I saw that this was the topic this evening. I have been watching this scenario unfold for some period of time.

Let me not go away permanently from the issue of civil rights, which I think is important. I come from the Irish minority, which is not much of a minority around here, but we had our history and we had our difficult times getting into the electoral process. I am proud of the fact that we are very much engaged in it now and that we contribute so much.

Let me take it to a political level. I think that is something that we have to be mindful of here. This is not only a recount that is going on out in California. I was the subject of a recount in my district. I know from past experience, working on other people's recounts over the years, that when those votes are counted, one by one, you have got a real definite idea of how the vote resulted.

At the end of that recount, Ms. Sanchez was declared the winner by almost 1,000 votes. That is a significant margin of victory in a recount situation.

Now I think we take it to the political level. This is not about just civil rights. It is about politics. This is about how can the Republican Party get behind a candidate who will not let go, a person who lost and now knows he lost, if he has any touch with reality, will not let go of the situation? And they come on and they get behind it and let this situation keep unfolding so that we have a Member of Congress, who represents almost 600,000 people, that has to come here and do the business for those people and represent those people on some very significant and important issues and at the same time, because the party chooses not to let it go, because they, I think, perhaps would like to see a Democrat in that position, allow that situation to unfold so that not only does LORETTA SANCHEZ have to do the business here; she has to be mindful of what is going on back at home.

As my colleague from Chicago just said, back home it is clear in the papers there is nothing going on of any substance there except for this obsession with the lack of reality that goes on and on.

Let me just say that I think the voters back in Orange County should be significantly proud of the work LORETTA SANCHEZ does in spite of what has been going on back there and the way it must be some sort of distraction, but you would never know it for the fine work she is doing here.

Mr. FARR of California. Mr. Speaker, the gentleman had a closer election than LORETTA SANCHEZ?

Mr. TIERNEY. It was a 360 vote margin. At the end of the election we had a recount and I won by 371 votes, which in that case was significant enough that a recount could not change that. Yet LORETTA SANCHEZ' was so much larger than that.

Mr. FARR of California. She won by 900 votes. So you have a very close election, and yet they are not going after you and doing a witch hunt in your district in Massachusetts. After all, you are close to Canada, you could have had some Canadians sneak over and vote for you.

Mr. TIERNEY. We counted every vote, and there was a reality in my district. The voters knew the first time. They certainly knew after the recount.

Mr. FARR of California. The point is here is an election that is closer than the one that you were talking about in Orange County, a lot closer. There is no purge or going through and suggesting that the people in that election were all voting illegally because they were not properly registered. I think that this is obviously a witch hunt. There is 21 races that you say were close, that won by 6,000 votes or less, 21 in the 435 Members of Congress. And of these top 21, there is only one that they are going after, and there is only one in that whole group of 21 that has a Hispanic name, SANCHEZ.

I think that this is a witch hunt. It is embarrassing to this institution and ought to be called off. And it would not have been done had she not beaten Representative Bob Dornan, who everybody knows is a bulldog of every stripe and was here dominating this time usually in the evening on special orders about these issues.

Ms. ROYBAL-ALLARD. Mr. Speaker, I have a question for the gentleman. During your recount or during any recount that you may know of, has there ever been a case such as this one where, in addition to the votes in your particular district, thousands and thousands of votes and thousands of voters' records were subpoenaed and looked into that had nothing to do with your particular election like in this case approximately 1.3 million Orange County voters had the INS go and look at their records?

Mr. TIERNEY. No, certainly not. I suspect that this is what the American public has to hear. This is not about a recount to see if they are going to turn the seat over. I think everybody with both feet on the ground or both oars in the water knows that this election is over, that LORETTA SANCHEZ has won. Never in my experience, either as an attorney representing people, my own recounts and other recounts, has anybody found the need to go outside. Most State officials would not let it happen.

Certainly most Federal officials would not pursue it to go on. I think there should be some shame on the Members in this institution for allowing it to go on. To the extent they are participating in it, egging on and absolutely doing away with the rights of an individual, no longer do they make the person who is making the challenge prove the case. In this situation they would like LORETTA SANCHEZ to prove a negative.

Ms. VELÁZQUEZ. On the question of the gentlewoman from California, the fact of the people who were, their files were requested to be with the INS, those surnames were Latino surnames. What kind of message are we sending to our Latino community? And yesterday on this floor there was the debate on the legislative branch where some of the Republicans were accusing us, the Democrats, of playing the race card. But how could you explain that, of all those who vote in California, the only names, the only voters that were requested to be proved by the INS were of Latino surnames?

Mr. TIERNEY. I think that is a good point here. What we ought to be focusing on is why are we not having some explanation from the Members that are Members of this House that are driving this situation as to why this continues on. Why is there not some prospect here that a responsible leadership in this House would call on those Members to get down here and say why is it that this committee and this House would allow the kind of subpoena power to go on that has been going on when constitutional authorities have questioned it? Why would they allow this situation to go on when it has this overtone in terms of race? Why would they do that without coming down and explaining? If they say that is not the way it is, if they say there is some valid reason for this process to continue, I think the American people have to a right to hear about it.

More specifically, I think the people in that particular district have a reason to know why they are inundated with this sort of nonsense day in and day out, article after article indicating this is nothing but a witch hunt, has no basis in reality, and there ought to be an answer given. I would suspect that there ought to be Members on this floor standing up explaining themselves.

Ms. VELÁZQUEZ. I would like to add that this is the first time where I see that the burden of proof is not on the loser. They are forcing LORETTA SANCHEZ to prove that the people who voted for her had, in fact, the right to vote. That is not only wrong, it is shameful.

Mr. CAPPS. Mr. Speaker, if the gentlewoman will continue to yield, I had a point very much in keeping with what we have been saying here, pertaining to the spirit of this place at this very time. Right now, as we are talking about this situation, many of our colleagues are demonstrating the spirit of bipartisanship by having a baseball game. And that sends all kinds of signals out to the American people.

On a more substantive matter, this week the House will probably overwhelmingly pass a bipartisan budget, tax relief bills that will in my judgment be of enormous benefit to Americans all over this great land. But in the midst of all this, in the midst of this spirit of bipartisanship, we must rise this evening to protest these wrongs that are being brought upon my friend and fellow Californian LORETTA SANCHEZ. Others have focused on the bipartisan nature of this investigation. I want to talk about another aspect of it.

First of all, I want to express my support of the gentlewoman from California [Ms. SANCHEZ] but also to say that the real losers in this debate are the hundreds of thousands of Orange County residents whom she represents.

I know from experience that being a freshman, a new Member, especially in a district previously in the hands of the majority, is a very difficult job. It is difficult to concentrate on legislative issues, constituent service, communities projects, without facing the constant drumbeat of electoral charges that have been rained down upon a very able Representative, the gentlewoman from California [Ms. SANCHEZ].

My colleague has been forced to expend so much of her time, her energy and her resources on what I would call a misguided inquisition, and it is to her credit that she has managed to become an effective Representative in this kind of working context. So it it is certainly time for the investigation to end. It is time to bring the same civility, the same spirit of civility that characterizes our current legislative breakthroughs to this issue. It is time to give the people of Orange County the same constitutional right to full-time representation as all Americans deserve. I want to say that I stand with LORETTA SANCHEZ in tonight's very important special order.

Ms. VELÁZQUEZ. Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I just wanted to add, sometimes people think that we stand here and on some of these issues that it is our view, it is our opinion. I said earlier today that the gentleman who lost this race, Bob Dornan, who is an ordinary citizen today, has been given tremendous power by being able to subpoena people. It is just not hearsay on my part about what he is willing to do, quite frankly, what kind of inaccuracies that he is engaged in. I think it is important that it be part of the record to note that his claims are proven time and time again to be baseless and to be without merit.

In April, the Los Angeles Times wrote, and I quote, that a close review of Dornan's contentions shows them to be overstated and riddled with inaccuracies.

So you have someone who is out there being bestowed with this tremendous power who is saying and doing, quite frankly, whatever he wants to do; and in trying to contravene what the people, the people of the 46th District of California said and they stated. And LORETTA SANCHEZ is trying to represent them in this body and is doing a good job of representing them every single day with having to concern herself first and foremost with the job that she was elected to do.

People put their trust and their faith in us when we come to this body. She is trying to carry out their wishes, what their interests are for themselves and for their families, as I said, doing a good job of that effort; and at the same time having to struggle with a whole lot of potentially and, as it is

listed here in the Los Angeles Times and others, some baseless statements of fact and being forced to have to raise hundreds of thousands of dollars to be able to counteract legal fees.

The fact of the matter is, it is enough. In Italian there is a saying which is ''basta,'' enough. We have looked at this. There has been a certification. Let us allow the gentlewoman from the 46th District to continue to do the work on behalf of her constituents.

Ms. ROYBAL-ALLARD. Mr. Speaker, I just want to add and emphasize something that I feel is extremely important. Not only was the subpoena power given to an ordinary citizen, but the power that was given to subpoena far beyond the district election that was being contested so that the constitutional rights of thousands of other Orange County voters who had nothing to do with this particular election, their records were also subpoenaed. So it is extremely frightening, the fact that, No. 1, this leadership would give subpoena power to an everyday citizen and, second, that that power is extended far beyond the contest in question.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to add by asking the gentleman from Massachusetts, based on his case where there was a recount, who had to prove that the voters who voted had the right to vote on his case?

Mr. TIERNEY. The challenger. The challenger has the obligation and burden to overcome the results that are there and that are certified. In this instance, it is an even additional burden on that because there they are certified. The recount has been done. Again, I do not mean to contradict my colleagues here, but I like to keep bringing the focus back to this institution and this leadership that is allowing this to continue.

□ 1900

We can talk about a private individual having too much authority, a private individual getting subpoena power that no other private individual has, but we have to come back to this institution and wonder why our colleagues on the other side of the aisle, that have elected that leadership to this body, are allowing them to do to a Member of this body what has never been done before, and ought not to have been done in the first place, and ought not to be done, period, in this body, because it is a blight on this entire situation, it is a blight on the membership of this organization.

We have an institution here that has to be protected, we have Members that have rights, and we have to go back to the voters and explain to them why it is that this body and this leadership is disregarding the Constitution, disregarding the rights of a Member, disregarding the rights of people living in that district and of the American public in general, and making a mockery of the electoral process.

I think there should be some explanation for that. Because no matter how much we want to blame the individual who does not seem to be willing to let go, I think we have to blame the people in this institution who are driving this as a partisan matter.

I know everybody likes bipartisanship and everybody likes to talk about how well we can get along down here. I do not necessarily subscribe to that. I think a good healthy dose of partisanship is what this place needs, but the right kind of partisanship.

It is healthy for us to stand up and to debate our differences. It is healthy for us to set forth what our policies are and our principles, debate them, have a deliberative process, argue them, and come out and have a vote on them in this body. That is the kind of partisanship that the public has a right to expect and probably desires. What they do not need is petty bickering and petty partisanship where a majority in this body, through its leadership, would actually allow this kind of atrocity to go on.

This type of a situation, where no one in their right mind believes it is allowable or acceptable to continue on, to harass a Member and to particularly make their life miserable, with no prospects of ever winning, and to take on an entire class of people that have done nothing wrong except go to the ballot box and exercise their right to a constitutional privilege to vote. And that is who we should have down in this body now, is that leadership, that group of people that are allowing this to continue. They should have to answer to the American public. They should have to answer to the people in the district of the gentlewoman from California, MS. LORETTA SANCHEZ.

Ms. ROYBAL-ALLARD. Mr. Speaker, I certainly agree with my colleague, and again I wish to point out that all of this has been at a tremendous cost to taxpayers. Over $300,000 has been spent on an election that has been duly certified by the Republican Orange County registrar and the Republican Secretary of State.

So this is money that has been thrown away, and in spite of all the money and time and the violations and things that we have talked about on this floor, Dornan is no more closer to getting the election than he was on November 5. It has been a total waste of money, of taxpayers' money, and it really is a black mark on the leadership for allowing this to happen.

Ms. DELAURO. If the gentlewoman would yield, I would say, look, it is difficult to lose. Anyone who has run for public office understands that it is hard to lose. But when you have lost, and when there has been a recount of every single vote and there has been a certification of the election, quite frankly, after months and months of deliberation, 9 months, $300,000 in cost, there is a point in time where you have to say, ''I have lost this election. I don't feel good about it, maybe I can come back again as part of the process, but I have lost this election.''

It really is a part of the leadership of this institution to take in hand their friend, Bob Dornan, and say enough is enough. This is concluded. We have checked it, we have rechecked it, we have asked our questions, and we too are sorry that you lost, and we will have to pick up another day and maybe go out and try to win that district back again, but we have lost for the time being. Let us get on and let the gentlewoman from California, Ms. LORETTA SANCHEZ, get on with her work.

Mr. TIERNEY. That is, of course, if we are assuming that this is all about friendship and all about trying to do the right thing by their friend. I think we all know it is something else.

I think this thing smells to high heaven and that people understand there is another motive and another goal here for people, and they ought, and again, I am going to close because I have to leave, but they ought to be on this floor explaining to the gentlewoman from California, Ms. LORETTA SANCHEZ, her constituents, the State of California, and the people of America as well as every Member of this body why they are allowing this to continue.

Ms. VELÁZQUEZ. Mr. Speaker, I would just like to say not only have we spent $300,000 of taxpayers' money, but also the INS has spent over $50,000, and just one office only is dedicated to dealing with this issue.

Mr. TIERNEY. If I can interrupt, this is the same group of individuals who fought us on spending money to insure children. These are the people that could not find the money to insure as many people as we wanted to insure, young people in this country, who can find $300,000 to argue a cause that is long lost.

Again, I think this just goes to the point there is another motive here, another avenue that is strictly political partisan bickering, and they should get beyond it.

Ms. DELAURO. If the gentleman would yield, and to be specific, a program that a number of us came down here to support and through actually shaming the other side we added money to the WIC program, Women, Infants and Children. We are talking about cereal, formula and healthy food for women, infants and children, and we were told that there was not enough money to do this.

In fact, what we have done with the INS is to say they have to do this; they have to spend the money for this, in addition to $300,000 as a cost, when there are so many needs. My colleague, the gentleman from California [Mr. CAPPS], said we spent a long time coming to a conclusion on a balanced budget agreement and trying to look at how we can be fiscally responsible.

So in fact we do have other motivation which underlies this issue, and quite frankly, I think when this sees the light of day, the American public, the way they saw what we ought to be

doing was the right thing with the Women, Infants and children program, will understand what is going on with this program. And I think that we ought to continue the debate and the dialogue so that, in fact, the public knows all about this.

Mr. CAPPS. If the gentlewoman would yield, she makes a very good point that it is not easy to lose, and when people lose there is a natural reaction.

But there is another fact here that we should consider, and that is, how many people have had the privilege of serving in this House since the beginning? There have been about 11,500, maybe 11,800 people who have served in the House from the beginning of this people's House.

It is more difficult to get in here if one is of a certain characteristic. That is, how many women have served in this House? I think 165 out of the 11,800?

I do not have all the math down with precision, but I think one-third of the women who have ever served here in the long history of our country, one-third of all these women are here now.

How many African-Americans have served in this House? Less than 100. Less than 100 out of the close to 12,000 people that have been here. How many Members of the Latino community have served in this House? Very, very few. Proportionately very few. And I would think that the majority of those from the Latino community who have served in the House are here at the present time.

What does this say? Clearly, if the Congresswoman's name was not SANCHEZ, this would not be going on. This would not be going on. We need to call that to the attention of the American people because that is wrong. That is immoral. And we are not going to have full democracy in this House when it is so difficult for certain segments of the population to be elected. I think we should call it what it is.

Ms. DELAURO. I think the gentleman is right. I think that the more one takes a look at this, the more one hears about what names are being requested and how many and in what volume.

And I think my colleague, the gentlewoman from California, Ms. LUCILLE ROYBAL-ALLARD, has said they have gone well beyond the 46th District. This is Orange County, and people who in no way are engaged or involved in this particular election, and that it speaks volumes, I think, about what the nature and what the tendencies are. And that is wrong. It really is. It is wrong and it is divisive in this country.

We have a difficult enough time with people coming together and wanting people to be together. We have a bona fide, certified election in the 46th District of California, and we ought to acknowledge that and not put people's ethnicity at the center of what our electoral process is all about. That really is wrong. It takes us back years and years and years. That is not forward looking, it is backward looking in this country.

Ms. VELÁZQUEZ. At some point, the chairman of the Committee on House Oversight, months ago, announced that not only would they be going after the district of the gentlewoman from California, Ms. LORETTA SANCHEZ, but he mentioned three more districts, all of them represented by Latinos.

They get upset when we bring this issue onto the floor and they say we are playing the race card, but I was elected and I was sworn in and no one contested my race. Why did he have to mention the 12th Congressional District? Why did he have to mention three other districts represented by Latinos who were not contested by any opposition from their own districts?

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Michigan.

Mr. EHLERS. I thank the gentlewoman for yielding, and I did not come here to rain on her parade. I understand what my colleagues are doing. But I do have to simply rise and voice some concern about the language and the words which were used. And, frankly, I take them personally, to the point almost of wishing to raise a point of personal privilege.

The term ''witch hunt'' was used to describe this. I am the chairman of the task force attempting to resolve the issue of the contested election in the 46th District. I have tried my very, very best to keep this fair and honorable. We did not initiate it, Mr. Dornan initiated it. We have a responsibility to pursue it.

The issue was raised by the gentleman from California [Mr. CAPPS] that if the name of the gentlewoman from California was not SANCHEZ, this would not have happened. I do not happen to believe that is true, but at any rate that is immaterial to the discussion.

Ms. VELÁZQUEZ. Mr. Speaker, I take back the balance of my time.

On that point, I would say, then, how could the gentleman address the fact that subpoena powers have been given to a private citizen? How does the gentleman explain the fact that the chairman of the Committee on House Oversight in a press conference said that he would go after three other districts that have been duly elected, where Latino representatives were elected? How would the gentleman explain that?

Ms. DELAURO. The gentlewoman is absolutely right, there is no explanation for the direction that this investigation has taken. I have a high regard for the gentleman, but the fact of the matter is that we are 9 months into an investigation. We have spent $300,000, $150,000 of the INS's money, going well beyond the 46th District, calling into question hundreds of thousands of Latino, Hispanic names, done nowhere else in this country. Unprecedented. And providing powers to an ordinary average citizen who lost an election.

People win and lose elections every single year, and when we lose, it is tough, but what we have to do is to get over it. And there is a responsibility on the part of the leadership, whether they chair a subcommittee, whether they serve as Speaker, majority leader, or whatever position they serve in this body, to look at these events and say enough is enough.

We had an election process. We have a certified number, after a recount, bipartisan officials who, quite frankly, those officials have done their job. They took a look at this, they counted every ballot, and they said the gentlewoman from California, Ms. LORETTA SANCHEZ, represents the 46th District. And this body, in response to a former member who says that he lost for some reason, has given him subpoena powers, and that is truly outrageous that this has happened. Again, unprecedented in the history of this institution.

This is a noble institution. My colleague, the gentleman from California [Mr. CAPPS] said only 11,500 people have served in this body. These elections are sacred.

□ 1915

The people's vote is sacred.

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Michigan.

Mr. EHLERS. I will not take any more of the gentlewoman's time. I just want to say that I will continue this in the next special order. But I do invite all of my colleagues to remain for that. And I will be happy to explain and answer for my colleagues and give the facts of the situation.

Ms. ROYBAL-ALLARD. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentlewoman from California.

Ms. ROYBAL-ALLARD. If, in fact, we are going to be hearing the facts, I would also like to ask the question that, if we are talking about 93,000 voters in the 46th district that cast votes for the Sanchez-Dornan election, then why were 1.3 million Orange County voters' records subpoenaed and why were they all Latino names?

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank all of my colleagues for coming here and debating this issue and raising the awareness of the American people in this country. I know that the Republican leadership will have a public relations battle ahead of them. They are going to lose this one, the same way they lost the WIC battle and they lost the disaster relief package debate.

A GREAT DAY IN WASHINGTON, DC

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 7, 1997, the

gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I would like to begin tonight almost with an apology. This is one of the greatest days in American history, and what we need to be talking about this evening is not partisan bickering back and forth. What we need to be talking about is the great things that have happened out here today.

It truly is an amazing day. It is a day when we look at both sides of Pennsylvania Avenue. The President and the Republicans down here in the House and the Senate, in a bipartisan way, have reached an agreement to balance the Federal budget probably as soon as next year, lower taxes on the American people, something that we all look forward to being able to talk about, and Medicare is restored so our senior citizens, once again for a full decade, can count on their Medicare going into the future. It truly is, for a change, a great day in Washington, DC. We really have some good things to talk about.

But before I get into taking my special order, I would be happy to yield to my good friend, the honorable gentleman from Michigan [Mr. EHLERS].

SANCHEZ-DORNAN ELECTION

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. NEUMANN] for yielding and simply want to make a few comments about the discussion which just ended.

I was disappointed in the tone of the conversation and disappointed to hear the results, particularly disappointed that all the speakers whom I invited to stay to hear the explanation have decided to leave the Chamber rather than to hear the facts.

In particular, I respond to the last question which was asked; and that is, why were 1.3 million records in Orange County subpoenaed and why were they all Latino? The answer is, they were not subpoenaed and they were not all Latino. How can I respond to questions such as that which totally misstate it?

As I said earlier, this is not a witch-hunt. This is following the law that was established by the U.S. Congress and signed into law by the President of the United States. This is not an attempt to discredit the gentlewoman from California [Ms. SANCHEZ], who was certified as having won the election. And we did seat her, and she has served since that time and is serving her district to the best of her ability.

This is not a partisan attempt. It is simply a response. I wish the previous speakers had remained to hear some of the details of the law. The issuing of subpoenas is not unprecedented. It is the first time it has been done under the current law. But if we look over the 200-year history, we will find that in fact subpoenas have been issued a number of times in contested elections.

Furthermore, I would point out that in the last election we had five contested elections. What is unusual about this year is that we have only one. Of the five that were filed last year, two I think were serious challenges. The committee dealt with those and, after due examination, dismissed all of them. But the last one was not dismissed for over 20 months. It took that long to verify that the election had been won. But in the meantime, that individual had sat in Congress, had served Congress and, after it was dismissed, continued to serve in Congress.

I certainly want to clarify that this is not an attack on Latinos. As I mentioned in the discussion yesterday, a large number of the names that have emerged are Vietnamese. There are other nationalities present as well. And the names we are holding confidential, at the request of the INS.

We do not at this point know whether this investigation will proceed or how far the investigation will proceed. We are simply following the process that has been outlined. Mr. Dornan filed the contest. The committee did not file the contest. My task force did not file the contest. Mr. Dornan chose to file it, just as five individuals chose to file contests in the previous election 2 years ago. It is not the choice of the Congress as to whether or not a contest is to be filed. It is a choice of the losers in the election.

The subpoena power was not given by the committee. In fact, the committee restricted the subpoenas which were issued to Mr. Dornan by the court. He went to court and asked for the power to send out subpoenas. The first time a magistrate said yes. The opposition to Mr. Dornan went to court and said you are not supposed to do that. The judge ruled, yes, the magistrate should not have issued those subpoenas. And the judge said that he would issue those but under his conditions.

He attached those conditions. We were then asked as a committee to review those by the judge. We did quash some subpoenas. We restricted some subpoenas, and others we let stand. I would point out, also, that the majority of the subpoenas have not been honored. And, therefore, the comments that people have been harassed by this is simply not true. They are simply giving a response in several cases, and particularly the largest cases, saying we do not plan to honor this, or have simply ignored it.

These are some of the facts and I felt it incumbent to present to this body after the previous discussions some of the facts that we are dealing with. I will be happy to answer questions which are addressed to my office about this to try to clarify it as much as possible. But let me emphasize once again, I take personal umbrage at the reference to this as a witch-hunt. It clearly is not.

One might use that term to apply to the 1984 election, which is quite a different situation. I would also point out that there is a Democrat on the task force, the gentleman from Maryland [Mr. HOYER], and my colleagues can check with him as to whether or not I am attempting to run this task force as fairly as possible and in a bipartisan fashion.

My colleagues can also ask those who attended the hearing we held in Orange County. I received many comments afterward from the audience and participants commending me for running it in a fair fashion, without trying to discredit either party or to shame either one.

Obviously, we asked tough questions of those who appeared before us, including the gentlewoman from California [Ms. SANCHEZ]. Former Congressman Dornan also appeared but very, very briefly and did not give us much opportunity for questioning.

I want to thank the gentleman from Wisconsin [Mr. NEUMANN] once again for yielding and for the opportunity to set the record straight on some of these issues.

Mr. NEUMANN. Mr. Speaker, I rise this evening to talk about some very good news for the future of this country. What a great day this is here in Washington. And I truly have not said that very often.

I came here as part of the class of 1995. We came here because we were like many people in this country, we were sick and tired of the tax increases. We were sick and tired of promises of a balanced budget whose words just plain rang hollow because they had no meaning. We had heard so many times it was going to happen and it did not happen. Then there were new promises made and it did not happen again. And then taxes were raised.

What a great day it is here to bring the news of what has happened out in Washington and how different it is from 1995, looking at 1997. I am here today to talk about what has happened in Washington. It is the budget is balanced. We reach a bipartisan agreement, credit to the Republicans, to the gentleman from Ohio [Mr. KASICH], to the gentleman from Georgia [Mr. GINGRICH], to the leadership here in the House, and to the Senate, also to the President, who could have threatened veto, could have put his feet in the ground and said, we are not going to do any of this stuff, we are not going to listen, we are going to continue infighting.

But credit should be spread all around. It is important we start with the fact that the budget will be balanced by 2002 or sooner. I would like to go on record here and now this evening saying that, if we do not go into a major recession in the next 12 months, the budget is balanced not in the year 2002, but the budget is balanced in 1998.

It is very important to begin with that discussion. Because with that discussion in mind, we will understand how reasonable it is to talk about providing tax relief. Tax relief without a balanced budget effectively means we are borrowing more money from our children's future and letting people keep it and spend it today and not

being responsible for what is happening. But when we understand that, in all probability, the budget will be balanced probably in 1998, 1998 at the latest, short of a major recession, we can also provide tax relief to the American people and do it in good conscience.

I would like to spend a little bit of time talking about that tax relief tonight and going through some of the different aspects of it. Some of them are pretty well known. Some of them are not very known at all. I would like to start perhaps with the most well-known part of the tax cut package, and that is the $500 per child tax cut.

Let me be very clear on this. It starts January 1 of next year. It is $400 per child in the first area and $500 in the years after that. What does this mean to a working family out there in America? Well if you are earning less than $110,000 a year for a couple and you have got two kids, or let us say you have got three kids in your house, if you are earning less than $110,000 a year and you have got three kids, what you need to do is next year, on January 1, you need to walk into your employer's office and tell your employer you want $100 more in your paycheck starting January of next year and you want to keep that money that they were sending out to Washington before.

This is not Washington jargon or Washington nonsense. This is actually what happened out here today in Washington, DC. So a family with three kids should walk in the door next January 1 to their employer and tell their employer they want to keep $100 a month. That is $400 per child, times three, is $1,200 a year, or $100 a month that they should keep in their own paycheck instead of sending it down here to Washington, DC.

Is it not a great day in Washington when we can talk about that, instead of the 1993 discussion about which taxes we should raise and how high we should raise them. Things have changed out here in Washington, DC. And again I emphasize that this discussion is going on in light of and in addition to a balanced budget probably 3, maybe even 4 years ahead of schedule. What a great day it is here to be talking about these issues.

So, again, for a family of three kids earning less than $110,000 a year, January 1 next year you walk into your employer and you tell him that you want to keep a hundred bucks more of the money they have been sending out here to Washington, DC. Because the job that they sent us here to do in 1995 is in fact done, and it is good news for the American people.

I want to go on to some of the other things that are in here. The other one that has been well publicized is the capital gains tax reduction. I would like to be pretty explicit on this. There are some different details of this that are necessary for the American people to know about.

If you are a senior citizen and you have a pension that accumulated while you were in the work force and you are now in a position where you are taking money out of that pension and the money, of course, you put in during the past years has raised in value, you will be paying capital gains on that money.

Before, for every $100 you made in that pension fund, for every $100 of capital gains, Washington took $28 away from you. Starting now, they will only take $20. So you keep an extra $8 of your own money. It is not Washington's money. It is your money. You keep an extra $8 for every $100 of profit that you made. For every $100 of profit you made, you keep an extra $8 in your own home instead of sending it on out here to Washington, DC.

Let me be very clear about that. The capital gains tax rate is going from 28 percent, that it currently is, down to 20 percent for virtually all investments. The only exception to that rule, and if you own real estate, you want to pay particular attention to this exception, if you own real estate and you purchased a building, let us say, for $50,000 and you have depreciated the building $10,000, and then you go and sell the building, and let us hope you made a profit, let us hope you sold it for $65,000, well, the money you depreciated from the purchase price, the $50,000 down to $40,000, that is called recapture.

On the recapture portion, you will be paying a 25-percent tax. That tax is lower than it used to be too. I wish it was 20 percent across the board. If I had my way, it would be. But the bottom line is, that portion of the tax is going from 28 to 25. The rest of the tax, the appreciation in the property value, is going from 28 percent down to 20.

So good news for capital gains if you bought stocks and your stocks have appreciated in value, if you bought a piece of real estate and your real estate has appreciated in value and you sell that real estate, then when you report your capital gains, when you report your profit, you pay 20 percent tax instead of the 28 percent that you used to pay.

There are a couple more portions of this that have not been very well publicized that are important to an awful lot of people. And again I will go to the real estate portion of this because there is a very significant change that has occurred in the real estate portion as far as the capital gains tax cut is concerned.

Before, if you owned your own home and you were under the age of 55 and you sold that home, for whatever reason, job transfer or you decided to live in an apartment and save money instead, or your kids have grown and gone away and you are 45 and your last child just left home and the home is now too big for you, so you decide to sell it and own a smaller home. But at any rate, you own this home and you sell it but you are under the age of 55. In the past you paid capital gains. If you bought a home 15 years ago for $30,000 and you are selling it today for $90,000, that would be a $60,000 appreciation. And in the past, if you were not 55 years old, you would have paid capital gains tax on $60,000.

Let me make it very clear. This Tax Code changes that. Even if you are not 55 years old, you will no longer pay capital gains on the profit of the sale of your principal residence.

□ 1930

This is very, very significant to a lot of folks. If you are in a high-priced area in the country and you move to a lower-priced real estate area, you may not take all the money out of the higher-priced real estate that you own in one job; you take a job promotion into an area where home prices are lower, there may be a difference between what you sold and what you keep. You no longer pay taxes on that under this bill. As long as you have been in your home for 2 years and you sell the home, you do not pay taxes on whatever the appreciated value was. Very, very significant change for a lot of people.

One other group of people that this affects that I have been hearing from off and on during the day. I have heard from some empty nesters whose kids are either grown and gone or folks that have not had kids for whatever reason, they decided not to or have not had them yet. This empty nester provision, or this provision where you can be in your principal residence and sell it 2 years later and not pay taxes on the profit affects lots and lots of those people, for what we call empty nesters, those people whose kids are grown and gone but have not yet reached the age of 55. That empty nester can now sell their home and move into a smaller home, if that is what they want to do, they can then put some of the money, the profit away for retirement instead of sending it on out here to Washington, D.C., a very significant change in the Tax Code for a lot of people in this country.

Another portion of the Tax Code that is changed, and some people have been hearing about it, the estate tax has been changed, the exclusion for family businesses and family farms being passed on. If you are a farmer out there in our district and your farm has been in your family for generations, as many of them have in southeastern Wisconsin, all across Wisconsin, and you wish to pass that farm on to the next generation, the exclusion has been raised now to $1.3 million. And if there are two people in the family, you could pass on up to $2.6 million total to the next generation. That goes for a small business and that goes for the farms. The $600,000 exclusion is going up to $1 million over a period of time.

I want to jump from there to another provision that has been talked about but I am not sure the details have been very well described on it, and that is the education tax credit. I happen to be very familiar with the cost of education. I have one who is going to be a junior in college this year, another one

going to be a freshman in college, another one is a freshman in high school. When I think about these provisions and I think about making the payments every year on these college tuition bills, I know this provision is going to be important to many, many, many people across this country.

Let me start with your first 2 years of college. In your first 2 years of college you get a deduction; this is a tax credit of up to $1,500 per year, provided you spend $3,000 total on your college costs. If your college costs are over $3,000, you will get a $1,500 tax credit.

It is very important that we talk about the difference between a tax deduction and a tax credit. A tax credit means that if your taxes were $10,000 before and you get a $1,500 credit, that means your taxes go down to $8,500. It literally is a dollar-for-dollar deduction in your taxes.

So the good news is as we look at college students, in your first 2 years it is up to $1,500 per year in additional help to go to college. Some people do not like this provision in the bill, and I guess I have to look at this and say, well, anything that we can do here in Washington to allow the people to keep more of their own money instead of sending it on out here to Washington I think is a good provision, and I think about all the families across Wisconsin and across America that this provision is going to help, allowing those students to go off to college, and I just think it is a good move in the right direction.

I want to add one more thing in the college tuition part here. In our house, before my kids talk to me about my helping them by signing a note or whatever for them to go to college, they first have to earn $3,000 and bring it to the table. So in our house, before we start talking about help from other sources, whether it be the government or mom and dad or wherever, first the kids are expected to do something to provide for themselves. If there is one thing I would encourage every parent in the United States of America to do who has students who are either in college or thinking of going to college, I think the best thing that we can do as parents for our kids is to ask them to pay part of the cost of college themselves, because it will teach them many of the things they need to know after college and in some ways it will provide an education that is equally as important as college.

I have found in America today, at least in Wisconsin where we are from, that it is very possible for a student to earn $3,000 over the course of a year, during the summer, where there are 10, 12, 14 weeks available, and during the school year it does not hurt to work a few hours a week if necessary to make up for the addition. So I would encourage the parents to ask the students first to do something on their own to provide for their own education, but after they reach that point I am happy to say that Washington is going to let parents keep more of their own money to apply some of that money to a college education.

Let me kind of sum up where we are so far. If you are a family with three kids, you have got one of those children in college and you have got two of them still at home, you are earning less than $110,000 a year, January 1, next year, I am back to that magic date again, January 1 of next year, if you have got one in college, two still at home, you should go into your employer and not ask for $100 extra a month to keep in your own paycheck instead of sending it to Washington, you should at that point walk in the door and ask to keep $200 a month extra because you would get the $1,500 for the college help; in addition to that you would get $800 more, $400 per child in the first year, so just under $200 a month you keep instead of sending it on out here to Washington.

I smile when I say this, I have a lot of confidence in the people in this great Nation. I know they can do a better job spending their own money than the people here in Washington. This is a great day in Washington, DC.

I want to go on to a couple of other things that are maybe not quite as well publicized out there. One is the individual retirement, the IRA, the expansion of the availability of IRAs. Under the new provisions, for individuals if you earn $60,000 and up to $100,000, you will be eligible to start your own IRA. I think that is very important. I heard a lot from the young couples with no children that somehow the Tax Code did not affect them. I would like those people to know that you can open an IRA now and you will be permitted under this American dream IRA to withdraw money that you have saved up, tax free, for purposes of purchasing a home. You will be permitted to put money into this American dream IRA, aftertax dollars; but the accumulation of interest and all the rest on those aftertax dollars that you have put in there, that money stays in there untaxed. And if you are saving to buy your first home, you can take that money out tax free to buy your first home, a great provision for young folks who are looking forward to living the American dream, purchasing their first home. I think it is a very important part of this overall tax package.

The one other part that I want to just mention is the home office deduction availability for a lot of people has been increased. In the day and age that we live in, it is time that we recognize that there are many parents, single parents in particular, who are learning to make their living out of their own home so that they can both be home with their children, see their kids off to school and at the same time earn some of that money. The home office deduction that has been so hard to claim in the past has been put back and there have been some significant changes in that area to help people be able to accept that.

I have been summarizing what has happened out here today. It truly is a great day in Washington, DC. I think this is the first time I have ever been on the floor that I said it is truly a great day in Washington. I have to admit when I came here 2 years ago, I was not sure that I would ever stand on the floor of the House of Representatives and say that it has been a great day in Washington, DC. But to be able to stand here and talk about accomplishing so many things that we were sent here to do, the balanced budget, and we are not talking about 2002 now, although that is the outer bounds of when it may be balanced, the reality of this picture is that if we can finish what is in this budget agreement and hold those spending caps, we are looking at the balanced budget in 1998, in 1999 at the latest, on track, ahead of schedule.

What a magnificent change we have had since 1995 and what a magnificent change it is for the future of this great Nation we live in.

Having said that, I would like to talk a little bit about the past, and then how we got to where we are today, and then where we are going in the future. Let me start just briefly with a little bit about the past.

I almost hate to talk about this on a great day like today because when I do talk about the past, we get a picture of what has been going on out here before the American people rejected what was happening in 1994 and sent a new group out here to control Washington, DC. It is important we understand the difference between a checkbook and borrowing money to buy a house, between Federal deficit spending which is the checkbook, and Federal debt which is the amount of money that gets borrowed. Every year since 1969, this government has spent more money than it had in its checkbook. It reached into your pockets, the pockets of the American people, it collected tax dollars, it put those dollars in a checkbook, then it started writing out checks. But they have not been paying very close attention to how many checks they write out because at the end of the year they overdrew their check book each year. That is called the deficit.

When they talk about balancing the budget in Washington, what they mean is they are going to stop overdrawing their checkbook every year. But when you think about overdrawing your checkbook every year since 1969, it is not hard to figure out that the debt has started to explode. The debt is when they go and borrow money to cover their overdrawn checkbook. It is no different than sitting around your own kitchen table writing out checks to pay your bills and overdrawing your checkbook. Well, that does not work. You have to get the money from somewhere.

What Washington has been doing is they have been borrowing it. This chart shows the growth of the Federal debt, it shows how year after year after

year as they overspent their checkbook, they borrowed more and more and more money. I would point out that around about 1980 is when this thing really started climbing. I know all the Democrats out there go, ''That's the year that Republican President Reagan took over'' and all the Republicans go, ''Yeah, that's the year the Democrat Congress spent way too much money.'' We blame each other out here. It is time we get past blaming each other and it is time we accept the fact that this is a problem facing our Nation and do something about it, and in fact that is what has happened since 1995.

I would also point out that we are about here on this chart right now. The debt facing our Nation has grown to huge proportions. Remember, this is the part that is like borrowing money to buy your house. I have brought another chart that shows how big this number actually is. I am a former math teacher. We used to do these problems in my math classrooms. The debt currently stands at $5.3 trillion. Even when we are through the euphoria of today, the good news that we have reached a balanced budget and we are lowering taxes, we still have this $5.3 trillion debt hanging over our heads; $5.3 trillion divided up amongst the people in the country, if every person were to pay just their share of the Federal debt, it would be $20,000 for every man, woman and child in the United States. Let me put this another way. This government, the people in Washington, DC, especially before 1995, saw fit to spend $20,000 of our children's money more than what they collected in taxes from our generation. For a family of five like mine, they spent $100,000. They have literally borrowed $100,000 on behalf of every group of five people in the United States of America. Here is the kicker. A family of 5 in America today is paying $580 a month to do nothing but pay their share of the interest on this Federal debt.

A lot of people say, ''Well, I don't pay $580 a month in taxes, so how could I possibly be paying $580 a month to pay our share on that Federal debt?'' The reality is when you walk in a store and you buy a new pair of jeans or when you walk in a store and you buy a loaf of bread, the store owner makes a small profit on the sale of that loaf of bread to the person that walked in and bought it. Part of that profit gets sent out here to Washington, DC. When you add up all the different parts of the taxes that you pay through society, every family of five in America today or every group of five people is paying $580 a month to do nothing but pay the interest on the Federal debt. It is staggering.

In spite of the fact we had a great day, we are getting to a point where we are at least balancing our budget, we are not going to keep adding to that Federal debt as we go forward. In spite of the fact that we have had a great day out here today and we have moved in the right direction, this debt is still hanging over our head after we reach a balanced budget.

It would seem logical to ask how in the world did we get into this kind of a mess. How did we get to a point where a family of five is in debt on behalf of their Government $100,000? I think that is the next logical thing that should be looked at.

To do that, I would like to refer back to what was going on in the late 1980's and the early 1990's in Washington, DC. This is before what I call the revolt of the American people in 1994, because remember it was 1994 where the American people said, ''Enough is enough, we've had it with the tax increases, the broken promises, we're going to try a new party in control in the House of Representatives and in the Senate.'' First time in 40 years they did that. This is the late 1980's and the early 1990's. This is the Gram-Rudman-Hollings promises first of 1985 to balance the budget by 1991.

The blue line shows the promises that they made. The red line shows the actual deficits. It is not hard to see in this picture that the promises made were not what they did out here in Washington, DC. So even though they made these promises to the American people, they broke them. When they found out they could not hit these targets, they did what all good people in Washington do; they made a new set of promises. It is no wonder the American people got so cynical about what is being said out of this city. They made a whole new set of promises.

The blue line shows what they promised the second time and the red line shows the broken promises again. It is not hard to figure out why the American people are so cynical. When I call home to my district and I say, ''Hey, guess what, the budget's balanced probably next year, maybe the year after at the latest, but certainly before 2002,'' sometimes people do not believe us. It is not hard for me to figure out why they do not believe it because when I look at the track record of what went on out here in Washington before 1995, it is very easy to see these broken promises. So what happened? Well, they broke the promises; 1993 came and went, there was no balanced budget. But in 1993, a very significant happening occurred. The people in Washington said, ''We're going to get serious about balancing the budget, we know how to do it, we're going to raise taxes on the American people because if we just collect enough money out of the pockets of the American people, if we get enough money out here in Washington, we'll know how to spend it best for the people and then we can balance the budget.'' That was 1993. The tax increase passed by a single vote in the House of Representatives, the tax increase passed by a single vote in the Senate, not a single Republican in either body voted for the bill, the tax increase went through.

That was the best thing that ever happened in a lot of ways. Let me explain why. The American people looked at this picture and the broken promises and they looked at the tax increases of 1993, and they said, ''Enough is enough, we're going to change what is going on in Washington, DC'' and in 1995 an amazing thing happened. They elected a new group to control it. They put the Republicans in control of both the House and the Senate.

□ 1945

And interesting things happened, things changed. The Republicans got here, and much like the people that were in control in the past, they gave a set of promises to the American people, too. They said we are going to balance the budget by the year 2002 and not only that, we are going to cut your taxes while we are doing it. And they laid a plan out. I think it is more than fair that at this point the American people should say: ''Look, 1995 is 2 years ago you're really in the third year of your 7-year plan to balance the budget. How you doing?''

And I think that is a fair question, and I think it deserves an answer because it helps people see how different things are from how they were before.

The red in this chart, the red columns show the promises made in 1995 by the Republicans when they took over. This is our plan to balance the budget by the year 2002, and in this chart you will notice that in the year 2002 it zeros out, that it is a balanced budget.

This is our promises that we made back in 1995. We are now in the third year. Let us see how we are doing.

Well, the first year came and went. We promised the deficit would be lower than $154 billion, it came in at $107 billion. First year, on track ahead of schedule.

Think back to those Gramm-Rudman-Hollings charts I had up here a minute ago. What a change, on track, ahead of schedule.

Second year came. Second year we promised deficits below $174 billion. This shows $67 billion. The good news is this is probably going to be $30 billion. This is great news for America. We are over a $100 billion ahead.

How in the world did that happen? Well, it is pretty straightforward. We had this working model that we put into place back in 1995. Here is our theory:

Our theory was that if we curtailed the growth of the American spending, we left the money in the pockets of the people, we did not want to hear about tax increases. Instead we curtailed the growth of Government spending. If we curtailed the growth of Government spending, that meant Washington was going to spend less, so they would borrow less. When they borrowed less that meant more money available in the private sector.

Well, if there is more money available in the private sector, more money available means lower interest rates. Lower interest rates would mean people would buy more houses and cars,

and if they bought more houses and cars, other people would have to go to work building the houses and cars and that would be a long ways toward solving the welfare problems because of course they would leave the welfare rolls, go to work and start paying taxes.

The bottom line is that theory, that working theory of curtailing the growth of Government spending so Washington borrows less, leaving more available in the private sector, keeping the interest rates down so people will buy more houses and cars, so others will have job opportunities building those houses and cars, the model worked, and that is why we are so far ahead of schedule here in the second year.

It led to a booming economy, and we hear in the news now that the economy is booming and making us all work absolutely. Part of this is the booming economy that is making it work. Part of the reason the economy is booming is because the interest rates have stayed down, and here is part of the picture why.

Well, that was the second year, on track, ahead of schedule. We are now in the third year. The third year we promised a deficit below $139 billion, and I would like to make a projection here now tonight. My chart shows $90 billion deficit next year or in the fiscal year we are now working in. I would like to predict that that number is going to read zero. I would like to suggest that in fact we are going to find out in the next few months that the budget is going to be balanced in fiscal year 1998, fiscal year 1999 at the latest, if we just stay with the economy the way it is now. No big boom, no massive downturn, if it just stays just the way it is right now and we continue to hold spending in check, we will have a balanced budget as soon as next year.

Folks, we are not only on target, we are in the third year of a 7-year plan to balance the Federal budget, and we are not only on track, but we are significantly ahead of schedule to the point where we can both balance the budget and provide tax relief for the American people. Great news for America and, like I said, it is just great to look at these numbers and be able to talk positive about what has happened out here in spite of all the rest of the stuff.

If you were tuned in earlier and you saw the bickering that went on on this floor just before we got here and took over for this hour, all of the partisan bickering aside, everything else that has happened out here, the bottom line is if we look at the war, the war to balance the Federal budget and preserve this Nation for the future generations, we are winning the war right now and it is almost over.

Now I have heard a lot in the news media that the only thing going on is the economy is booming, and in fact there is a lot of folks that would like to say, well, Washington is still so fouled up and the only thing going on is the economy is booming.

Well, I brought a chart with me to help see that in fact there are two parts to this thing working; one is the economy, and certainly we do not want to take anything away from that, but the other one is again things have changed since 1995. In the 7 years before Republicans took over in 1995 the average growth in spending for the Federal Government was 5.2 percent. Since Republicans have taken over and in the first 7 years of the Republicans, including the balance of 4 years have not yet occurred, growth is 3.2 percent. So under the first 7 years of Republican control, 3.2 percent growth. Under the last 7 years, Democrat control, 5.2 percent growth.

Now what does this really mean? There is a couple of things that are pretty significant in this chart.

First, the American people have been told repeatedly that there are draconian cuts in Washington. Well, the first thing I would point out is that there are no cuts. Spending in Washington is still going up by 3.2 percent. But the growth in Government spending has been curtailed by 40 percent. That is about a 40-percent reduction in the growth of Government spending.

That is good news, and that is part of what has led us to success.

On the other side we see in real dollars or inflation-adjusted dollars before we got here was going up about 1.8 percent per year and it is now going up about 0.6, so it has been about a two-thirds reduction in the growth of Government spending.

The idea that there are massive, draconian cuts in Washington programs is nonsense. In fact, do we still have a long ways to go to get the growth of Government spending completely under control? Yes is the answer to that question. We still have a way to go.

There is a lot of very conservative Republicans who are saying the budget agreement is no good because, and you can fill in the blank for what they put in. They would like this blue area to read zero. They would like absolutely no growth in Government spending, and if I were perfectly honest about it, I probably fall into that category. I would prefer less growth in Government spending and let the people keep more of their own money and decide how to spend it themselves. But I do not think that means we should look away from the progress that has been made, and there clearly has been progress made reducing the growth in Government spending, putting us in the third year of a 7-year plan to balance the Federal budget and being on track and ahead of schedule. That is not all bad, that is good, and we are on the right track. We have turned a very significant corner for the future of this great Nation that we live in.

I would like to put this all in perspective another way. If when we came to Washington, DC instead of doing our jobs we played basketball and golf, what would have happened? And that is what this chart shows. This is what we found when we got to Washington in 1995, when the American people made that change, the revolt of 1994, rejecting the tax increases of 1993, rejecting the broken promises of the early 1990's and late 1980's. This is what we found.

The deficit was about $175-, $180 billion at that point, and this red line shows you what would have happened had we decided to play basketball and golf and not done our job out here.

But instead of doing that in the first 12 months we made some progress, and it was—there was no bullets fired but it was just short of a war. Some folks remember what was called a government shutdown and all the negative ''cutting Medicare'' stuff and all of the negative misinformation that was put out of this city.

We did go through a war. At the end of 12 months this yellow line shows how far we would come if we quit at that point. We could not quit at that point because the job was not done.

The green line shows the plan that we laid in place to balance the Federal budget and again thinking back to the Gramm-Rudman-Hollings and how they never hit their targets. The blue line shows you where we actually are today. This is how much progress has been made. This is what would have happened if we did nothing. This is what did happen in the first 12 months' progress that was made. We did not quit. This is the plan and this is where we are.

What great news for America: We are winning this war. We are winning the war to preserve the future of this Nation. What other Nations could not do with military power we almost did to ourselves by running up such a huge debt that we would have no ability to repay it.

This is not the end of the picture, and again I point out where we had this discussion a little bit after the budget is balanced, when we reach zero, when we are no longer overdrawing our checkbook, the job is not done. We still have a $5.3 trillion debt staring us in the face, and the logical question is: What are you going to do about that?

Well, before we answer that question I think we ought to pause long enough to applaud the progress that has been made. There has not been a balanced budget in this community since 1969. There has not been a tax cut in this community since 1982. There has been a lot of tax increases, but no tax cuts.

So before we go on to what is next let us at least pause long enough to recognize that from 1995 forward things have changed in this community, and I would encourage anyone watching tonight, and I would encourage my colleagues to congratulate each other on what has happened out here in Washington and the change that has occurred since 1995.

It should be a tribute to the American people is who it should be a tribute to because had they not changed what was going on in Washington by

electing different people, the same stuff would be going on again. There is no reason to believe anything different.

What is next? Well, we still have a $5.4 trillion debt staring us in the face.

We introduced last week a bill called the National Debt Repayment Act, and what the National Debt Repayment Act does is it recognizes that we are soon going to have a balanced budget, and after we balance the budget it caps the growth in Government spending at a rate 1 percent lower than the rate of revenue growth. By capping the growth in Government spending 1 percent lower than the rate of revenue growth, that creates a surplus. The surplus is taken two-thirds to pay down the debt and one-third to further reduce taxes. It is the National Debt Repayment Act. I am happy to say there is currently about 100 cosponsors in the House of Representatives: NEWT GINGRICH, JOHN KASICH, JERRY SOLOMON, BOB LIVINGSTON, BILL PAXON, a large group of the Republican leadership is already on board as cosponsors. I am happy to say that the Democrats have joined us. It is a bipartisan bill doing what is good for the future of our country. GARY CONDIT, DAVE MINGE, Mr. GOODE from Virginia, a large group, a good number of Democrats have joined us as well, and I am happy to report that we also have the support of one of the Nation's leading Independents in Ross Perot.

So when you start looking at this bill with Republican House leadership on board, Democrats from the House on board, Independents on board, it is time for the rest of the people in this community.

To my colleagues, I encourage you to call our office tomorrow, join us as cosponsors on this bill to repay the Federal debt so that we can give this Nation to our children debt free.

Now with that, I would like to open another topic because there is another very important topic that is directly related to this debt, and that is Social Security. When we repay the Federal debt, we are also restoring the Social Security trust fund, and I think it is significant that we understand what is happening in Social Security.

Every year the Federal Government is going into the paychecks of working Americans and collecting Social Security tax. Well, they are collecting more in tax dollars than what they are paying back out to our seniors in benefits. That is creating a surplus in Social Security. That surplus is supposed to be set aside into the Social Security trust fund; $75 billion this year alone is supposed to go into the Social Security trust fund.

Now it should be no big surprise to anyone out there thinking back to before 1995 that in Washington, DC when they got this surplus in their hands, they spent all the money. So there is no money left. What they do with that surplus is they put it in their Government checkbook, they spend it in other Government programs, and they then write an IOU for the Social Security trust fund.

So the system is working today, they are collecting more money than they are paying back out in benefits. That extra money though, and that is where the system breaks down, is supposed to be put into Social Security trust fund. Instead, it goes into the big government checkbook, it then gets spent on other government programs. Since there is no money left in the checkbook at the end, they put IOUs down the trust.

And I have got a picture to help see that.

When we think about balancing the budget in Washington, DC, because of the way they are doing it with Social Security, when we say the budget in Washington is balanced, we are effectively getting rid of the reported deficit. What we report to the American people from Washington of a deficit is this blue area on the chart. What we do not tell the American people is that in addition to that we are taking the money out of the Social Security trust fund.

In 1996, for example, the deficit was reported at $107 billion, and there was $65 billion more taken out of the Social Security trust fund. Well, the real deficit was $172 billion, so if we had reported the real deficit, it would have been much larger, and of course when we say we are going to balance the budget, this is my last chart of the evening, but when we say we are going to balance the budget, what we mean is we are going to take that blue area and make it disappear. In the year that we balance the budget we will still be taking $104 billion out of the Social Security trust fund to make our budget look balanced.

Now we have had all good news here tonight, we have made huge progress in the right direction, but I think we need to understand that we still have a huge problem with the Social Security trust fund.

What is going on is that extra money that is coming in is being used to make the budget appear balanced. We need to enact a bill called the Social Security Preservation Act, and again I would encourage our colleagues if you have not already joined us on this join us on it. The Social Security Preservation Act would require that this extra money, the money for the Social Security trust fund, actually be put into the Social Security trust fund.

Now if out in America that sounds like common sense, I have to admit it sounds like common sense to me, too. In our business had we taken our pension money, spent it on other parts of the business and put IOU's in the pension they would have literally locked me up in jail. It would have been illegal and against the rules. This practice needs to be stopped, and the logical next step after we get to a balanced budget is to stop the practice of taking the Social Security trust fund money.

How does this all tie together? Well, the National Debt Repayment Act, as we are repaying the Federal debt, we would also be putting real dollars back in place of these IOU's that are put in here. This was money that was taken out, for example, last year. That all becomes part of the $5.3 trillion debt. So as we are paying down the Federal debt we would also be restoring or putting this money back that has been taken out and spent in other Government programs.

□ 2000

It brings us back to the National Debt Repayment Act. Under the National Debt Repayment Act we would start running surpluses after we reached a balanced budget. We would cap the growth of government spending at least 1 percent below the rate of revenue growth, thereby creating a surplus. With that surplus, one-third goes to additional tax cuts, two-thirds go to paying back the debt.

When we are paying back the debt, it is very, very significant for our senior citizens to understand that we would also be putting the money back into the Social Security trust fund that has been taken out over the last 15 years.

If there are senior citizens paying attention this evening that get angry at this, they are not alone. There are a lot of people in this country that are very upset when they find out that the money that was supposed to be set aside for Social Security has actually been set aside for other programs. I would not say they are surprised, but they are very upset that the process is going on that way.

I am happy to say that either passing the Social Security Preservation Act, a bill we introduced about 2 months ago, or the National Debt Repayment Act, either one of these bills will solve this problem and restore the Social Security trust fund.

So why should our colleagues join us in the National Debt Repayment Act? Good news out of Washington today; turn on any network TV you want to see and you will find that the Republicans and the Democrats have reached agreement on a balanced budget. They are still saying 2002. I am here to tell the Members if we do not go into a major recession, it could be next year, it could be the year after.

The national debt repayment answers the question of what next. What next is after we reach a balanced budget, we start repaying the Federal debt. When we repay the Federal debt, three things happen: First and most important, we get to pass this Nation on to our children debt free. By the year 2026, the entire Federal debt would be repaid and we could give this Nation to our children debt free.

The second thing that happens under this, for the people that are in the work force today, we started with the children and let us go to the next generation up, for people in the work force today, under the National Debt Repayment Act one-third of all surpluses guarantee additional tax cuts.

Just think about this. Instead of a tax cut once every 16 years, under the

National Debt Repayment Act there is a guaranteed tax cut every year from now on, unless we fall into a recession, in which case the bill kicks out. So we are now looking at a debt-free Nation for our children, additional tax reductions for the people in the work force today.

Now we turn to seniors. For our senior citizens, the National Debt Repayment Act means that the Social Security trust fund is restored and they can once again look forward to receiving Social Security. The solvency of the Social Security trust fund becomes real under the National Debt Repayment Act. The IOU's are repaid with real assets.

The Social Security trust fund, by the way, is bankrupt by the year 2012 if this sort of bill is not put into place. Either the Social Security Preservation Act or our National Debt Repayment Act will restore the Social Security trust fund and make it solvent beyond the year 2002.

That is a lot of different information. I have gone through a lot of charts here tonight. I think it would be reasonable to summarize this whole thing by maybe starting with the past, what happened before, summarizing where we are today, and then just a brief review on the future of where we go to next.

The past: Gramm-Rudman-Hollings, promises of a balanced budget that were regularly broken. The late 1980's, early 1990's: promises of targets, we would reach a balanced budget, but no balanced budget. The American people became somewhat cynical. They stopped believing in the people they sent to Washington, and when they told them that they were going to have a balanced budget, the American people quit believing it because they had been misled so many times. That is the past, the late 1980's, the early 1990's.

The American people finally revolted after 1991, the tax increase. That is the past. Broken promises of a balanced budget, the past; tax increases, giving Washington more money so Washington can maintain its programs and still try and balance the budget. The past is tax increases, the past is more Washington.

The present, a very different place. In the present, we are in the third year of a 7-year plan to balance the Federal budget. We are not only on track but we are ahead of schedule, to a point where we may very well have a balanced budget next year for the first time since 1969. We are in a position where, because of the theory of 1995, the theory of curtailing the growth of Washington spending, Washington not having spending growth as high means they borrow less money. There is more money in the private sector. More money in the private sector means lower interest rates. Lower interest rates mean more houses and cars are sold. More house and car sales means more job opportunities for people who build them.

That is the working model of 1995. It is in place and it is working. We are in the third year of a 7-year plan to balance the budget. We are not only on track, we are ahead of schedule. The good news is there are tax cuts coming for the American people virtually across the board.

I would like to just review a little bit those tax cuts, because it is such good news. If you have children in your household and are earning less than $110,000 a year, on January 1 of next year take the number of children times 400 and divide by 12, and then ask your boss to keep that much of your own money instead of sending it here to Washington.

If you have three kids in your house, 3 times 400 is $1,200. Divide that by 12, because are 12 months in the year, one-twelfth of that is $100. On January 1 of next year if you have three kids in your house, walk in to your employer and tell your employer you want to keep $100 more of your own money instead of sending it to Washington; get your pay raise January 1 of next year, do not wait. You might as well get the money then, instead of sending it out to Washington. The good news, the 400 number goes to 500 the following year.

Capital gains. If you are a senior drawing out of your pension fund and your pension made a profit, if you own stocks that have appreciated in value and wish to sell them, if you own real estate and you are going to transfer ownership, the 28 percent you used to pay in capital gains, it goes to 20 percent for all capital gains with the exception of real estate that has been depreciated, and on that portion of real estate that you have depreciated, it is called the recapture portion, it remains at 25 percent. So it is a 3-percent reduction on that area, it is an 8 percent across-the-board reduction on the rest.

And again, let me translate this. If you are a senior citizen and you get money out of your pension fund and that money has appreciated in value over the last 20 years because you saved up to take care of yourself, called personal responsibility, if you are that senior citizen, and you take $100 of profit out, instead of sending $28 to Washington, you only send 20, and you keep the extra 8 in your own house. It is your money.

So I am happy to say in the present we are in the third year to balance the budget. We are on track. We are ahead of schedule. The budget will be balanced probably next year, 1999 at the latest. The good news is you should expect additional tax cuts in the not too distant future.

If anyone out there can figure out a way they are not affected by this tax cut, they need to let us know so in the next round we can make sure anybody missed in the first round gets picked up. If anyone is upset about the tax cuts, I would just encourage them to think back to 1993 when the discussion was about tax increases, and think what a wonderful privilege it is to be here having a fight about which taxes to cut and how far to cut them.

The future, even after we get to a balanced budget we still have some problems facing our country. The problems are a $5.3 trillion debt. The problems are the money that has been taken out of the Social Security trust fund. The good news is the National Debt Repayment Act.

What is next? We are going to pay off that Federal debt by capping the growth of Government spending, hear this clearly, not reaching into the pockets of the American people and taking out more tax dollars, but by controlling the growth of Government spending in Washington.

We cap the growth of Government spending at least 1 percent below the rate of revenue growth. That creates a surplus. Two-thirds of the surplus goes to repaying the debt, one-third goes to additional tax cuts. As we repay the debt, the money that has been taken out of the Social Security trust fund is also put back in.

What a great vision for the future of this Nation: a balanced budget, lower taxes, the debt repaid so our children get this Nation debt free, and the Social Security trust fund restored so our seniors can once again be confident as they look forward to their future in the great Nation that we live in.

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

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding. I think it is good news, the amount of progress we have made. I came in 1993. We were looking at $260 billion deficits as far as the eye could see. We were looking at increasing taxes. We were looking at proposals that said to stimulate the economy we have to spend in Washington.

Now, 4 years later, we are in double digits in the deficit.

Mr. NEUMANN. I would ask the gentleman, there is a real important distinction to be made. I ran as a Republican, even though in the past I had voted both Democrat and Republican. I ran as a Republican because the ''we'' the gentleman was talking about was on the other side of the aisle. Not a single solitary Republican voted for that tax increase in 1993. That was passed with Democrat votes. I think that distinction is very important.

Mr. HOEKSTRA. I thank the gentleman for adding that clarity. He is right, it was passed by Democratic votes, by one vote, I think, in both the House and Senate. But it is a much different vision than what we have now. We are in double digits with the deficit, we are maybe as low as $20 to $30 billion very soon, within the next year or 2. We are looking at a surplus budget.

I think my colleague would agree that getting to a surplus budget is really going to free us now to take a look at paying off the debt, paying it down, building a better future for our kids,

building a better future and a more secure future for our seniors.

The surplus budget I think will not only enable us to talk about tax breaks for people who have missed out in this one, but I do think tax breaks the way Republicans believe they should happen, across-the-board tax cuts, rather than picking out winners and losers and carving out these things, which much of this has. But it is very, very good and very broad-based in this tax bill.

But where we want to go is to go to a simpler tax system, a fairer tax system that has lower rates for everyone, so for those that want to invest in a small business or a farm or education or whatever, they make those choices, rather than that heavy inducement from Washington saying, you really ought to go and do this, or, this is what we want you to do. Let people explore their own potential.

I know in my own State, with the automobile industry, we need kids in college, we need high-tech people. We also need the journeyman, the machinists who are now working on high-tech million-dollar machines, making the tool and die equipment we are going to need after the year 2000.

Mr. NEUMANN. Mr. Speaker, we need young people who are going to dream about the future of America, and their dream is not going to be so influenced by Washington control that they can once again open their own minds to think about what they can do, work hard, achieve, get ahead, live the American dream. We need our young people to once again look at this great Nation and see that they have the opportunity, if they work hard, take care of themselves, to get ahead in our country.

That is what made America great in the first place is people who were able to look not with government influence and not to Washington, but were able to reach down deep inside of themselves and figure out what it was that was going to make themselves and their Nation a better place. That is what we need. We need people who are willing to dream again.

Mr. HOEKSTRA. If the gentleman will yield further, Mr. Speaker, I think getting this American dream alive and giving people the opportunity to design and choose for their own future is where we are headed. That is why the decisions and the bills and the legislation that we will pass in the next couple of days are only an initial step for smaller government, more freedom, lower taxes, and enabling people to make decisions that impact their lives, rather than Washington making those decisions for them.

So yes, from 1993, boy, we have turned this ship around. We are headed in the right direction, but this is only the first step, and we have a lot of steps to go to get us to where we need to be and where we want to be, which I think will be a much better place, a much better place for our kids, a much better place for families. I think it will be an exciting place, because when you take the strains off, people will blossom, they will grow, and we will relive and we will rekindle the entrepreneurial spirit hopefully in every American.

Mr. NEUMANN. Mr. Speaker, one thing that happens out here, and I used to coach basketball, and we would have games like back to back. We would win the first game, and we would right away turn our focus to the next game, and we would forget to stop long enough to realize that we had just won the first game. It was almost like, wow, we won. Let us get going to the next game.

I do think it is important that on a day like today we do pause and we do recognize that we do not have broken promises of a balanced budget; we actually have a balanced budget. We do not have broken promises of lower taxes; we actually have a tax cut and it is very real. It is so real that on January 1 of next year people can walk into their place of employment and reduce the amount of money that they are sending to Washington, DC. It is so real that if they are selling stocks or bonds or drawing pensions today and paying that capital gains tax on that pension money, they can reduce the amount they are sending to Washington and keep more in their own homes right now, today.

We need to pause long enough to realize that we just won this basketball game before we go into the next game. It is a long season ahead, I agree. We have a long ways to go. But each one of these games that we win along the way, they are really not games, it is the future of America we are talking about here. But each time we make one of these significant days, days like today, we do need to pause long enough to acknowledge the successes that have occurred. Sometimes in Washington we forget that.

Mr. HOEKSTRA. If the gentleman will continue to yield, Mr. Speaker, there are a significant number of things in here.

A couple of weeks ago we were debating about the National Endowment for the Arts. I gave a presentation on that. I did not really think Washington should pick winners and losers for what art gets funded and what does not get funded.

We gave this presentation and talked to a group of people in the arts community who said, you know, if you really want to help the arts community, give us the home office deduction, because for many of us our homes are our studios, and that would be a big help to us. Plus then you are not choosing, all of us would benefit from that, so we are not competing for this little grant.

The other thing they said to us, give us a 100 percent tax deduction for health care. We are self-employed. We are entrepreneurs. We are not part of a large group or a large corporation. We need health insurance. We need health care. Let us buy this.

This tax bill will have that in there, both of those features in there for them.

Mr. NEUMANN. Mr. Speaker, would the gentleman go into a little more detail, because I did not cover that very well before about the health deduction for business owners. If you are self-employed and you are buying your own insurance, it used to be that you could not write off the cost of your insurance, but if you worked for a big company somewhere and got it as a benefit, it was a tax-free benefit. Would the gentleman explain that a little more?

Mr. HOEKSTRA. Sure. The gentleman is exactly right. I worked for a Fortune 500 company before I came here in 1993. The company bought health insurance for me and my family. It was tax deductible. If I would have been an entrepreneur, I could not have deducted a comparable cost of buying insurance for myself.

We have modified that. Did we do it last year? I think we did it with the Contract With America, and we said we are going to phase in the tax deductibility. I think we went all the way up to 85 percent over a period of time.

□ 2015

Now, with this bill, we are going to say that as an entrepreneur, as a small business person, as an individual we will be able to fully deduct 100 percent of our health care premiums just like the large Fortune 500 companies do for their employees.

I am not sure of exactly the time line, but it is going to happen and we will get to 100 percent tax deductibility.

Mr. NEUMANN. I was on the other side of that fixture, I was the entrepreneur out there starting my own business and working hard, and it was infuriating that many of the people we were selling homes to were allowed to have that deduction tax free, but somehow individuals out there trying to make it on their own, they were not eligible for the same treatment under the Tax Code.

I am happy to say, I guess if I were to pick one area that I want to go to next personally, where I would like to see additional tax cuts, and what a great discussion this is, where do we go next, what taxes do we cut? How different from 1993 when they were talking about tax increases. I would like to see the marriage tax penalty eliminated.

In our Nation today, if four people are working all at the same job, earning the same money, and two of those people are married to each other and two are not, the two people that are not married to each other pay less taxes than the two people in the same job earning the same money who are married to each other. And that does not seem fair. That is my top target next.

Mr. HOEKSTRA. Just in closing, I think the gentleman is right, the exciting days are in front of us. We will get to a surplus budget. When we get there,

we will have a whole new range of options, debates and issues and new directions that we can talk about and that, I think, is going to be very exciting. I thank the gentleman for doing this special order and thank him for allowing me to participate.

Mr. NEUMANN. Mr. Speaker, I want to close out my time this evening by paying tribute to so many people that are involved in this, from our families and kids who spend time without us so this can get done, to all the people across this Nation who elected a group of people in 1995 that were going to come here to Washington, change what was going on, provide the Nation with a balanced budget, lower taxes, and Medicare restored.

That is what this is all about, and I want to close tonight by paying tribute to all the people that have been involved in this process.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore [Mr. METCALF]. Is there objection to the request of the gentlewoman from California?

There was no objection.

CIVIL RIGHTS TRIBUTE TO FORMER SUPREME COURT JUSTICE WILLIAM J. BRENNAN, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I rise this evening to begin a special tribute by the members of the Congressional Black Caucus for the late Justice William J. Brennan, Jr., one of the most influential and visionary jurists in our Nation's history.

Before I take time, I would like to yield the first of this hour to one of the leaders of the Congressional Black Caucus, who immediately upon the passing of Justice Brennan said it was important for the Congressional Black Caucus to take this floor and pay tribute to, give honor to the man who assisted this Nation in our civil rights efforts.

With that, I would like to yield to the gentleman from Florida, [Mr. ALCEE HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I am deeply grateful to the chairwoman of the Congressional Black Caucus, the gentlewoman from California, Ms. MAXINE WATERS, my good friend, for yielding to me to begin this special order this evening.

Today, many of us in the Black Caucus and others of our colleagues here in the House and in the other body had the good fortune to be able to go the homegoing celebration of Justice Brennan. Because of the lateness of the hour, a significant number of our colleagues who wanted to be with us have seen fit to contribute their remarks in the RECORD, and they did, in fact, including the gentlewoman from Florida, Mrs. MEEK, and the gentlewomen from Texas, Ms. EDDIE BERNICE JOHNSON and Ms. JACKSON-LEE, as three that I know.

Mr. Speaker, I rise today to pay special tribute to the life and career of former Supreme Court Justice William J. Brennan, a man who, and I might add I learned today for the first time that that ''J'' stood for Joseph, a man who epitomized the word ''liberal.''

As I stand today, I am kind of propelled by the question, what is a liberal? Often we hear that here in this body, the question put, what is a liberal? And we hear it in negative terms when one is identified in that manner.

As I confront with my colleagues the myriad assaults on the liberal causes of equality and justice, and the homilist today, the Reverend John O'Hara, at Saint Matthews Church, at the funeral of Justice Brennan, cited the fact that not only did he stand for equality and justice, but he also brought to that civility. These ideas which most of us in the Black Caucus and many Members of this body have devoted entire careers pursuing, this question then is obviously of paramount importance.

What is a liberal? There are a lot of definitions. Let me offer one. A liberal is someone who is guided by principles of fairness and equality and civility, even when such principles are unpopular. A liberal is someone who stands up for justice and fairness regardless of public opinion. A liberal fights for the rights of individuals, no matter their social, economic, racial or religious circumstance, and often because of them.

A liberal believes that the U.S. Constitution was adopted to expand, not limit, individual freedoms. A liberal would give her or his life to eliminate all forms of second-class citizenship, understanding that until all are free, none are free. Justice Brennan was a liberal, Mr. Speaker.

As a member of the Congressional Black Caucus, a lawyer and a former judge, I am especially proud to honor this distinguished jurist. It is apropos that I rise today. Justice Brennan's belief in the ideal of one person, one vote, and his relentless support of the protection of voting rights for all Americans directly led to a fairer reapportionment of congressional districts.

As I look around this body when it is in full bloom, which more accurately reflects the American people today than it did half a decade ago, I am reminded of the quote, and I learned today at the funeral that the Justice had asked the homilist, Reverend O'Hara, to make sure at his funeral that it be short; and, No. 2, that they play some Latin songs. I did not know of his fondness, and so I looked up a quote: ''Si monumentum requires circumspice.'' If you would see his monument, look around you.

Justice Brennan's monument is all around us in this great country, and he, through his legacy, has contributed to the diversity of this great body. In the area of civil rights, Justice Brennan joined the late Justice Thurgood Marshall, his judicial soulmate, as the court's most outspoken advocates for affirmative action.

We are about to undertake that debate here. And it would be healthy if all of our colleagues had had the good fortune to read some of the 1,360 opinions that William Joseph Brennan authored as a member of the United States Supreme Court.

For example, in United States Steel Workers of America versus Weber, Justice Brennan wrote that it would be ironic ''if a law triggered by a Nation's concern over centuries of racial injustice and intended to improve the lot of those who had been excluded from the American dream for so long, prohibited all voluntary race-conscious efforts to abolish racial segregation and hierarchy.''

Justice Brennan understood that we still, in America and in the world, live as persons infected with various forms of racism and prejudice. Mr. Speaker, he understood that the only way to remedy the evils of the past would be to take affirmative action to eliminate its ugly and devastating impact on those today.

As all of my colleagues in the Black Caucus who come today to pay tribute to this giant have fought for equality and fairness under the law, I fought for it along with my colleagues, from the courthouse to the statehouse and in the U.S. House. I was certainly, as all of our colleagues are in this Nation, saddened by the departure of Justice Brennan from the court.

Today, however, I remain encouraged that his legacy of individual freedom will be evanescent. As someone who had an opportunity to practice under those decisions, I, for one, am grateful for his legacy.

I must pause briefly, Mr. Speaker, to thank the chairwoman of the Congressional Black Caucus and the members of the Congressional Black Caucus for their efforts here this evening to honor Justice Brennan. I have already pointed to the appropriateness of this special order.

The chairwoman immediately set in motion the request for the Black Caucus and all our colleagues to have this opportunity to recognize a giant who helped all Americans. Justice Brennan shared our ideals, our principles, and our hope for a colorblind society. He shared our vision for racial equality and social justice and, indeed, civility. He believed as we do in the supreme dignity of every individual.

We will continue to build upon that vision as we in the Black Caucus and in Congress fight for the rights of every American, especially the poor, as Justice Brennan did; the disadvantaged, as Justice Brennan did; and the mistreated, as Justice Brennan did. As

long as people are treated unfairly, as long as people sit on death row, as long as there is one person who deserves another chance or just a better chance at the American dream, the spirit of William Joseph Brennan will be with us, and for that we, as a Nation, are in his eternal debt.

Today, in a magnificent organ recital during the course of the procession to his place of committal, the Schola from Requiem in paradisum was ''May the angels lead you into paradise; may the martyrs receive you, and lead you into the holy city of Jerusalem. May the choir of angels receive you, and with Lazarus, who was once poor, may you enjoy eternal rest,'' Justice Brennan.

Ms. WATERS. Mr. Speaker, I would like to take the first portion of my remarks to thank the gentleman from Florida who so eloquently expressed our fine appreciation for Justice Brennan. I think it could not have been done better, and I am delighted that the gentleman from Florida [Mr. HASTINGS] saw fit to immediately call me and focus us on the fact of the death of Justice Brennan, and to say that the Congressional Black Caucus must indeed take the leadership in paying tribute to this giant of a human being.

□ 2030

He said to me, this is important that we take this leadership; and I immediately understood why. Justice Brennan represented our struggle, he represented our hope for what America could be and what it should be. And so, I open this special tribute this evening and I share this time with other members of the Congressional Black Caucus who are here and some who have left their statements, and I do so with great pride.

Justice Brennan was laid to rest this afternoon. However, he placed an indelible mark on many of this Nation's laws. The famous Brennan decisions serve as the underpinnings and guideposts for the advancement of civil rights in this Nation. During his 34 years on the United States Supreme Court, Justice Brennan was described as ''the chief strategist behind the court's civil rights revolution.''

Justice Brennan was considered a liberal. We heard the gentleman from Florida [Mr. HASTINGS] pay tribute to liberalism. How proud I am, also, this evening to pay tribute to this liberal. Liberals have been demonized by those who set out to limit the power and the ability of the poor, to limit the power and the ability of people of color and people who are powerless, limit the ability of all of these to be active decisionmakers and participants in this democracy.

This democracy has set forth in the Declaration of Independence, which states, and I will remind folks as I quote this, we hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

Justice Brennan was a student of the Constitution and a believer in the Declaration of Independence. He cherished first amendment rights, and he acted on his beliefs. He worked hard to construct the arguments and convince his fellow justices that this could and should be a Nation that protects the rights of all individuals and groups. He actively worked to make the Constitution a vibrant living document. He called the Constitution, and I quote him, ''a sparkling vision of the dignity of every individual.''

Witness the great Brennan decisions. Baker versus Carr, 1962. This case allowed Federal courts to hear constitutional challenges to the way States drew their legislative districts. The case forced reapportionment of previously discriminatory districts and enforcement of one-person one-vote principle.

NAACP versus Button, 1963. This case struck down a State law that prevented civil rights organizations from soliciting plaintiffs for desegregation cases stating that such restrictions violated the first amendment right of association. What a great decision.

Do my colleagues understand that literally what the State has said was we do not care how much someone has been discriminated against, we do not care how representative this is of wrongs in our society; you cannot go out and solicit and find them and get them to be a plaintiff. Thank you, Justice Brennan.

United Steelworkers of America versus. Weber, 1979. This case ruled that Federal anti-discrimination law does not prevent employers from adopting voluntary race-conscious affirmative action programs.

Well, we are in a great debate in this Nation about affirmative action. In a matter of days, perhaps, and certainly if not in a matter of days, when we come back in September, we will be fighting in the Brennan way against an attempt to turn this decision on its head. We will be fighting against a bill that will attempt to do away with all affirmative action. And it has been branded a civil rights role acting in just the opposite way that Brennan intended affirmative action to operate.

Furman versus. Georgia, 1972. This case invalidated State death penalty laws as cruel and unusual punishment. I know, it is not political to be against the death penalty. People do not want to run for office for re-election without trying to make the people believe that they are absolutely protecting them by supporting the right for a free people in a democracy to kill in the name of justice.

Well, I suppose the death penalty is riding high now and it is very unpopular to be against the death penalty. I submit to my colleagues, a society that attempts to right wrongs by doing worse than the person they would point to that committed the wrong is a society headed in the wrong direction. A State, a Nation that kills in the name of justice will be held accountable for that in so many ways.

Metro Broadcasting versus. Federal Communications Commission, 1990. This case upheld minority preferences for FCC broadcast licenses. Some people say, ''Well, what is important about that?'' I will tell you what is important about that. As we watch attempts now by the rich and the powerful to buy up everything, radio stations, television stations, what happens when you have the powerful owning the voices that you hear on radio and television able to talk to people day in and day out, expressing certain points of view, without any real opportunity to hear the minority point of view, to hear the other point of view?

In a democracy, we should never allow monopolies, the rich and the powerful, to have control of our airwaves, to have control of what our children hear, to have control of what goes on in every household. It is one of the most dangerous things that could happen in a democracy.

We live in a democracy where we ought to feel free enough and strong enough to let everybody say what they need to say. But if minorities do not have the right to own, do not have the ability to own, do not have the capital to own, you will shut down the voices oftentimes of opposition. And so this was a powerful decision.

It is quite clear that Justice Brennan was a rare and talented human being whose clarity of thought and commitment to justice and equality guided his work and his vision for America.

Justice Brennan will long be remembered. The legacy of Justice Brennan will not be lost or simply overturned or forgotten. His work was too profound, too impeccable, too undeniable. No matter the attack on liberalism, no matter the winds that blow toward the right, in the final analysis, the humanity demonstrated by his leadership can stand tall and strong against the most inhumane attacks, the most intolerant voices, the most misguided and ignorant in our society who would have the powerful just trample on the rights of the powerless and the majority simply ignore the pleas of the minority.

Justice Brennan, you make me so proud to stand here tonight branded a liberal. It is because of you and the powerful in high places who served with principled dignity and who continue to serve with principled dignity that I am able to be here in the hallowed halls of Congress imploring my colleagues to serve as you served, care as you cared, and to do as you did, serve all the people all of the time, upholding the Constitution of the United States of America and fighting for justice and equality for all.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the chairman of the Congressional Black Caucus and others of

my colleagues that saw fit to hold this special order as a tribute to Justice Brennan. His funeral was held today, and I think that the tributes to him will go on for a long time to come.

I think it is important to note that one of the people who spoke at his funeral today said that his passing represented an end of the era, that the era of liberal government and liberal court opinions was over. I do not agree. I think that one important thing about this tribute is to hold up and let the general public see in a highly visible manner what that era was all about through the opinions of Justice Brennan.

Justice Brennan has not really been given due credit for a number of things that he has accomplished, and many people do not realize the scope of his opinions. They are very much in harmony with the basic beliefs of Thomas Jefferson, very much in harmony with the very dramatic gesture of Abraham Lincoln in setting the slaves free, very much in harmony with the belief that individuals have certain inalienable rights.

He struck at the heart of an attempt to corrupt that process by refusing to go along with the States' attempt to cling to power for rural areas, unpopulated or slightly populated areas, and use the compromise that had been made at the time of the founding of our own Constitution.

Our Constitution is based on a compromise. We had a Senate and House of Representatives, the House of Representatives based on population and the Senate was a compromise. That body established that any State, no matter how small the State was or what the population of it was, any State would have two Members. And State legislatures were using that kind of reasoning to justify various formulas for holding on to power without a one-man, one-vote situation.

And of course, Justice Brennan, kind of late in the life of our Nation, I think it was 1966, that late in the history of the Nation, he applied the common sense of the Constitution that if we are really equal, then we cannot allow a situation to be perpetuated at the State level where the balance of power was maintained by a minority through this kind of playing with the notion that we could have two Houses and State legislature and one could not follow the rule of one man, one vote in terms of population.

So he had the guts to deal with it in 1966. And somehow no one has bothered to challenge it since then. The power of the common sense of it, the harmony of it with the thinking of the Founders and the whole thrust of our Constitution was so great, that has not been challenged. The one-man, one-vote theory definitely is there and in place.

There is another very fundamental decision that he made which very few people have talked about and very few people may even know that he had anything to do with it, but I think it is very much indicative and relevant of our present era, where we tend to put people down. All men are created equal. All Americans are equal. But, somehow, lately we have been looking at welfare recipients or poor people, or people who have not made it, as not being exactly equal. And there is a raging debate right now about WEP workers, people who are on welfare, people who must go to work in order to work off their welfare grants, them not being equal enough to be able to have representation. They cannot have an organization and that organization talk to the people in Government who put them to work. They cannot have an organization which says we need gloves if we are out in the park picking up all kinds of trash and we need some kind of gear on our heads if we are out there in the sun or we need some brightly colored jackets if we were working in areas where the trash is heavy, we need the same things other workers need.

□ 2045

Nobody can even have a conversation in the New York WEP program because they are not allowed to organize and they are not allowed to have spokespersons, because, after all, they are not protected by the labor laws. We just had a fight here on the floor, not on the floor but we had a fight here via negotiations, where an attempt has been made to take away the protection of the Fair Labor Standards Act and take away the minimum wage, or any of the things in our labor law which applies to workers is going to be denied to welfare workers who have to go to work. We have just beaten that back temporarily. I understand it is taken out of the budget bill and the tax package that we will be voting on in a few days.

But it is very interesting that Brennan ruled, in a case which has not been that celebrated, he ruled that if you are going to take away the welfare benefits from somebody, you have got to give them a hearing. That is not known. In 1970, as late as 1970, an opinion for the court in Goldberg versus Kelly, a case little known by the general public. In that case he declared that it was a violation of the 14th Amendment guarantee of due process of law for a State to cut off a welfare recipient's benefits without a hearing. Something as simple as a hearing, an individual deserved.

As a prescription for governmental behavior, the holding in Goldberg versus Kelly appeared modest enough, but the opinion proved to be a watershed of constitutional interpretation, a key building block to what came to be known as the due process revolution. A series of decisions that followed erected a constitutional shield for the ordinary citizen against the arbitrary or standard misuse of governmental power in many contexts.

In 1987, in a New York speech which he entitled ''Reason, Passion and the Progress of the Law,'' Brennan talked about the importance of a simple requirement that government officials meet a citizen face-to-face before taking adverse action. I end with this quote by Justice Brennan:

''Due process asks whether government has treated someone fairly, whether the individual's dignity has been honored, whether the worth of an individual has been acknowledged. If due process values are to be preserved in the bureaucratic state of the late 20th century, it may be essential that officials possess passion: The passion that puts them in touch with the dreams and disappointments of those with whom they deal, the passion that understands a pulse of life beneath the official version of events.''

His opinion in Goldberg versus Kelly, he said, can be seen as injecting passion into a system whose abstract rationality had led it astray, and he applied those same principles to the death penalty. To the very end he was opposed to the death penalty because that individual on death row also deserved the same kind of passion, the same kind of interaction with society as a whole, as an individual who deserved equal treatment.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, first of all let me commend and congratulate the gentlewoman from California, chairperson of the Congressional Black Caucus, and the gentleman from Florida [Mr. HASTINGS] for putting together this tribute. I rise today and join with my colleagues to pay tribute to one of this Nation's finest justices, one who has a progressive reputation and one who has demonstrated that you can be relevant and you can hold true.

Justice Brennan departed this life Thursday, July 24, at the age of 91. While he may have physically departed, he leaves a legacy that will endure for generations to come. Through his personal and professional life, Justice Brennan effected change and affected the lives of people in a real way. Justice Brennan was an ordinary man who possessed extraordinary courage, tenacity, and perseverance.

He was appointed to the Supreme Court in 1956 by then President Dwight Eisenhower. At the time of his appointment, America was engulfed with the question of what to do about civil rights and equal rights for blacks, Hispanics, women and other minorities. He dared to be different despite the dictates of the times. In his daring to be different, he lifted the lots of poor people, minorities, and the disenfranchised. He challenged the Constitution to live up to its ideals of equality and justice for all people.

He saw the law not as an abstraction but as a weapon to protect individual liberties. In speeches he often urged State courts to thrust themselves into a position of prominence in the struggle to protect people of our Nation from government intrusions on their individual freedoms.

In his 34-year tenure on the Supreme Court, he wrote more than 1,300 opinions which helped to significantly change the landscape of constitutional law. Some of his legendary opinions include Baker versus Carr, the landmark 1962 opinion that opened the doors to reapportionment of legislatures and congressional districts under strict one person, one vote standards. This decision reshaped politics and broadened participation in democracy. In 1964 he authored New York Times versus Sullivan, which enhanced First Amendment protections for press critics of public officials. And in 1970 he authored Goldberg versus Kelly, which required States to give welfare recipients notice and a right to a hearing before their welfare benefits could be cut.

Justice Brennan was a strong advocate of affirmative action and equal participation for everyone in America. Although he went to one of the elite schools of America, he was a very common, caring, sensitive, down-to-earth man of reason. His life was an embodiment of love, liberty and law. He was a champion of the underdog. He saw beyond Jim Crow segregation, discrimination, and saw an America that could live up to its promises of equal justice under the law. His ability to build consensus and help safeguard freedom broadened the circle of equality for every single American.

And so it is indeed my pleasure to join with all of my distinguished colleagues who have already so eloquently stated the case that when it comes to equality, justice, and the fight for freedom, no man, no woman could be Justice Brennan's peer.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, let me first of all thank the chairlady of the Congressional Black Caucus, keeping the theme of the Caucus since its inception, the conscience of the Congress, to call this special order, this special program tonight after the call from our former distinguished Federal jurist, the gentleman from Florida [Mr. HASTINGS] who in his judicial thinking immediately responded by requesting that this special order be held, and for him we are very thankful.

We are here tonight to celebrate the life of William Joseph Brennan, Jr. Last Thursday, Mr. Speaker, this country lost a bold and spirited champion of civil liberties. The city of Newark, NJ lost a warm and generous son. Justice William Joseph Brennan, Jr. stands today as one of the most beloved and respected jurists ever to sit on the high court in this Nation. As the great Chief Justice Earl Warren once remarked, ''In the entire history of the court, it would be difficult to name another justice who wrote more important opinions.''

I was deeply moved this morning at St. Matthew's Church here in Washington where the funeral services were conducted for Justice Brennan and there were very moving tributes by the President of the United States, Justice Douglas, Justice Souter, William Brennan III, other members of the clergy and his family. Yet this prodigious man whom we laid to rest today at Arlington Cemetery traced his childhood roots back to a simple 3-family house in the Vailsburg section of my hometown of Newark, NJ.

Born on April 25, 1906, William Brennan grew up, one of eight children, in a large Irish-Catholic family. His father William Sr. shoveled coal at the old Ballentine Brewery, a place I knew well, Mr. Speaker, as I would later work there myself in that factory where many of the working families of Newark had the privilege to work.

William Sr. worked at the brewery until 1917 when he was chosen as the union representative for all of the workers at the brewery, giving William Sr. an early start in city politics.

As a young boy, young William Jr. lived on Parker Street which as he later described in the Newark Star-Ledger divided the people of means in the neighborhood. With Park Avenue on one side, the big money, he said, was on the other side of Bloomfield Avenue, he recalled. I also lived close to him in the North Ward on that other side of the dividing line.

While his father worked at the brewery, William Jr. attended the Alexander Street Elementary School and then went on to Barringer High School, the same high school that I attended many years later. We heard of Justice Brennan, at that time an outstanding lawyer, as one of the outstanding graduates of our high school. While he was in high school, he worked many odd jobs, worked on weekends to help his father make ends meet for a family of many mouths and little money.

After graduating from the Wharton School of Business and the Harvard Law School, the future justice returned home to Newark in the midst of the depression to practice labor law at the forerunner of what is now one of New Jersey's oldest law firms, Pitney, Harden & Skinner. He helped in the process of creating a new constitution for the State of New Jersey in 1948 and a year later was named to the State Superior Court.

In 1952 our Republican Governor, at that time Alfred Driscoll appointed him to the State Supreme Court where he sat with the famed Arthur Vanderbilt. Finally, in 1956, another Republican, this time President Dwight D. Eisenhower, selected William Brennan, Jr. to sit on the Supreme Court of the United States.

The city of Newark, while it feels a deep sense of loss today at the departing of a beloved native, also feels a great sense of pride at the monumental achievements of this man who never forgot his roots. Over 34 years and through eight successive Presidents, Justice Brennan stood as a voice for those without a voice of their own on the highest tribunal of justice in this land. He believed in interpreting the Constitution as a living charter of human rights, dignity, and self-determination, and thus he believed that it was precisely the most vulnerable, forgotten and castoffs within our society for which its protections were designed. He reshaped the contours of American constitutional law by time and time again forging new consensus on the court in defense of minorities, immigrants, death row inmates, political protesters and the poor. His decision in Baker versus Carr as we have heard already established Federal constitutional jurisdictions over legislative apportionment, helping to establish the principle of ''one person, one vote'' and countermanding the process that had traditionally led to discriminatory racial gerrymandering in the drawing of electoral districts. Today we have 38 Members of the House of Representatives as a result of Justice Brennan in those early days.

□ 2100

His decision in New York Times versus Sullivan defended the right of the NAACP to criticize southern segregationists and established a standard of uninhibited, robust and wide open debate in the American body politic.

Finally, before a shift in the composition of the Court overturned it, his decision in Furman versus Georgia initiated a 4-year moratorium on the imposition of the death penalty in America, ruling that capital punishment simply did not comport with human dignity.

The life of Justice William Brennan, Mr. Speaker, will long stand as a profound testament to the power of well-articulated thoughts and ideas to ally the forces of reason behind the passions of the human heart and thereby to change forever the course of society. But his career also reminds us, as the framers of the Constitution warned, that the cost of liberty is a struggle of eternal vigilance.

Even in his lifetime Justice Brennan saw many of his important achievements rolled back by an increasing conservative majority on the Supreme Court, a majority that underestimates the need for vigilance in the defense of liberty. ''We do not yet have justice for all who do not partake in the abundance of American life,'' wrote the late justice.

Just this past year we are still striving towards that goal and doubtless it will be an eternal quest. Therefore, Mr. Speaker, as we celebrate the life of a great man and grieving his passing, let us realize his quest as our quest and push America always onwards toward the realization of the most noble promise of liberty and human dignity.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. RUSH].

Mr. RUSH. Mr. Speaker, first of all, I want to thank the chairwoman of the Congressional Black Caucus for yet another example of her sterling and illuminating leadership, her commitment

to the cause of freedom, justice and equality here in America, and let me also extend my thanks to the gentleman from Florida [Mr. HASTINGS], whose spirit and whose words today certainly pay tribute in a most eloquent way to Justice Brennan. The gentleman from Florida [Mr. HASTINGS] certainly embodies the spirit of Justice Brennan, and I say thank you for this special order.

I rise today to pay tribute to the late William Joseph Brennan, Jr., former Supreme Court Justice. Mr. Justice Brennan's progressive voice was heard for 34 years on the Court, spanning eight Presidential administrations. He was widely recognized as a chief strategist behind the Court's civil rights revolution. Most, if not all, Americans have been touched by the legacy of Justice Brennan's rulings.

His vision was that the essential meaning of the Constitution was not found in the past but in the current everyday life of America. He championed human rights, he championed individual rights beyond what was spelled out in the text of the Constitution. He called the Constitution, ''a sparkling vision of the supreme dignity of every individual.'' I repeat: ''a sparkling vision of the supreme dignity of every individual.'' He used it as a tool for social justice and racial equality.

Justice Brennan's litmus test for offering legal protection was simple. His litmus test was whether the bill of rights explicitly prevented him from doing so. My, my, what a simple yet profound litmus test.

He always favored the individual and put the burden on the Government to show that something in the Constitution disallowed protection.

Justice Brennan and his friend, colleague, and as mentioned earlier, judicial soul mate, Justice Thurgood Marshall, were often outvoted, and they were usually on the defensive. Though he was frequently in dissent, his role on the Court transcended that of a defender of the liberal faith. Term after term he defied the odds in his ability to pull together majorities, though often narrow majorities, for sustaining or even advancing the principles in which he so strongly believed.

In civil rights cases Justice Brennan's decisions enforced schools' desegregation plans, upheld affirmative action programs designed to help minorities overcome past discrimination and sought to ensure constitutional equality for women. Additionally, his rulings established rights for welfare recipients and illegal aliens and created the one-man, one-vote rule for representation in voting districts which is indeed a landmark opinion which, as stated earlier, opened the doors for so many to be seated in this Chamber today.

My predecessor, former Congressman from the first district of Illinois, former appeals judge and former White House Counsel, Abner Mikva, defined what he called a Brennaness as one who influences his colleagues beyond measure. A Brennaness is one who influences his colleagues beyond measure.

His ability to bridge differences through good will distinguished Justice Brennan's career on the high Court. Justice Brennan had an unmatched ability to build a consensus. His knack for compromise and his ability to hold legal decisions that were acceptable to his colleagues regardless of their judicial philosophies was and is his legacy.

Although he never served as Chief Justice, Justice Brennan was a pivotal force in his three plus decades on the Court. He authored milestone opinions and was a prime mover behind many others. When he did not prevail, his voice in dissent was strong and illuminating.

Justice William J. Brennan, Jr., should be and will be remembered for the enduring constitutional principles he so fervently championed during his three plus decades on the U.S. Supreme Court.

Again, Mr. Speaker, I am honored, privileged and pleased to be a part of this special order honoring our friend, our champion, the former Supreme Court Justice William Joseph Brennan, Jr., and again I thank my colleagues.

Ms. WATERS. I yield to the gentleman from Florida [Mr. HASTINGS] to enter something into the RECORD.

Mr. HASTINGS of Florida. I thank the gentlewoman, and I ask that at the appropriate stage the Mass of Christian Burial of Justice Brennan be included in the RECORD.

That said, I would like to thank the gentlewoman and all of our colleagues, those who are here and those who entered their written words into the RECORD commemorating this great justice.

I said earlier that it was important that we take at least from the program the presidium that was offered, and I read it.

At the beginning of today's funeral for Justice Brennan the Ludwig van Beethoven tune ''Ode to Joy'' was sung in the entirety of its four refrains. Because of the lateness of the hour I wish to commend to all who are listening the final of the refrains.

Mortals join the mighty chorus, Which the morning stars began;
God's own love is reigning o'er us, Joining people hand in hand.
Ever singing, march we onward, Victors in the midst of strife;
Joyful music leads us sunward, In the triumph song of life

This gentleman sang a mighty tune for all of us.

Ms. WATERS. Mr. Speaker, I would like to thank all of the members of the Congressional Black Caucus who are here this evening and those who submitted statements for the RECORD.

I again would like to thank the gentleman from Florida, Congressman HASTINGS for his foresight and his vision and helping to get us all here to make sure we do what we must do.

There are those who will look at us and say, ''So they are there celebrating this liberal justice and I guess they must all be liberals.'' And sometimes, because again liberals have been demonized, people do not know what a liberal is. They do not look behind the label to try and discover the philosophy of those of us who come to this House and implore our colleagues to do the right thing by all human beings.

We are a people whose people were brought to these shores in slavery. We are a people whose ancestors were tarred and feathered and hung without a court. We were a people whose ancestors did not have an opportunity to offer a defense, no one to speak up. We are a people who were not able to access jobs and opportunities.

Our history is such that we have to have champions, and they came from many directions. Of course, everybody knows of the great histories of the African Americans who fought and died. Many people do not know the great histories of those who were not African Americans, such as Justice Brennan, who joined us in this struggle for justice, equality and freedom. They do not know that he was driven by the ideals embodied in the Constitution and the Declaration of Independence, those great documents that helped to drive a people to these shores seeking justice and freedom from the mother land of Great Britain.

And so when we take to the floor to honor him and to praise him, we cannot be anything but liberal in thought, liberal in philosophy. It is that kind of philosophy and thinking that have gotten us and our people to this point in history.

We wish it was all over and we did not need to have to struggle. We wish we did not have to sit here and stand here and wish that we could get some more Justice Brennans on the Court. We wish we did not have to be worried about a Canady bill. We wish we did not have to be worried about some of those who sit on the Supreme Court today. But we must, and what must be understood, because of who we are, from whence we came, because of our love for freedom, our love for justice and equality, we will not go away. We will be fighters and struggling in this cause for as long as we breathe.

If someone else said ''You don't have to do this; we'll pay you not to do this; we'll give you all the riches in the world if you would just shut up,'' we could not do it if we wanted to.

Thank you, Justice Brennan, for joining with the many who love this country, who love those great documents that have held us in good stead. We honor you this evening and we do it proudly. Thank you for being a liberal.

MASS OF CHRISTIAN BURIAL—THE HONORABLE WILLIAM JOSEPH BRENNAN, JR., APRIL 25, 1906—JULY 24, 1997

(Tuesday, July 29, 1997, Cathedral of Saint Matthew the Apostle, Washington, DC)

FAITH IN ORDINARY PEOPLE

''The Dream though old is never old, like the Poor Old Woman in Yeats' play *Cathleen Ni Hoolihan:*

''Did you see an old woman going down the path?' asks Bridget. 'No, I did not;' replies Patrick, who had just arrived after the old woman left. 'But I saw a young girl' he said, 'and she had the walk of a queen.''—The Honorable William Joseph Brennan, Jr.

MINISTERS OF THE LITURGY

Reverend Milton E. Jordan: Principal Celebrant.

Reverend John T. O'Hara: Homilist.

Reverend Monsignor W. Ronald Jameson: Rector of the Cathedral.

Priests of the Cathedral, Visiting Priests: Concelebrants.

Reverend Mr. Ulysses S. Rice, Reverend Mr. Lawrence C. Gordon, Reverend Mr. Bart Merella: Deacons.

Reverend James D. Watkins, Reverend Charles V. Antonicelli: Masters of Ceremonies.

Associate Justices of the Supreme Court of the United States: Honorary Pallbearers.

Law Clerks to Justice Brennan: Richard Arnold, Owen Fiss, Merrick Garland, John McInespie, Daniel O'Hern, Daniel Rezneck, E. Joshua Rosenkranz, Clyde Szuch, Paul Washington: Pallbearers.

Hugh Brennan, Nancy Brennan: Lectors.

William Joseph Brennan IV: Reader of the Intercessions.

Mary Anne Gaffney, Constance Phelps: Giftbearers.

Extraordinary Ministers of the Eucharist of the Cathedral.

Seminarians of the Archdiocese of Washington, Altar Servers of the Cathedral: Servers.

Ushers of the Cathedral: Ministers of Hospitality.

Jay R. Rader, Cathedral Organist, Conductor; Jennifer Muller, Cantor; Ann Kramschuster, Assistant Organist; Members of the Cathedral of Saint Matthew the Apostle Chorale: Ministers of Music.

THE ORDER OF CELEBRATION

Prelude

Jesu dulcis memoria (Jesus, the sweet thought of you)—Tomás Luis de Victoria.

O taste and see.—Ralph Vaughan Williams.

Entrance Procession

Joyful, Joyful, We Adore You.—Henry Van Dyke; Ludwig van Beethoven; Tune: Ode to Joy:

Joyful, joyful, we adore you, God of glory, Lord of love;
Hearts unfold like flowers before you, Opening to the sun above.
Melt the clouds of sin and sadness; Drive the dark of doubt away;
Giver of immortal gladness, Fill us with the light of day!

All your works with joy surround you, Earth and heav'n reflect your rays,
Stars and angels sing around you, Center of unbroken praise;
Field and forest, vale and mountain, Flowery meadow, flashing sea,
Chanting bird and flowing fountain, Praising you eternally!

Always giving and forgiving, Ever blessing, ever blest,
Wellspring of the joy of living, Ocean depth of happy rest!
Loving Father, Christ our brother, Let your light upon us shine;
Teach us how to love each other, Lift us to the joy divine.

Mortals join the mighty chorus, Which the morning stars began;
God's own love is reigning o'er us, Joining people hand in hand.
Ever singing, march we onward, Victors in the midst of strife;
Joyful music leads us sunward In the triumph song of life.

INTRODUCTORY RITES

Greeting and Sprinkling with Holy Water. Opening Prayer.

LITURGY OF THE WORD

First Reading

Responsorial Psalm

General Intercessions

LITURGY OF THE EUCHARIST

Preparation of the Altar and the Gifts

Preface Acclamation

Memorial Acclamation

Great Amen

From Mass of Creation by Marty Haugen.

COMMUNION RITE

Lord's Prayer

Sign of Peace

Breaking of the Bread

Agnus Dei

Music During the Communion Procession

How lovely is thy dwelling place—from Requiem by Johannes Brahms.

Prayer After Communion

Eulogies

FINAL COMMENDATION

Invitation to Prayer

Song of Farewell: Come to His Aid—Dennis C. Smolarski, S.J., Louis Bourgeois; Tune: Old Hundredth.

Come to his aid, O saints of God;
Come, meet him, angels of the Lord.
Receive his soul, O holy ones;
Present him now to God, Most High.

May Christ, who called you, take you home,
And angels lead you to Abraham.
Receive his soul, O holy ones;
Present him now to God, Most High.

Give hime eternal rest, O Lord.
May light unending shine on him.
Receive him now, O holy ones;
Present him now to God, Most High.

I know that my Redeemer lives;
The last day I shall rise again.
Receive him now, O holy ones;
Present him now to God, Most High.

Prayer of Commendation

PROCESSION TO THE PLACE OF COMMITTAL

In paradisum—from Requiem by Gabriel Fauré.

May the Angels lead you into paradise;
may the martyrs receive you,
and lead you into the holy city of Jerusalem.
May the choir of Angels receive you,
and with Lazarus, who was once poor,
may you enjoy eternal rest.

Postlude

Carillon—Louis Vierne.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to express my deepest regrets for the loss of a legal giant. Supreme Court Justice William J. Brennan, Jr. His life, and his legacy of tireless public service, are forever encapsulated in the brilliant discourse of his many seminal legal opinions. Justice Brennan's opinions were penned with the keen mind of a social framer, a man dedicated to the proposition of crafting a better society for all, that would be shaped faithfully by the strokes of justice. Brennan was appointed to the Supreme Court by President Eisenhower in 1956, and with such, Justice Brennan began an unprecedented judicial record of unwavering liberal activism.

From *Baker* v. *Carr,* 369 U.S. 186 (1962), the case that forever placed the concept of ''one man (person), one vote'' in the psyche of American popular culture. To the unfailing standard for all cases testing the tort of defamation, *New York Times* v. *Sullivan,* 376 U.S. 254 (1964), Justice Brennan, did not simply help to shape the laws that govern our lives, but rather he formatively shaped the lives of the people affected by the law. New York versus Sullivan, at its time, was a hotbed of political controversy about a young, African-American minister in the South named Martin Luther King, Jr., and how his followers were trying to combat social injustice in the press through the criticism of prejudiced public officials. Brennan's opinion did not simply protect people from frivolous defamatory suits, but it helped to protect a delicate social movement, driven by the desire to establish the equal rights and treatment of all Americans without exception.

Baker versus Carr, a case which contains another seminal Brennan opinion, is no different in this regard. The case also asserted the necessity of individual liberty operating in equilibrium with social equality at a critical time in our history. These were the kind of decisions that could have caused a lesser man or woman to shrink before the awesome possibilities and implications that a case like this could hold for our Nation and its unresolved future. But Brennan, in these times, was our solid rock, the indefatigable defender of American liberty. It was for these reasons that Lawrence Tribe of the Harvard Law School called Brennan, ''The Chief architect of the Federal judiciary's protection of individual rights.''

Although like Thurgood Marshal, many of us remember that his final years on the Court were filled with a acerbic dissents, only time itself will truly allow us all to appreciate this great man and the magnitude of his social contribution. But let me be one of the first to say, as an African-American, as a woman, as an American, thank you, Justice Brennan, thank you for all of us. You are one of the few that it can be said about, that your life made the world, particularly this country, a better place to live in.

Mrs. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to ask my colleagues to remember and reflect upon the life of a great leader. His faithful service to the judicial system and to our Nation's citizens benefited the lives of those he came in contact with and the Americans that were affected by his landmark decision makings. He played a pivotal role in the Brown versus Board of Education bringing an end to the falsely named separate but equal political and economic status for African-Americans. I speak of none other than the Honorable Justice William J. Brennan, a man who secured his place in the pantheon of this Nation's greatest Supreme Court Justices.

Overcoming the stigma and prejudice that came with being born to an immigrant family, Justice Brennan began his service to the community as a humble laborer. Through hard work and perseverance he became an influential labor leader and the city commissioner of public safety. After graduating in 1931 from Harvard Law School, he began practicing law in Newark, NJ, before being named to the State's judiciary system. His excellence and commitment to justice placed him on the New Jersey Supreme Court, where he faithfully served before being nominated to the Supreme Court by President Eisenhower.

Those who knew Justice Brennan admired him as a man of great principle and an unwavering commitment to the welfare of all citizens, regardless of race, creed, gender or economic

status. His legal theories and writings provided the foundation for the most progressive aspects of our present-day legal system. He will be remembered as a man whose sole responsibility was defending the rights of all individuals, including the poor, the disenfranchised and the vulnerable. Justice Brennan fought for the rights of those individuals who did not have a voice in the legal system, and who were subject to inequitable treatment in our country's courts.

I am deeply grateful to Justice Brennan for his years of hard work and struggle, particularly during his latter years on the Supreme Court when his voice was one of the few that cried out against reactionary judicial activism. Justice Brennan's legacy is epitomized by the Frederick Douglass quote, ''Without struggle there is no progress.'' Thanks to the dedication of Justice Brennan to truth and justice, we are making progress in perfecting our system of justice and individuals are realizing something that is rightfully theirs—justice. Goodbye and God speed, Justice Brennan.

Mrs. MEEK of Florida. Mr. Speaker, Justice Brennan served on the Supreme Court for 34 years, from 1956 through 1990. By the general public he is remembered for his concern in protecting the rights of individuals who were not powerful. I will speak of that in a moment. But first I want to speak about him as a person.

I never met the Justice, but I think I would have liked him as a person. Let me give you one anecdote about him as a person. His office had a manual, and one item in the manual concerned the Justice's coffee. It said that every morning one clerk should prepare a cup of decaffeinated coffee with no milk or sugar and give it to him at 9 a.m. Every day he would say ''wonderful.'' One day the office coffee machine broke, and so the Justice and his clerks went to the cafeteria to get morning coffee. The Justice poured himself a cup of caffeinated coffee and put milk and sugar in it. His clerks said they thought he liked his coffee decaf black with no sugar. And he replied, ''no. I always take it this way.'' He had never told anyone in his office for more than 8 years about how he really wanted his coffee.

His decisions were controversial when he wrote them. Now they are accepted as being obvious. Look at just two of them.

In 1962, in Baker versus Carr, he changed the political landscape by declaring that Federal courts could review State legislative decisions on the boundaries of legislative districts so that everyone's vote would get equal weight in the legislative process.

Look at the facts as presented in that case. Since 1901 the Tennessee legislature had rejected every legislative attempt to change the boundaries of its own legislative districts. During that 60-year period Tennessee's population had grown and its distribution among the counties had shifted.

In 1946 the Supreme Court had decided, in Colegrove versus Green, that Federal courts should not enter the ''political thicket.'' So the lower Federal court told the Tennessee plaintiffs that the Federal courts could not help them.

Justice Brennan persuaded six of his colleagues that the lower Federal court was wrong to throw out this particular case. He said that the failure to adjust the Tennessee political boundaries to reflect the changes in population since 1901 violated the equal protection clause of the 14th amendment.

We know that the rich and powerful have their interests amply represented in the legislative process. All that the poor have is their vote. Letting the legislature set the boundaries for its own districts, without anyone looking over their shoulder, perpetuated the balance of political power from long ago.

Let me turn now to the second example of his concern for those without political power. In 1970, in Goldberg versus Kelly, his opinion for the Supreme Court held that welfare beneficiaries could not lose their benefits without first getting both a notice telling them why they would lose their benefits and a hearing where they could present their side of the conflict.

This city is full of lawyers and lobbyists who make sure that no wealthy person or corporation loses his Federal benefits without first being able to present his case—even if that takes years of litigation. Justice Brennan merely said that poor people should have some of the same rights as the wealthy. Yet back in 1970 this notion was so new that he could only persuade four of his colleagues—a bare majority of the Supreme Court.

In conclusion, Mr. Speaker, these two decisions were, when they were made, controversial. But now we realize that they improved the quality of life for ordinary people, and the Nation did not come apart. In fact, the Nation is stronger because of Justice Brennan's having served this country.

Mrs. CLAYTON. Mr. Speaker, last week, this Nation suffered a great loss.

And because of that loss, those who favor freedom and believe in individual rights and civil rights will not soon recover.

However, while we lament the loss of Justice William Brennan, Jr., we also rejoice in his life—a life during which he spent more than three decades on the United States Supreme Court.

This son of Irish-Catholic immigrants, Justice Brennan worked as a waiter to pay for his last year of law school.

Born of modest means, he refused to accept mediocrity. He had hopes and dreams. He had goals. He had vision. He dared to be different and determined to make a difference.

His classmates at a Newark, NJ, public school complained that because he took home so many of the academic awards, there were none left for others.

His zeal for learning and his zest for excellence carried him through college—the University of Pennsylvania—and Harvard Law School, and those qualities characterized his entire legal career.

But, despite his Ivy League education, he never lost touch with the average person.

To him, every ordinary person was special, and every special person was ordinary.

Perhaps it was because his father once worked as a coalheaver in the brewery, or because matters of concern to labor were central to his upbringing, but Mr. Justice Brennan had a way with words that gave life and meaning to the Constitution of the United States.

It was Brennan who authored the important and far-reaching decision in the case of Goldberg versus Kelly, the welfare reform mandate of the 1970's.

Congress can learn much from that 30-year-old decision.

In Goldberg, the Court rules that even those on welfare were entitled to due process rights—even those on welfare had the same Constitutional protections as everybody else.

We could have used Brennan's wisdom and insight when we considered welfare reform.

He also wrote the Court's opinion in Johnson versus Transportation Agency, a decision that brilliantly outlined the need and value of affirmative action.

But, I remember him most for the case of Baker versus Carr.

In North Carolina, my State, some argued to the Court where Brennan spent much of his adult life that the very document that gives us rights—the United States Constitution—somehow takes those rights away.

Sometimes, Mr. Speaker, I wonder, what the Court would do with the redistricting cases if it still had the magnetism, the persuasiveness, the foresight, the imagination, the ability to see beyond what is immediately in front, that Mr. Justice Brennan, the author of the principle of one person, one vote had.

I wonder what the state of Federal elections would be today if the Supreme Court still had among its Justices, the very man who believed and convinced a majority of others, that traditional practices must give way to individual principles.

Mr. Speaker, Mr. Justice Brennan distinguished himself as a jurist, making his mark in many places, leaving his permanent imprint on the sands of time.

Tirelessly, he was a role model for role models, and a champion for all.

He has left us, but I believe he has gone to another place, not to quit, but to fight another fight, to write another opinion, to run another race.

Mr. Justice Brennan, we will miss you, but, we know you will not be far away. Your written opinions, like the philosophy shared with you by your father, will one day inspire another Justice of your fabric, of your intellect, of your quality.

□ 2115

THE BUDGET AGREEMENT AND THE SITUATION FOR ORGANIZED LABOR AND WORKING FAMILIES UNDER THE 105TH CONGRESS

The SPEAKER pro tempore [Mr. METCALF]. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today, July 29, is being celebrated as a day when a bipartisan compromise reached its climax in the 105th Congress. We have agreement on a tax bill, an agreement on an expenditure bill, and probably before we recess on August 1 we will vote on those two agreements, and there is a great deal of joy in both the majority and minority camp about this. I am not certain that I join the celebration wholeheartedly. There are some great disappointments. But nevertheless, it does demonstrate that it is possible to achieve a bipartisan consensus on some very complex matters.

We must remember that the majority party closed down the Government in 1995 over the matter of the budget and the tax package. The Speaker's statement that politics is war without blood was on everybody's lips at that time. We went to war.

So we have achieved by negotiation instead of political war a great compromise; and whereas that compromise leaves some of us disappointed on some things like the school construction, which has been left out completely, the President's initiative for school construction was a measley $5 billion over a 5-year period, nothing like the $120 billion that we need across the country to replace infrastructure in schools, but it was a beginning. Even that small beginning of $5 billion over a 5-year period was left out, and I am disappointed by that.

I am heartened by the fact that at least empowerment zones for inner-city communities was left in, is left in. I do not know the details at this point. I would like to see the details before I rejoice too loudly, but that is in. So there is reason to applaud a negotiated compromise.

I would like to appeal to the majority party to follow suit and let us have a negotiated set of processes related to the way organized labor is treated. The one place where there appears to be no hope of negotiation, no hope of civility in this 105th Congress is when it comes to the attack on organized labor and working families and the means that working families have to fight for themselves.

Nothing has changed since the last Congress. The 105th Congress is as bad as the 104th Congress. I would like to make an appeal that we lay down our guns and stop the war, and let us come to some kind of way of dealing with the working families and their needs, as we have with the tax package for the rich and some other important items that have recently been negotiated.

Mr. Speaker, I sit as the ranking member of the Subcommittee on Workforce Protection, so I am on the firing line with the hearings and the preparations for more wars and the attack on the Department of Labor. I am right there where I see that the 105th Congress' strategy is the same as the 104th Congress when it comes to labor.

We have seen already a passage of the TEAM Act, we have seen already passage in this House of the bill to eliminate overtime, cash payment for overtime. There is a change in the Fair Labor Standards Act, a radical change, taking away the dollars that working people need and offering comp time instead, and giving the power certainly to the employer to decide whether you get paid in comp time or get paid in cash. So that was certainly a blow to working families.

Fortunately, that has not passed in the other body yet. We hope it will never pass, or if it passes, the President will veto it. But that is out there. It was the first bill that they led off with in terms of an attack on working people. Of course, since then there has been a new threat in terms of a large amount of money; $1.4 million was voted to investigate labor unions.

There was some other language used to describe what was intended, but out of a slush fund that we always objected to of $7.5 million, I think, more than $7 million was set aside in the legislative budget to take care of emergencies. It turns out that the definition of one emergency was an effort to go after labor unions and restrict their political activities.

We know what that means because we had at least two hearings already, which have demonstrated that the majority party wants to place restrictions on labor unions that are not placed on other organizations in America. No other entities are asked to do the kinds of things that they are trying to make labor unions do. We do not ask corporations to do the kinds of things with respect to their political positions that we are now demanding that labor unions do.

The thrust of it is that no labor union will be able to take a political position and use the funds that are at their disposal without having the approval of every member of the union. Each member would have a chance to withdraw his money if he disagrees with the position taken by the leadership of the union.

What other organization in America operates that way? You have majorities, you have votes, you have leadership elected, you have positions taken, and the minorities in organizations have to abide by those positions. So why should labor unions be treated any differently?

The thrust of this special fund for investigation of the labor unions will be to find ways to penalize them and intimidate them to backing down on taking a strong political position. That is just another battlefield that they will not leave in peace is the effort to destroy the Davis-Bacon Act and all the benefits that the Davis-Bacon Act has brought to us.

Davis-Bacon was attacked in the 104th Congress. There was a relentless war waged against Davis-Bacon. We hoped it sort of would not flare up again in the 105th Congress. We hoped that something had been learned about working people and what you have to do to support working families.

Part of what you have to do to support working families is to hold onto legislation and protections like the ones that are provided in the Davis-Bacon Act. But no, the attacks have come again and there is an attempt to go after the Department of Labor, the way it enforces Davis-Bacon, as an attempt to saddle the Department with numerous burdens related to the Davis-Bacon Act.

At the same time they are cutting the budget and reducing the number of employees. They generate a crisis and then they take advantage of the crisis generated by having an evaluation of the situation, an accounting, an audit, finding things wrong, and then blaming the system and the act itself as the generator of the things that have gone wrong.

We have a case in Oklahoma being blown out of proportion. Very few fraud cases have ever been found during the history of Davis-Bacon, but now we have a case that is being taken as a cause celebre and blown up out of proportion to make it appear that all of Davis-Bacon is corrupted. That is not true at all.

Davis-Bacon was enacted in 1931. It is a simple act requiring that contractors on federally funded construction projects pay their workers no less than the wage rates that prevail in the local area on the same type of construction. The act does not require contractors to employ the local work force, and it does not require that the work force be paid in accordance with local labor standards. It does what it says. It requires that they be paid at wage rates which are in keeping with the wage rates that are paid at the local level.

Davis and Bacon were two legislators who were both Republicans. They were Republicans seeking to do what all of us claim we think is important, is a priority. That is, protecting our working families. Davis-Bacon developed the legislation because they saw workers moving about from one part of the country to the other, following big Federal contracts and employing labor gangs to maximize the profits of the contractors on these big Federal jobs, and they threw out of kilter the wage structure at the local level when they did that. They drove down the wage structure of the local level. They threatened workers and families. They threatened the stability of certain communities.

So these middle-class legislators, Republicans, developed a sensible law to stop the exploitation of the big Government contract by greedy contractors. The same goal that was realized in 1931 is the goal that Davis-Bacon still realizes when it is applied in 1997. Repealing Davis-Bacon would result in lower wages for half a million Americans. The attempt now is to repeal Davis-Bacon.

One of the reasons that the school construction initiative had a problem here in the House of Representatives was that certain people attacked the school construction initiative through their attacks on Davis-Bacon. They charged that any new school construction would be out of proportion, would be higher costs than necessary because if it was federally assisted, they would have to use the Davis-Bacon Act to cover the workers, and that will drive up the costs.

We have studies that show that that is not the case at all. There is no proof that the cost of building schools goes up as a result of paying prevailing wages under Davis-Bacon. In fact, there is some evidence that shows, some studies, that show that the cost is less when you use Davis-Bacon prevailing wage workers. You get a different quality of workers, you get a different productivity, you get a different efficiency, and as a result, the cost actually sometimes goes down.

Nevertheless, there are those who said, we want to repeal Davis-Bacon,

and they make it appear that construction workers who are covered by Davis-Bacon are earning large sums of money, out of proportion to their worth. The truth of the matter is that construction workers who have some of the most difficult jobs in terms of just hard labor, in terms of danger, they are the ones who have benefited most from the establishment of OSHA, the Occupational Safety and Health Administration.

The safety factors have changed radically as a result of Federal intervention in the workplace to establish certain safety standards, so construction workers are much safer today than they were before, but it is still a risky job. Construction workers, they work on risky jobs, they work on dirty jobs, they work on jobs that have not benefited a great deal from automation.

On a hot day when they have to go out and work in the construction industry, there is no way you can press a button and have a computer take the place of a human being in that hot sun. There is no way you can press a button and have a computer take the place of a worker that is called upon to make a difficult haul into some tight quarters and deliver some kind of heavy load. There are all kinds of situations in the construction industry that probably never will be automated.

Nevertheless, despite the fact that the danger still persists, the wages have gone down. The stagnation of American wages at the lower levels, workers have experienced stagnation, and it has impacted on construction workers a great deal. So they do not earn any more money than they did 10 or 20 years ago. Relatively speaking, they have lost.

They will lose even more if we repeal the Davis-Bacon Act. It is estimated that more than one-half million construction workers in the United States have received prevailing wages under the Davis-Bacon Act. Because the Federal Government must put primary emphasis in awarding contracts on the lowest bid, market forces would put contractors to lower wages in order to try to make the lowest bid, driving wages down, if you did not have the Davis-Bacon regulations.

A study by the University of Utah indicates that repeal of the Davis-Bacon Act would lower the wages of construction workers, which in constant 1982 dollars have been on a downward trend anyhow since 1972. They would be lowered by 5 percent if we repeal the Davis-Bacon Act. All construction workers would go down. For construction workers who have annual average earnings of $27,500, this could result in the loss of nearly $1,400 in income annually.

□ 2130

Construction workers have an annual average earning of $27,500. This means that when we lump the bricklayers, plasterers and the sheet metal workers and all of them together, that is what they come out with, an average of $27,500 annual earning, which is very low considering the kind of work they are called upon to do. It is quite low. They have not moved and kept up with the inflation rate as it is. And if we have a further impact on those wages, they would go down even further.

Davis-Bacon has brought some stability but it has not really been a factor which has led to some kind of increase in the wage rates of the workers. At least the stability is there, to some degree, and they have not been eroded further.

There are those who say Davis-Bacon is a discriminatory act which certainly has hurt minorities a great deal. This is a widespread belief among the minority community, that Davis-Bacon has some impact on the problem that minorities have had in the construction industry.

Minorities have had problems in the construction industry, that is true, for various reasons that should be dealt with one by one. There is a long history of a fight to get justice in various construction unions, and that is one fight. Davis-Bacon really did not contribute to that very much.

Davis-Bacon was designed to stop traveling labor gangs who would underbid the local workers. Many of those traveling labor gangs were not minorities. The notion they would bring in minorities is not true at all, because bricklayers and steam fitters and a number of other crafts and trades were not even allowed to practice in the South. A black could not become an electrician, so black electricians could not go north and underbid white electricians.

It was not a black-white situation that was corrected or held in check by Davis-Bacon. It was a situation where underbidding was taking place without regard to race. So Davis-Bacon did not exacerbate or contribute at all to discrimination in the construction industry.

What it has done over the years has been a positive benefit, often a positive benefit to minorities. The intent of the Davis-Bacon Act was to protect workers and employees by giving local labor and local contractors a fair opportunity to obtain Federal construction projects. Davis-Bacon benefits minority workers by seeking to ensure that all employees, regardless of race, shall be paid at least the locally prevailing wage.

According to former Secretary of Labor Ray Marshall, the workers most often victimized by unscrupulous contractors are minority workers. Davis-Bacon is an integral part of ensuring a decent life for the hard working men and women in the construction industry.

I do agree that minorities are the ones who are victimized the most by unscrupulous contractors, and the most unscrupulous contractors are those who are fighting to get rid of Davis-Bacon. They are also fighting to get rid of unions at the same time.

Davis-Bacon also lessens the exploitation of unskilled and semiskilled labor, of which 35 percent are women and minorities. It ensures if these workers are paid less than the prevailing wage, they must be enrolled in an apprenticeship or training program that will help them develop their skills and increase their marketability.

According to former Secretary of Labor John T. Dunlop, formal training programs are essential to recruit and train minorities for the construction industry. If Davis-Bacon were repealed, contractors would have less incentives to enroll workers in training programs.

I cannot stress that too much. I know of numerous situations where unions that were closed 10 years ago to minorities in New York City have been open for some time through their apprenticeship programs and now they actively recruit minorities. In fact, I think there is a bit of a boom on right now and they cannot find enough apprentices.

If Davis-Bacon were repealed, contractors would have less incentives to enroll workers in training programs. In fact, there are other studies that show the contractors that do not want Davis-Bacon, who really would like to have a free-for-all, the contractors who are most anti-union are the ones who have phony apprenticeship programs. They either have no apprenticeship programs or they deliberately enroll people as apprentices and do not bother to provide any training. When they do not provide training, the apprentices drop out and they just hire more people and exploit them also.

The enactment of some 60 related statutes since the passage of the Davis-Bacon Act of 1931 provides strong evidence that Congresses and Presidents of both parties believe that the Davis-Bacon Act provides beneficial and nondiscriminatory protections.

Historically, as I said before, this was a Republican initiative, has been supported by Democratic Congresses, Democratic Presidents, and we would like to get back to having the majority party understand that in their war against labor, maybe they should cease the whole war, but certainly there are certain battles that should not be fought, and the battle against Davis-Bacon is one of those battles that ought to cease immediately.

Available data simply refutes the argument that Davis-Bacon operates in a manner that discriminates against minorities and women. In fact, there is no difference in the employment of minorities and women by Federal construction contractors and contractors which do not do Federal work. Davis-Bacon does not have any impact on the number or the percentage of minorities employed by contractors.

By the way, Davis-Bacon has been endorsed by various civil rights organizations, including the NAACP.

Now, Davis-Bacon also represents something that the majority party repeatedly claims they want to see happen. They argue in the TEAM Act, the

TEAM Act, in my opinion, is an attempt to establish company unions, but in the opinion of the majority Republicans the TEAM Act is an attempt to get better labor relations between management and labor.

They argue for that in the case of OSHA. Instead of OSHA being an enforcement agency which hands down decisions about safety on the workplace, they want the relationship between employers and their employees to be paramount in deciding what is safe and what is not safe, how it is reported, what is enforced. They want a partnership with OSHA in working out these kinds of agreements.

And it all seems quite reasonable, and it has some merit, but when it comes to recognizing that Davis-Bacon has achieved a harmony between workers and contractors, and we have a situation now where here is a Federal program which is supported by both contractors and the workers, it is supported by both contractors and the unions. One intent of the Davis-Bacon was to ensure that local contractors have a chance to obtain Federal construction work.

So contractors understand that they are put in a better position. This is contractors who really want to do the right thing; contractors who care about workers, contractors who care about their local neighborhoods and their local communities, contractors who want to establish stability, contractors who want to do quality work and who want to make certain that their reputations are not ruined by slipshod work or maybe dangerous kinds of construction. These kinds of contractors have a chance as a result of Davis-Bacon regulations.

If Davis-Bacon did not exist, many local contractors would not be able to compete with outside contractors who use less costly labor from outside of the community, and they are able to underbid them. They did come in and do often shoddy work or less credible work, but that is only known afterward.

In my community there is a parkway which runs down almost the center of my district, and Eastern Parkway, in the renovation and the rebuilding of Eastern Parkway we had the streets dug up at least three times. One contractor did such shoddy work, he had to go back and redo it. And in the process of trying to redo it, he went bankrupt and we had to get a third contractor to come in and actually complete the job. It went on and on for three times as long as it should have gone on because of the fact that we had this contractor coming in who did not know what he was doing. This was a situation which was compounded by the fact that the contractor and his workers were not qualified.

If Davis-Bacon did not exist, many local contractors would not be able to compete. And in certain kinds of situations, this would be happening all the time.

At congressional hearings on the Davis-Bacon Act, we have had in the past year many contractors who expressed support for Davis-Bacon. They say that Davis-Bacon leads to high productivity. For example, one contractor stated that he found that the Davis-Bacon Act,

> By eliminating wages as a competitive factor, creates a level playing field in which to compete for government contracts that provides an opportunity for companies like mine to compete with large and small contractors on the basis of our management ability and high productivity.

I think that I have established the fact last year in discussions that we have a positive union worker-management relationship fighting to keep a program that provides better construction for us in America. It really is something to consider.

I think we also better consider the fact that the quality of the labor force has been hard hit by this drop in construction wages relative to other wages that have gone up. We may have a crisis created soon if we do not have Davis-Bacon contractors who are stabilizing the situation, mainly by their relationship to their apprentices and training programs, and are serious about developing people who can take the places of the journeymen and being able to continue high quality work.

The Davis-Bacon Act does not automatically increase the cost of construction for the Federal Government. This is a myth that goes on and on. And as I said before, studies have shown this has not happened. Lowering wages does not necessarily lead to lower costs.

The people who underbid the Davis-Bacon contractors are the contractors who do not mind Davis-Bacon and who are in many cases using union labor. They come in and they are able to employ people at lower wages, but they end up having to employ more people or they end up having to redo the work that they did and they end up creating situations which are more costly.

Equating wage reductions with dollar-for-dollar savings is inaccurate because it fails to take into account other factors that may affect cost, such as the relationship between productivity and wages. This is a crude methodology at best. The Congressional Budget Office states that higher wage rates do not necessarily increase cost. If these differences in wages were offset by hiring more skilled and productive workers, no additional construction costs would result.

So the people who fight Davis-Bacon, the contractors who are well organized in trying to at this point get a repeal of Davis-Bacon, are people who use the crudest kind of cost savings, employing low-cost workers, but they end up having to pay more anyhow in other ways; redoing the work or hiring more workers, et cetera.

Davis-Bacon does not require payment of union wage rates. One charge that the majority party is making, one charge that we have to deal with on the Subcommittee on Workforce Protections repeatedly is that Davis-Bacon contractors and the unions are in cahoots with the Labor Department, and this all is designed to keep up high wage rates as a part of a union conspiracy.

Davis-Bacon wage determinations apply to over 3,000 U.S. counties and they apply to four types of construction: building, heavy, highway, and residential. And of the 12,500 wage schedules issued by the Department of Labor, only 29 percent require Federal contractors to pay collectively bargained rates across the board; 48 percent of the wage schedules establish minimum rates that are all nonunion, and some are a mix of union and nonunion rates that make up the remaining 23 percent.

Perception that the Davis-Bacon rate is usually the union rate is a carryover from the days more than a decade ago when the prevailing rate was set based on the rate paid to 30 percent of the workers of a classification. Since 1983, however, union rates are found prevailing only when the rate is paid to 50 percent of the workers in a particular classification.

These are myths that are deliberately continued. I am repeating myself from last year because in a new Congress they continue to try to push these myths forward.

The myth that the Davis-Bacon Act requires that all contractors must pay union wages even when the average wage in an area is below the union rate is a myth that is deliberately kept going and they know it is false.

□ 2145

Of the 12,500 prevailing wage schedules issued, only 40 percent of the wage schedules are non-union. Mixed schedules are 23 percent, as I said before. There is also another myth, that the Davis-Bacon Act is inflationary, it adds billions of dollars to the Federal budget. The payment of prevailing wages does not inflate costs. It does prevent costs from being cut at the expense of the employees' wages.

The director of the Congressional Budget Office, as I said before, has stated that higher wages do not necessarily mean higher costs. A 1992 study commissioned by the International Union of Operating Engineers compared the average cost per mile of highway and bridge construction in five high-wage States to five low-wage States and found that the construction costs per mile were actually lower in the high-wage States. This is a 1992 study.

There is another study that was done in 1994 in New Mexico which talked about the charge that school construction costs are driven up by Davis-Bacon, and I am going to discuss that study in a minute. It shows the same thing that the highway studies showed, that it does not drive up the cost. The school construction study actually

shows that the cost under Davis-Bacon was lower in many cases, and they give square footage costs that are pretty dramatic.

The Davis-Bacon Act is poorly administered and the wage determinations are woefully out of date. That is the latest and strongest charge that the Department of Labor is kind of under siege to change its method of doing its studies, and probably there is room for a lot of improvement. The biggest improvement would come if we had more funds devoted to the wage and hour administration and they can hire more staff.

The same majority party that is attacking the Department of Labor, driving down its budget wants more and more improvements in the way they do carry out all of their functions. But in this particular function in particular, certainly they do better if they had better staff. There are some attempts underway to reengineer the way they do the studies. At the same time, there is consideration that the Bureau of Labor Statistics may take a greater role in this.

All of that is positive. Why not let it take place without having it take place under the pressure of the war against Davis-Bacon? Let us negotiate. Let us have a truce. Let us have a period of a couple of years to work out these matters and not use a battering ram to try to force the repeal of Davis-Bacon by highlighting every little detail that has gone wrong in the administration of it.

The wage and hour administration made a number of improvements in the administration of the Davis-Bacon Act over the last few years, including making wage determinations available on line through Federal World, a computerization of the wage determination updating system, and improved training and outreach efforts of wage and hour would like to be able to conduct more surveys. However, the resources are limited. Thus, the survey program is carefully planned to target those areas where the most Federal construction is planned and where there is evidence that wage patterns have changed.

They have to pick and choose carefully because they have limited resources. One way to deal with this problem is if you are really concerned about updating and making more effective and efficient the wage and hour approach to setting the Davis-Bacon wage levels, then you should provide more funding for this activity in the Department of Labor.

To the extent that wage rates are out of date, that usually results in wage rates that are too low rather than too high. We are moving on all the time in determination of the cost of living. When we do not do these studies that set the wage rates on a regular basis, then what we are doing is hurting the workers and not driving up the cost of production. We might be helping the profits of the contractors. Wage and hour explore new ways to reinvent the process to make it work even better.

The purpose for the Davis-Bacon Act is as great today as when the act was first passed. The competition for working in the construction industry remains intense. The aftermath of the Los Angeles earthquake, for example, construction workers and contractors from outside the area sought to bid for the extensive work by offering lower rates. Unlike private industry, the Federal Government and most Federal assisted entities must place primary emphasis in awarding construction contracts to the lower bidder. And it is difficult, if not impossible, for an agency to award to the contract slightly higher because the contractor does better work. The Davis-Bacon Act encourages contractors to compete based on efficiency and equality rather than the one who pays the lowest wages.

As I said before, if you link all of this attack on Davis-Bacon and the attack on labor unions to some of the developments that are taking place here in the Congress today, then I think that one of the best linkages would be the failure of the school construction initiative that the President puts forth to pass a mere $5 billion over 5 years did not make it in this present package. And one of the reasons was that there was a great attack on the school construction initiative because of certain powerful groups charging that Davis-Bacon regulations would drive up the costs of school construction.

A study done completed in 1994 by Professor Peter Phillips of the University of Utah Economics Department shows that it is not only not true, just the opposite may be true. This study compares public square foot construction costs in five southwestern intermountain States that have State prevailing wage laws with four other States in the same region that do not have State prevailing wage laws.

For example, the five have-law States that do have prevailing wage laws are New Mexico, Texas, Oklahoma, Wyoming, and Nevada. At the time of this study, Oklahoma still had a prevailing wage law at the State level. The four no-law States, these are States that do not have State prevailing wage laws, obviously, I guess you know that if it is a federally assisted project, then it would have to have the Davis-Bacon Act, the Federal prevailing wage laws applies. But many States have their own laws; and Arizona, Utah, Idaho, and Colorado are States that at that time did not have such laws.

These States, often used by New Mexico, which is one of the have-law States in making other kinds of comparisons in their education system. For example, teachers' salaries are compared with these States. So they decided to compare the physical facility cost.

During the time period of the study, which ended in 1994, they found that elementary schools cost $6 per square foot less in the five States that had prevailing wage laws, the elementary school construction was $6 per square foot less. Middle school construction cost was $11 per square foot less in the States with prevailing wage laws. And high school costs were also $11 per square foot in the States with prevailing wage laws. Warehouse costs, they noted, I suppose in connection with schools they need to have warehousing for equipment, et cetera, warehouses $35 per square foot less in the States with prevailing wage laws. This is a summary of what the study found. It is a very thorough study which talks about various aspects of the Davis-Bacon law as it was applied in these situations. And I think it is important to note, because those of us who feel that the school construction initiative was important are not going to give up. We have to come back and wage the war to get these school construction initiatives back into the Federal budget.

Now, of course, the Federal budget should not take care of the building of schools at all levels. The Federal Government should not foot the total cost, and nobody has said that at all. States and localities will have to pay the bulk of the school construction costs.

Right now there is consideration in the New York State Legislature of a bond issue, it probably is going to be on the ballot in November, to build schools. It has popularity throughout the entire State, both the big cities and the rural areas, and upstate, downstate, throughout New York State there is a feeling that we have got to have some help in constructing some new schools, repairing some other schools. The process cannot go forward unless we have a new infusion of money. I think $1.5 million is the amount that is going to be on the ballot in New York State.

Across the country, other States will have to take initiatives. Localities will have to take initiatives. But there is need to have help from the Federal Government, also. The initiative proposed by the President of $5 billion over 5 years was a small one but it was a stimulant and it would encourage. Because the way that was going to operate, part of it required that you have matching funds at the local and State level.

There was some hope that part of it would be an outright grant that big cities like New York, Philadelphia, big inner-city communities with horrendous problems in their facilities would be able to get some outright grants. However it is fashioned, the Federal initiative is still needed. And it is a great tragedy that part of the reason that an initiative was left out of the budget and has gone down temporarily is the fact that charges were levied at it, that it would be very costly to have schools constructed with Federal money involved because Davis-Bacon prevailing wage regulations would apply.

That is not true. It would not drive up the cost of school construction

automatically. In fact, one of the few studies, thorough studies on record demonstrate that that is not the case. This is the study that I am reading from by Professor Peter Phillips of the University of Utah. And I quote from a section of Professor Phillip's work where he quotes another professor's summary of a study done at North Carolina State University by another professor, Steven G. Allen, who is published in the Quarterly Journal of Economics, an article entitled Unionized Construction Workers Are More Productive.

In this study, Mr. Allen is quoted as follows: ''Apprenticeship training in hiring halls probably raise union productivity compared to non-union workers, while jurisdictional dispute and restricted work rules lower that same productivity. Using broad methodology, and union productivity measured by value added employee is 44 to 53 percent higher than non-union.''

Let me repeat that. ''Union productivity measured by value added employee is 44 to 53 percent higher than non-union.'' The estimate declines to 17 to 22 percent when estimates of inter-area construction price differences are used to deflate the value added.

Basically, there is an increase in the value of the productivity of the union workers over the non-union workers. In other words, prior to adjusting for differences in regional cost of living and differences in regional construction material cost, union construction labor in the 1970's, which was the period of the Allen study, was roughly 50 percent more productive than non-union labor.

The wage rates and the material costs of the BLS in regional cost study were not altered to factor in the effect of differences in regional cost of living. Thus the, BLS study is quite consistent with Allen's work and their conclusions are similar. Wage rate differences are 50 percent across regions with differences in productivity and cost of living may not alter labor costs as a percent of total cost. Within a region such as New Mexico, for example, or intermountain west, where the cost of living and the material cost of construction are similar, 20 percent differences in wage rates and construction can be offset by differences in productivity between union and non union labor. Union contractors have greater economies of scale. This gives them a cost advantage in large commercial office buildings. But in school and hospital construction, non union contractors have lower cost at all output levels. Despite the cost differences, profits of non-union contractors and school and hospital construction are no higher than those for union contractors because the burden of higher contractor costs have shifted.

There are some other quotes in here about training. In the study done by Professor Phillips. He says that because of the non-union employer prices, new hands, and discounted wages that shield the employer from investing in human capital of new workers, the employer does not screen new workers extensively to forestall subsequent turnover.

□ 2200

''Failure to preselect new workers for aptitudes and attitudes consistent with a long-term attachment to construction work adds to the turnover among nonunion construction apprentices. In contrast, the joint apprenticeship boards of unions and union contractors do considerable preselection for both aptitude and attitude before letting a candidate into an apprenticeship program. This is because both the union contractors and the unions will invest in the union apprentices' training. Not wanting to lose their up-front investment, they seek to eliminate exit once the apprenticeship is begun.

''In the nonunion sector, workers may also leave apprenticeships if it becomes apparent that the employer offering training at a discounted wage is not delivering on the training that he promised to provide. Because employers are able to discount wages of apprentices below their current worth to the employer, it is tempting to engage in bait-and-switch tactics whereby training is promised but not delivered. Unscrupulous nonunion employers and contractors regularly do a bait-and-switch tactic by promising training and not delivering it. By saving on training costs, the employer can earn an additional profit from employing green hands at discounted wages. In the union sector, because employers and union journeymen invest in the training of apprentices, bait-and-switch tactics are less attractive. Because the apprentices' wage is not discounted as much below what they can earn elsewhere, the apprentices are not tempted to leave. Thus, economic theory predicts the observed pattern whereby the nonunion sector must begin training five apprentices to graduate one journeyman while the ratio in the union sector is close to one to one. Their investment can be as low as one to one.

''In basic terms, nonunion contractors have difficulty training because, one, the relationship between the contractor and the construction worker is often brief. This leads to a free-rider problem. Why should I train you when you are likely to go down the road and work for my competitor? I would just be helping him out and not myself. And, two, without an apprenticeship coordinator, there is no one policing the training to insure that on-the-job training takes place and is of decent quality.'' Thus, some contractors are tempted into what I said before was bait-and-switch, where they swindle apprentices out of their labor.

Let me just conclude my quotes from this study with this last statement on plausible savings on total construction costs. I am reading from a study that relates to Square Foot Construction Costs for Newly-Constructed State and Local Schools. I am reading from this because of the fact that the charge has been made that Davis-Bacon will inflate school construction costs and that charge was made so effectively until it helped to defeat in the negotiation the President's initiative on school construction funding. That initiative would have provided $5 billion over a 5-year period. Let me just quote from the study on plausible savings on net total construction cost.

''A plausible scenario is to assume that generally on public works projects, total compensation as a percent of net total construction costs range somewhere between 20 and 30 percent. That is total compensation, wages, no higher than 30 percent. If you repeal the prevailing wage laws, you would probably drive wage rates down by around 10 percent. On the face of it, this would result in a 2 to 3 percent total cost savings on a public works construction. However, as total compensation declines, the crew mix is likely to shift to a less skilled labor force. Now it takes more workers to complete the same job. Indeed, some proponents of prevailing wage law repeals make that argument explicitly.''

Some people say that it is better to have more construction employment by not having prevailing wages. But that backfires in terms of the quality of the work.

''Because crew size will rise as wage rates fall, net total cost savings will not fall as the wage rates fall.'' The important point they are making here is that ''the true potential cost savings will be much smaller than the fall in the wage rates, and it may be negligible. The only way to know is to measure in practice comparative construction costs under legal environments with and without prevailing wage laws, controlling for other factors such as building type and regional differences in cost-of-living.''

But the basic statement here is that it is not true. Wages are only between 20 to 30 percent of cost of construction of schools. Period. If you attempt to lower those costs by eliminating Davis-Bacon, all you do is lower the wage rate for the workers without really lowering the costs any more than 3 percent, if at all. What you do is run the risk of shoddy construction.

I would not want my children to go to a school that was built by a greedy contractor using nonunion labor, cutting corners, and not only having to use more workers but using workers who are basically careless and do not particularly care about what they are doing. I think that the danger of things happening with that building, that school building, are far greater, of dangerous kinds of accidents happening, faulty connections with the wiring, the water system being poorly connected. There have been cases where we have had the system in the bathroom connected to the drinking water; all kinds of mishaps have happened because of

unscrupulous practices of contractors trying to save money by using the lowest paid labor.

What I am saying is that the war against organized labor, the battle against Davis-Bacon certainly should be waged without destroying the school construction initiative. I think we should cease the war, we should have a truce. Just as we have come to some kind of bipartisan agreement on taxes and on the budget, let us come to an agreement that working families are not going to be put under the gun by the majority Republicans. Working families are not going to have to face situations where already stagnant wages in the construction industry are going to be pushed down further by the assault on Davis-Bacon. Working families should not have to face the assault on OSHA where the safety in the workplace, including construction workers, is lessened because of the assault on the Government agency responsible for enforcing safety regulations.

There was a study done, released a few days ago by a totally objective, highly credible body, the American Medical Association, which shows that 70,000 people were killed or injured in the workplace last year. Seventy thousand people were killed or injured in the workplace. Those figures are very close to the figures that are offered by the Department of Labor. The figures offered by the Department of Labor through OSHA are disputed. The majority Republicans on the Subcommittee on Workforce Protections insist that these figures are not valid, and they want to discount them. Here we have somebody totally out of the loop. I do not think the Department of Labor is biased toward unions or biased toward anybody. They are Government civil servants who do a good job and their figures are always accepted as being as close to the truth as you can get. However, here is another body, the American Medical Association, that has come up with a set of figures which is even greater. I think the Department of Labor statistics were still in the 65,000, 68,000 range. Here the American Medical Association has published figures which show 70,000. Their figure is about $110 billion was lost in the workplace as a result of safety problems and health problems. This is the American Medical Association, not the Department of Labor, not the AFL–CIO, they have their own figures; but the American Medical Association.

Let us stop the war on OSHA. There are good reasons to stop the war on OSHA. Let us stop the war on Davis-Bacon, stop the war on OSHA, stop the war against workers' overtime. Let us have a truce and let workers be paid in cash, those that want to be paid in cash, and if you want to go for upper middle income or the upper income, and they want time off, we can arrange to give them time off without jeopardizing the overtime payment in cash for people who are lower down.

We can stop the war on labor by not going forward with this $1.4 million slush fund that has been set up to investigate labor unions. Let us stop the war on labor in terms of trying to drive them into a situation where they have to go to their membership and get approval from every single member before they can take a political position. The political positions do relate to the welfare of the workers. If they are in a union and they vote to elect officers and the majority rules and whatever the majority decides to do, then that majority ought to be supported; or at least you cannot have a revolution of a minority of a few people dictating what positions that the majority takes. We do not do that in corporations, we do not do that with any other organization in our society; churches. Nobody is required to have total unanimity on positions before they can take a position, political or otherwise.

We should stop the war on Davis-Bacon by blowing up out of proportion a few incidents that relate to fraud and abuse. We have an Oklahoma case as I mentioned before, a single incident in Oklahoma is being used as an ongoing investigation to condemn an entire system based on an investigation involving only three possible fraudulent wage submittals. These allegations of widespread fraud have no single shred of proof. They have not been able to document any widespread fraud.

It is important to note that since the inception of Davis-Bacon, approximately six cases of fraud have been alleged and brought to the attention of the Department of Labor. During the last 33 years, prior to the new Oklahoma allegations, not one fraud-related survey case was brought to the Department of Labor for investigation. Since 1992 only one formal request for reconsideration of a wage decision has been received by the Department of Labor.

A recent GAO investigation showed that there have been many mistakes made in the surveys done by the Department of Labor but none of them were done intentionally. They have no evidence of fraud. By the way, many of the mistakes were made by employers who had payrolls and payroll sheets in front of them and they were supposed to get data from those sheets, and they made mistakes in submitting that data, not the unions and the workers as has been alleged.

Let me conclude by saying that it is unfortunate that the war against Davis-Bacon and the war against working families resulted in a casualty in the budget, the School Construction Act. There is a cause and effect there that I insist exists, that the overwhelming sentiment among the American people is that they want to do things for education. They would like to see schools revitalized. A flimsy charge that the cost of school construction would be driven up by Davis-Bacon and therefore we should not have Federal assistance with school construction would not survive unless it was pushed very intentionally, prosecuted and pushed very intentionally by the majority. Let us have a truce, let us do what we have done in the case of taxes and the budget and have a bipartisan approach to working out labor-management problems. Let us end the attack on labor, let us retire the slush fund and use it for some better purpose, and by all means let us not continue to perpetrate the myths that Davis-Bacon is an evil, that Davis-Bacon has not benefited not only the workers in construction but also the communities where they work as well as the American people as a whole.

A HISTORIC ACHIEVEMENT

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes.

Mr. SHAYS. First let me thank the gentleman from Washington [Mr. METCALF], Speaker pro tempore, as we have the opportunity to address this Chamber for continuing to serve at a late hour here. I do not intend to take anywhere near the hour that would be allotted to me. I do know the House is going to be in session tonight as we wait for the rules, so our staff will be staying around for a bit. But I have not really had much opportunity to address this Chamber in a special order. Tonight is a night I am really grateful to have this opportunity.

I am grateful to have this opportunity because I think of the historic achievement that has been agreed to between this President, a Democrat President, and this Congress, a Congress controlled by Republicans, a Congress filled with 435 men and women of both parties, but a party in control of this Congress, the Republican Party.

□ 2215

I think in terms of my history as I was growing up and as a student in high school and college and thinking about our Founding Fathers, and they designed quite a system. They designed a system where you would not only have competing interests in a Chamber and in another Chamber, the Senate, and this check and balance with the judiciary, but you would have an executive who would not have the ability to do everything he or she wanted, a Congress that does not have the ability to do everything it, the majority party, wants. This is a system designed by our Founding Fathers, and they wanted it to be exactly what it is, a system that does not allow one unit, one branch, to gain too much power or one group within a branch to gain too much power.

So what did we have after the 1996 election? We elected a Democrat President. Frankly, by an overwhelming number the American people elected such a President, and they elected a Republican Congress, maybe not by the same margin, and they said very clearly in their message that they wanted us to work together.

Mr. Speaker, we have worked together, and we have a historic agreement, and it is for real, and it is not an agreement that is unable to take place because of a rosy scenario. This is an agreement where either the President and our own Congress said we would use inflated numbers and anticipate revenues that simply would be far in addition to what they would be in actual fact. This is an agreement that anticipates revenue growing at 2.1 percent a year. Now it is growing much faster now than that, but maybe in the fourth or fifth year it will not grow as much.

There are a number of us, certainly on our side of the aisle, who anticipate a very robust economy for the next year or two, and we intend to have that move us toward balancing the budget sooner than 5 years. Five years is the outer limit. There are many of us who feel we need to get our country's financial house in order sooner.

I know for one, as a Member of this body, finishing now by the end of this week my 10th year; I won in a special election and started in September 1987. I was elected in August, and I remember that for me, a State legislator at the time, I was amazed that Congress would continue to spend and spend and spend when we did not have the revenue to pay for it and we would continue to have our national debt go up and up and up.

Mr. Speaker, it has gone up tenfold in less than 22 years, 10 times, not double or triple, 10 times, and so there were Members such as myself, particularly Members more on this side of the aisle, who said we need to get our country's financial house in order. I am thinking of one Member in particular. It is our colleague the gentleman from Ohio, JOHN KASICH, the chairman of the Committee on the Budget, and I will never forget walking into the room, this Chamber, as the machine had closed for Mr. KASICH's amendment to begin to balance the budget.

Mr. Speaker, the year was 1989, and there were 38 Members, mostly Republicans, some Democrats, who supported JOHN KASICH and his effort to get our country's financial house in order.

I use the gentleman from Ohio, JOHN KASICH, and his effort as kind of the benchmark of what happened over time. Every year when JOHN KASICH introduced his amendment he got more people to sponsor it and more people to vote on it. It started out at 38, then it went to 50, then it went to 80 the year after, then it went to close to 100, then it went over 100, then it got closer to the middle range between 100 and 200, and then we got to a point where Tim Penny and JOHN KASICH teamed together. Republican JOHN KASICH and Tim Penny, a Democrat, were on a major amendment to save $90-plus billion in savings, in appropriated expenditures in particular. He got over 200. Every year there was progress.

So as one Member of this Chamber, I know that as a Republican you should not be surprised I would speak for another Republican, but this Republican deserves really the thanks of the American people, and he deserves the thanks of Republicans and Democrats alike because he truly helped steer us in the direction for what we have today.

Now people talk about the effort that he made over the last 7 months to balance the budget, to reduce the size of Government, to control the growth of entitlements and to have meaningful tax cuts to make this Government smaller and give the American people more of what they have been giving this Government. Seven months is just a little part of that story. The real story is his long journey in 1989, when more and more people sponsored and supported his efforts. He truly has been a leader in this Congress, and he will go down in history as a major part of this historic agreement.

I also want to thank the Speaker of the House, NEWT GINGRICH. I want to thank him, as unpopular as he may be in some areas, but I am not surprised because frankly a lot of good leaders are unpopular when they seek to do what needs to happen. NEWT GINGRICH, the Speaker of the House, is the first leader in my entire political career, and I have been in public office since 1974, when I served in the State house for 13 years, he is the first leader who has ever really truly asked a conference, a group of people, to do heavy lifting, to truly get our country's financial house in order.

So when we adopted the Contract With America, and almost all of us who got elected on the Republican side of the aisle had said we want to move forward with these 10 major reforms on the opening day of the session and 10 major reforms in the first 100 days, that commitment, that was a true effort to do some major things.

But we did not, for instance, just vote for a balanced budget amendment. In 1994, after the election and when we took over in 1995, we sought to balance the budget by making tough decisions in a whole host of programs to slow the growth of entitlements and to save them.

For instance, Medicare was losing too much money each year. The trust fund, we were told by the President's own people in charge of the trust fund on Medicare; that is, health care for the elderly and the disabled, that it would run out of money around the turn of the century because too much money was flowing out of the fund. We slowed the growth of the program so we admittedly in 7 years under our old plan had spent 60 percent more over 7 years than 50 percent per beneficiary. But we were slowing the growth to try to get a handle on a program that is very important to all Americans.

I guess what I really want to say because I do not want to speak too much longer: I am very proud to be part of this Congress, I am very proud the Republicans and Democrats could work together, I am very proud that this President recognized that he needed, frankly, to take some of his old legislative leaders out of this mix; Mr. DASCHLE and Mr. GEPHARDT were not part of the budget agreement because they clearly did not want an agreement, and he sought to have a true budget agreement with this Republican Congress.

So we are finally getting our country's financial house in order and balancing the Federal budget. We are saving our trust funds at least for the next 10 years, particularly in Medicare. And we are doing something very important, we are transforming this caretaking, social and corporate and agricultural welfare state into what I call a care and opportunity society. We are trying with all the power that we have to be a caring Government rather than a caretaking Government.

I salute the Republican Party for being determined to rein in entitlements and to cut taxes $91 billion net, but actually more than that. I salute the President for some of his spending priorities, but recognizing the President seemed to feel he won when he spent more and we seem to feel we would win when we slowed the growth of entitlements and cut taxes and made Government smaller.

But some of what the President wanted to spend more on, on education, health, the environment and housing, I happen to agree with; I think a good number of the constituents I represent, in the urban areas in particular, in Stanford, in Norwalk, and Bridgeport, the three major urban areas I represent.

I think this is a better agreement than most people ever expected, and for those who might be listening tonight and saying, you know, I will believe the tax cuts when I see them; well, turn on your TV set tomorrow and the next day. You will learn that we are going to lower the top rate of the capital gains from 28 to 20 percent, effective May 7, 1997. We are going to have that rate drop to 18 percent for any asset held more than 5 years, effective in the year 2001. We are going to have a $500 child tax credit, and excuse me; let me first say another capital gains exemption.

If you have a gain, and this was something the President wanted. It seems pretty high, but this is something the President wanted, along with the Members of Congress, a $500,000 exemption for capital gains in housing. If you hold a house for 1½ years and you have a gain of $200,000, you pay no tax. That is your home. You pay no gain on that. We have an estate tax that would go through that that basically increases the exemption from $600 to $1 million over the next 10 years, but if you have a family-owned farm or a family-owned small business, the exemption is going to rise immediately to $1.3 million. If you own a farm, if you own a small business, the child tax credit, you will see tomorrow and the next day, a $500 tax credit for kids 16

and younger beginning in 1999, $400 beginning in 1998, up to families of incomes of $110,000, and if you are single, up to $75,000.

You will see additional IRA's. You will see additional $31 billion of loss in revenue, of tax benefits for individuals choosing to send their children to the first 2 years of college, $1,500 off each year. The key is to make sure the colleges do not just increase their tuition, but it actually goes to the families and the kids. You will see businesses that will be able to benefit from the alternative minimum tax. You will see a slight increase in the tobacco tax, but it is going for health care.

We are finally getting a handle on Medicare, we are finally getting a handle on some other entitlements, and we are going to save this country not just for our kids, but our kids' kids.

I am very proud to be part of this Republican majority, I am proud of the work that JOHN KASICH has done, I am proud of the work that NEWT GINGRICH has done under tremendous criticism over his time as Speaker during the last 2½ years. It is a privilege to serve in the House of Representatives and represent the people of the Fourth Congressional District. It is a privilege to be on the Committee on the Budget and to serve with JOHN KASICH. It is a privilege to have NEWT GINGRICH as the Speaker of this House. I know many have been critical of his tenure over the last 2½ years, but I think history will be a very kind judge of NEWT GINGRICH.

U.S. ARCTIC RESEARCH PLAN—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:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the fifth biennial revision (1998–2002) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1997.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0314

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. METCALF) at 3 o'clock and 14 minutes a.m.

CONFERENCE REPORT ON H.R. 2015, BALANCED BUDGET ACT OF 1997

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2015) to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998:

[The conference report will be printed in the next issue of the RECORD.]

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.
Mr. KIND, for 5 minutes, today.
Mrs. TAUSCHER, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mr. BLUNT, 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. MCNULTY) to revise and extend their remarks and include extraneous matter:)

Mr. TORRES.
Mr. CONYERS.
Mr. SKELTON.
Mr. KENNEDY of Massachusetts.
Mr. KLECZKA.
Mr. BROWN OF CALIFORNIA.
Ms. BROWN OF FLORIDA.
Mr. MENENDEZ.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous matter:)

Mr. WOLF.
Mr. EHRLICH.
Mr. LOBIONDO.
Mr. QUINN.
Mrs. ROUKEMA.

(The following Members (at the request of Mr. SHAYS) and to include extraneous matter:)

Mr. SKAGGS.
Mr. METCALF.
Mr. COBLE.
Mr. WEYGAND.
Mr. KUCINICH.
Mr. WHITE.
Mr. LAMPSON.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes a.m.), the House adjourned until today, Wednesday, July 30, 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:

4431. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Vermont; Approval of PM10 State Implementation Plan (SIP) Revision and Designation of Areas for Air Quality Planning Purposes [VT–014–01–1216(a); A–1–FRL–5860–2] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4432. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report, determination and certification on a chemical weapons proliferation sanctions matter; to the Committee on International Relations.

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. LIVINGSTON: Committee on Appropriations. Report on the Revised Subdivision of Budget Totals for Fiscal Year 1998 (Rept. 105–215). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 201. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–216). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COBLE (for himself, Mr. HYDE, Mr. CONYERS, and Mr. FRANK of Massachusetts):

H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself, Mr. DUNCAN, Mr. LIPINSKI, Mr. BLUNT, and Mr. LAHOOD):

H.R. 2282. A bill to amend title 49, United States Code, to impose restrictions on the operating rights of foreign air carriers of a foreign country that has restricted U.S. air carrier operations; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself, Mr. HANSEN, Mr. COOK, Mr. SALMON, Mr. SHADEGG, Mr. KOLBE, Mrs. CHENOWETH, Mrs. CUBIN, Mr. CRAPO, Mr. PASTOR, Mr. CUNNINGHAM, Mr. MCKEON, Mr. HERGER, Mr. ENSIGN, Mr. GIBBONS, Mr. ISTOOK, Mr. WATTS of Oklahoma, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Mr. KIND of

Wisconsin, Mr. GOODLATTE, Ms. LOFGREN, Mr. GILCHREST, Mr. SMITH of Texas, Mr. MANZULLO, Mr. WICKER, Mr. FOX of Pennsylvania, Mr. PACKARD, Ms. DUNN of Washington, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SCHIFF, Mr. SESSIONS, Mr. HASTINGS of Washington, Mr. REDMOND, Mr. BARRETT of Nebraska, Mr. EHLERS, Mr. OXLEY, Mr. SNOWBARGER, and Mr. BONO):

H.R. 2283. A bill to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah; to the Committee on Resources.

By Mr. KING of New York:

H.R. 2284. A bill to amend the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 to eliminate the restriction on assistance to Azerbaijan; to the Committee on International Relations.

By Ms. LOFGREN (for herself, Mr. CANNON, Mrs. TAUSCHER, Mr. DREIER, Mr. FAZIO of California, and Mr. DELAHUNT):

H.R. 2285. A bill to provide for the consideration, during fiscal year 1997, of petitions for classification under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act without regard to the numerical limitation applicable to such petitions, subject to a reduction in such limitation for fiscal year 1998, and for other purposes; to the Committee on the Judiciary.

By Mr. MCINNIS:

H.R. 2286. A bill to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. MEEHAN:

H.R. 2287. A bill to apply the rates of duty effective after December 31, 1994, to certain water resistant wool trousers that were entered, or withdrawn from warehouse for consumption, after December 31, 1988, and before January 1, 1995; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. GILMAN, Mr. DIAZ-BALART, Mr. MENENDEZ, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. DEUTSCH, Mr. SMITH of New Jersey, Mr. ROTHMAN, and Mr. HYDE):

H.R. 2288. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require the Secretary of State to submit to the Congress reports relating to the exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in that property; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. GILMAN, Mr. DIAZ-BALART, Mr. MENENDEZ, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. DEUTSCH, Mr. SMITH of New Jersey, and Mr. ROTHMAN):

H.R. 2289. A bill to provide for the withholding of United States assistance to countries that aid or are engaged in nonmarket based trade with the Government of Cuba; to the Committee on International Relations.

By Mr. SHAYS (for himself and Mr. PAYNE):

H.R. 2290. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve enforcement under such Act; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. SKAGGS:

H.R. 2291. A bill to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively utilize the proceeds of sales of certain items; to the Committee on Resources.

By Ms. BROWN of Florida (for herself, Mr. TOWNS, Mr. MCCOLLUM, Ms. ROS-LEHTINEN, Ms. KILPATRICK, Mr. WATT of North Carolina, Mrs. MEEK of Florida, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. MCCARTHY of Missouri, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. DELLUMS, Mrs. CLAYTON, Ms. NORTON, Mr. BONIOR, Mr. BROWN of California, Mrs. MALONEY of New York, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. FILNER, Ms. STABENOW, Ms. DELAURO, Ms. SLAUGHTER, Mr. RUSH, Ms. VELAZQUEZ, Mr. HASTINGS of Florida, Mr. FOLEY, Mr. DAVIS of Illinois, Mr. TORRES, Mr. ABERCROMBIE, Mr. WATTS of Oklahoma, Mr. SNYDER, and Mr. GOSS):

H. Con. Res. 129. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor Zora Neale Hurston; to the Committee on Government Reform and Oversight.

By Mr. HASTINGS of Florida:

H. Con. Res. 130. Concurrent resolution concerning the situation in Kenya; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. ABERCROMBIE):

H. Con. Res. 131. Concurrent resolution expressing the sense of Congress regarding the ocean; to the Committee on Resources.

By Mr. SOLOMON (for himself and Mr. LANTOS):

H. Con. Res. 132. Concurrent resolution relating to the Republic of China (Taiwan's) participation in the United Nations; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 339: Mr. GOODLATTE.
H.R. 493: Ms. WOOLSEY.
H.R. 521: Mr. JOHN.
H.R. 551: Mr. FAWELL.
H.R. 632: Mr. BARCIA of Michigan, Mr. GIBBONS, Mr. WAMP, and Mr. THUNE.
H.R. 633: Mr. BATEMAN.
H.R. 695: Mr. HALL of Ohio, Mr. LIVINGSTON, Mr. HOEKSTRA, Mr. WISE, Mr. FILNER, Mr. MCDERMOTT, Ms. SANCHEZ, Mrs. THURMAN, Mr. TANNER, Mr. PASTOR, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. JEFFERSON, Mr. FORD, Mr. BARRETT of Wisconsin, Mr. FATTAH, Mr. BARCIA of Michigan, Ms. HOOLEY of Oregon, Mrs. NORTHUP, Mr. VENTO, Mr. BONIOR, Mrs. CLAYTON, Mrs. KENNELLY of Connecticut, Mr. PALLONE, Mr. OLVER, Ms. KILPATRICK, Ms. DELAURO, Mrs. MEEK of Florida, Ms. STABENOW, Mr. STEARNS, Mr. HEFLEY, and Mr. RADANOVICH.
H.R. 727: Mr. GIBBONS.
H.R. 777: Mr. FOGLIETTA and Mr. BERRY.
H.R. 793: Mr. BONIOR.
H.R. 795: Mr. MCGOVERN.
H.R. 815: Mr. PETERSON of Pennsylvania, Mr. LAHOOD, Mr. PETERSON of Minnesota, Mr. WATT of North Carolina, and Mr. WELLER.
H.R. 859: Mr. DICKEY and Mr. HILLEARY.
H.R. 873: Mr. KLUG.
H.R. 880: Mr. MCCOLLUM, Mr. DOYLE, Mr. HALL of Texas, Mr. MILLER of Florida, and Mr. BERRY.
H.R. 893: Mr. ANDREWS, Mr. MALONEY of Connecticut, Mr. DAVIS of Illinois, and Mr. TRAFICANT.
H.R. 991: Mr. LAZIO of New York.
H.R. 992: Mr. GOODE, Mr. MCINTOSH, and Mr. GIBBONS.
H.R. 1009: Mr. HALL of Texas.
H.R. 1114: Mr. ROTHMAN and Mrs. MEEK of Florida.
H.R. 1130: Mr. CLAY.
H.R. 1134: Mr. BUNNING of Kentucky and Mr. OWENS.
H.R. 1140: Mr. POSHARD and Mr. FROST.
H.R. 1232: Mr. CLYBURN.
H.R. 1257: Mr. LAZIO of New York.
H.R. 1270: Mr. SNYDER and Mrs. EMERSON.
H.R. 1333: Mr. WICKER.
H.R. 1507: Mr. ACKERMAN, Mrs. JOHNSON of Connecticut, and Mr. BECERRA.
H.R. 1560: Mr. KING of New York and Ms. MOLINARI.
H.R. 1608: Ms. PRYCE of Ohio, Mr. BOUCHER, Mr. BONIOR, Mr. GOODLING, and Mr. BURTON of Indiana.
H.R. 1614: Mr. BROWN of Ohio.
H.R. 1635: Mr. BUNNING of Kentucky, Mrs. CUBIN, Mr. DUNCAN, Mr. FOGLIETTA, Mr. HOYER, Mr. HYDE, Mr. KUCINICH, Mr. LEWIS of California, Ms. PRYCE of Ohio, Mr. BONIOR, and Mr. VISCLOSKY.
H.R. 1712: Mr. GIBBONS.
H.R. 1754: Mr. ACKERMAN.
H.R. 1763: Mr. LEWIS of Georgia.
H.R. 1801: Mr. LAMPSON, Ms. JACKSON-LEE, Mrs. TAUSCHER, and Mr. CAPPS.
H.R. 1836: Mr. HORN and Mr. BARR of Georgia.
H.R. 1839: Mr. MOLLOHAN and Mr. PRICE of North Carolina.
H.R. 1903: Mr. EWING and Mr. BARTLETT of Maryland.
H.R. 1908: Mr. WATKINS.
H.R. 1984: Mr. BURTON of Indiana, Mr. BACHUS, Mrs. CHENOWETH, Mr. LEWIS of Kentucky, and Mr. JENKINS.
H.R. 2004: Mr. ACKERMAN.
H.R. 2069: Mr. OWENS.
H.R. 2090: Mr. GEJDENSON, Mr. BOEHLERT, Mr. VENTO, Ms. MOLINARI, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. FOGLIETTA, Mr. OLVER, Mr. TOWNS, Mr. FAZIO of California, Mrs. MALONEY of New York, and Mr. GILMAN.
H.R. 2102: Mr. PETERSON of Pennsylvania.
H.R. 2174: Mr. BERMAN, Mr. OLVER, Mr. FROST, Mr. BALDACCI, and Mr. BARRETT OF WISCONSIN.
H.R. 2182: Mr. HASTINGS of Florida, Mr. HILLIARD, and Mr. MCDADE.
H.R. 2185: Mr. FROST, Mr. FATTAH, Mr. BROWN of California, Mr. STARK, Ms. CHRISTIAN-GREEN, and Mr. UNDERWOOD.
H.R. 2191: Mr. WHITE and Mr. CASTLE.
H.R. 2200: Mr. BONIOR.
H.R. 2272: Mr. GEJDENSON, Ms. FURSE, and Ms. DELAURO.
H. Con. Res. 27: Mr. MARTINEZ, Ms. KILPATRICK, Mr. SNYDER, Ms. FURSE, Mr. THOMPSON, and Mr. ENGEL.
H. Con. Res. 68: Mr. BONIOR.
H. Con. Res. 80: Mr. MCDADE, Mr. ABERCROMBIE, Mr. ENGEL, Mr. BONO, and Mr. WEYGAND.
H. Con. Res. 106: Ms. PELOSI and Mr. MARKEY.
H. Res. 37: Mr. BALDACCI and Mr. GIBBONS.
H. Res. 144: Mr. LATHAM, Mr. KING of New York, and Ms. MOLINARI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MR. FORBES

AMENDMENT NO. 71: Page 94, insert the following after line 3:

PROHIBITION ON ASSISTANCE TO PLO AND PALESTINIAN AUTHORITY

SEC. 572. Notwithstanding any other provision of this Act, no funds appropriated or otherwise made available by this Act may be made available to provide assistance, directly or indirectly, for the Palestinian Liberation Organization or the Palestinian Authority.

H.R. 2159

OFFERED BY: MR. FORBES

AMENDMENT NO. 72: Page 94, insert the following after line 3:

PROHIBITION ON ASSISTANCE TO PLO AND PALESTINIAN AUTHORITY

SEC. 572. Notwithstanding any other provision of this Act, no funds appropriated or otherwise made available by this Act may be made available to provide assistance, directly or indirectly, for the Palestinian Liberation Organization or entities associated with it, or the Palestinian Authority.

H.R. 2159

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 73: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. None of the funds appropriated or otherwise made available by this Act under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'' that are made available for the International Atomic Energy Agency shall be made available for programs and projects of such Agency in Cuba.

H.R. 2159

OFFERED BY: MR. SOUDER

AMENDMENT NO. 74: Page 16, line 25, after ''$625,000,000'' insert ''(decreased by $50,000,000)''.

Page 23, line 26, after ''$230,000,000'' insert ''(increased by $50,000,000)''.

H.R. 2159

OFFERED BY: MR. SOUDER

AMENDMENT NO. 75: Page 24, line 16, insert before the period the following: ''*: Provided further*, That not less than $50,000,000 shall be available only for the procurement in the United States of four UH–60 Blackhawk utility helicopters, including maintenance and support for such helicopter, to be made available to the DANTI anti-narcotics unit of the Colombian National Police for the purpose of carrying out counternarcotics activities''.

H.R. 2264

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 15: Page 44, line 24, after the dollar amount, insert the following: ''(decreased by $1,000,000)''.

Page 73, line 15, after the first dollar amount, insert the following ''(increased by $1,000,000)''.

H.R. 2264

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 16: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $9,000,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $9,000,000)''.

In the item relating to ''ADMINISTRATION ON AGING—AGING SERVICES PROGRAMS'', insert after the dollar amount (before the colon) ''(increased by $4,725,000)''.

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 17: On page 2, line 15, after the dollar amount insert ''(reduced by $21,000,000)''.

On page 2, line 16, after the dollar amount insert ''(reduced by $21,000,000)''.

On page 3, line 9, after the dollar amount insert ''(reduced by $21,000,000)''.

On page 23, line 20, after the dollar amount insert ''(reduced by $1,000,000)''.

On page 68, line 17, after the first dollar amount insert ''(increased by $25,000,000) and after the second dollar amount insert ''(increased by $25,000,000)''.

On page 78, line 18, after the dollar amount insert ''(reduced by $1,500,000)''.

On page 78, line 19, after the dollar amount insert ''(reduced by $1,500,000)''.

On page 85, line 5, after the dollar amount insert ''(reduced by $1,500,000)''.

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics that is not specifically and explicitly provided for in authorizing legislation enacted into law.

H.R. 2264

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 19: Page 44, line 5, after the dollar amount, insert the following: ''(increased by $4,782,000)''.

Page 73, line 15, after the first dollar amount, insert the following: ''(reduced by $14,045,000)''.

H.R. 2264

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 20: Page 64, line 7, after the first dollar amount, insert the following: ''(decreased by $6,000,000)''.

Page 64, line 7, after the second dollar amount, insert the following: ''(decreased by $21,000,000)''.

Page 73, line 15, after the first dollar amount, insert the following: ''(increased by $5,000,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 21: Page 19, line 19, after the dollar amount, insert the following: ''(reduced by $9,800,000)''.

Page 44, line 5, after the dollar amount, insert the following: ''(increased by $19,600,000)''.

Page 44, line 16, after the dollar amount, insert the following: ''(reduced by $9,800,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 22: Page 64, line 7, after the first dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 66, line 20, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 23: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $40,690,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $40,690,000)''.

In the item relating to ''NATIONAL INSTITUTES OF HEALTH—NATIONAL CANCER INSTITUTE'', insert after the first dollar amount ''(increased by $36,000,000)''.

H.R. 2266

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 10: Page 100, after line 15, insert the following new section:

SEC. . The Secretary of the Army may reimburse a member of the Army who was deployed from the United States to Europe in support of operations in Bosnia and who incurred an out-of-pocket expense for shipment of a personal item to or from Europe during the period beginning on October 1, 1996, and ending on May 30, 1997, if the shipment of that item, if made after May, 30, 1997, would have been provided by the Department of the Army through the Temporary Change of Station (TCS) weight allowance under the Joint Federal Travel Regulation, as in effect after that date.

H.R. 2267

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 2: In title IV relating to ''DEPARTMENT OF STATE AND RELATED AGENCIES'', in the item relating to ''International Organizations and Conferences—contributions to international organizations'' strike ''of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages'' and all that follows through the second proviso.

H.R. 2267

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 3: In title IV relating to ''DEPARTMENT OF STATE AND RELATED AGENCIES'', in the item relating to ''International Organizations and Conferences—contributions to international peacekeeping activities'' strike ''of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages'' and all that follows through the first proviso.

H.R. 2267

OFFERED BY: MR. DOGGETT

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of such products.

H.R. 2267

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 5: Page 79, line 13, after the dollar amount, insert ''(reduced by $50,000,000)''.

H.R. 2267

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 6: In title IV relating to ''DEPARTMENT OF STATE AND RELATED AGENCIES'', in the item relating to ''RELATED AGENCIES—UNITED STATES INFORMATION AGENCY—NATIONAL ENDOWMENT FOR DEMOCRACY'' after ''$30,000,000'' insert the following: ''(reduced by $30,000,000)''.

H.R. 2267

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 7: Page 95, line 15, after the first dollar amount, and page 96, line 1, after the dollar amount, insert ''(increased by $500,000)''.

H.R. 2267

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: At the end of the bill, insert the following after the last section (preceding the short title):

SEC. . None of the funds appropriated or otherwise made available by this Act may be used for activities to increase foreign market access for tobacco products.

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. KASICH: Committee of Conference. Conference report on H.R. 2015. A bill to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998 (Rept. 105–217). Ordered to be printed.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, JULY 29, 1997 No. 109

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, help us to live beyond the meager resources of our adequacies and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our erudition and experience. We know that in every circumstance You provide us with exactly what we need.

Looking back over our lives, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels in the adventure of leadership. You are a disturber of false peace, the developer of dynamic character, and the ever-present Deliverer when we attempt what we could not do on our own. Thank You for the tangible evidence of Your answer to our prayers for an agreement on the budget.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will be in a period of morning business until 11:30 a.m. Following the morning business period, at 11:30 a.m., the Senate will resume consideration of S. 1022, the Commerce, Justice, State appropriations bill. Under the order, Senator WELLSTONE will be recognized for 1 hour, equally divided, to debate his two amendments to the bill.

In addition, from 12:30 to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. And by consent, at 2:15 p.m., the Senate will then proceed to a series of votes on the remaining amendments in order to S. 1022, the State, Justice, Commerce appropriations bill, including final passage.

Also, by previous consent, following the votes at 2:15 p.m., the Senate will resume the Transportation appropriations bill. As previously announced, all amendments to the Transportation appropriations bill must be offered and debated during today's session. Therefore, additional votes can be anticipated throughout today's session of the Senate.

I thank my colleagues for their attention.

It appears to me that perhaps we do not have a quorum. As a matter of fact, I suggest to you, Mr. President, the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—S. 1022

Mr. ROBERTS. I ask unanimous consent, Mr. President, that the votes scheduled to begin at 2:15 p.m. today now begin at 3:30 p.m.

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

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2015

Mr. ROBERTS. Mr. President, I further ask unanimous consent that the Senate begin consideration of the conference report to accompany H.R. 2015 at 12 noon, Wednesday, regardless of the receipt of the papers from the House.

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

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak up to 5 minutes each.

Mr. REID. I ask unanimous consent that I be allowed to speak for 10 minutes, Mr. President.

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

LAKE TAHOE PRESIDENTIAL FORUM

Mr. REID. Mr. President, approximately 1 year ago I asked President Clinton to convene a summit on the environmental problems facing Lake Tahoe. He did convene a summit in Lake Tahoe this past Friday and Saturday. Vice President GORE and President Clinton both came to Lake Tahoe.

Mr. President, Mark Twain said that Lake Tahoe is ''the fairest picture the

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

Printed on recycled paper.

whole Earth affords.'' I think Mark Twain was right. That beautiful lake, that is shared by the States of Nevada and California, is the fairest place in all the Earth.

That beautiful piece of real estate is also shared with the Federal Government because the Federal Government owns about 75 percent of the land mass within the Tahoe basin.

The reason, Mr. President, that the President was asked to come to Lake Tahoe is because that beautiful resource is in distress. Approximately 50 percent of the trees in the basin are dead or dying. Erosion is taking away the beautiful clarity of that lake. The clarity of that lake is leaving at the rate of over a foot a year because of erosion and pollutants going into that lake. Additionally, we have tremendous fear, through the whole basin, of forest fires.

Lake Tahoe is clearly the crown jewel of our national treasures and it must be preserved.

Mr. President, we should all be proud of what took place there these past several months. The planning and execution of the summit involved over 1,000 local people. We had four Cabinet officers who came to the area on more than one occasion. The workshops and the forums that were held prepared the Vice President and the President for their visits. It was not the result of the President coming and saying, ''Here's what we are going to do.''

In fact, what the President decided to do was based upon what the thousand people said should be done. It was not possible to determine who was speaking, whether it was an environmentalist, an owner of a business in the area, or a local government official. They were all speaking as if they were singing from the same sheet of music.

In fact, the President said that one of the most remarkable things is that this summit, this Presidential forum set the pattern of how disputes should be resolved all around the world, not only in our own country, because he felt that people joined together for a common cause and decided that the environment could be taken care of and the economy could still grow. The people said that unanimously. At Lake Tahoe, there is no false choice between the economy and the environment. Each depends upon the other.

The people of the Tahoe Basin and the States of California and Nevada agree that something must be done. They asked for a partnership with the Federal Government, and they got that partnership.

Holding such a forum at this time is critical: If we continue our current path for another 10 years, the damage already done would become irreversible. If we continue on our current path for 30 years, Lake Tahoe will be no better than any other lake. It will be just an average lake. This would be devastating to the people of this country.

Lake Tahoe is not just another lake and we must not let it become one.

We have tens of millions of visitors each year that visit the lake. We can no longer let the lake be treated the way it has been in the past. History will not be kind to us if we let this jewel slip away. We have been given a gift, and we must provide adequate stewardship over this gift.

I have indicated that 75 percent of the land in the basin is federally owned. There is a Federal responsibility to do our share.

Mr. President, when the President came, he not only acknowledged that there was a problem with the lake, but this was more than a photo opportunity. The President came and signed an Executive order indicating that all Federal agencies would have to work together to save the lake.

The first chairman of the Federal task force is Secretary Glickman. The first work being done as a result of the President's visit started yesterday. Some of the things being done I think are significant. I am not going to mention the 28 different action items that the President initiated that have dollar signs attached to them, but it is about $50 million worth over two years, a doubling of the current effort.

One of the things that so impressed me is that the President said that this year 29 miles of old logging roads will be obliterated. Some of the roads have been in existence for more than 100 years going back to the days of the Comstock when they took away all the forests in the area to satisfy the voracious appetite of the mines in the Virginia City area. After 10 years, all the old roads will be gone. These roads have added significantly to the erosion that has taken place in that lake over these many years.

In addition to that, Mr. President, there will be work done on watershed assessments so that people will understand what we are dealing with there. Two million dollars will be used to clear dead brush and deadwood from the more than 3,500 federally owned lots. These lots have been purchased as a result of Federal lands being sold 500 miles away in the Las Vegas area. These lots now need to be cleaned up. As a result of the action of the President, they will be cleaned up.

The Forest Service also, Mr. President, will begin a program immediately of prescribed burns. We spend about $1 billion a year fighting fires in this Nation. We are now going to spend part of these moneys starting controlled fires. It is the only way that that forest around Lake Tahoe can be regenerated and made safe. In the past we have burned about 100 to 200 acres a year. This will be an increase of up to 1,000 acres a year which will be burned carefully and on purpose.

The Forest Service will also use prescribed fires, and other means, to reduce fuels on another 4,000 acres per year. This will be 4,000 acres a year that will become a much better, safer place.

Mr. President, the work that was done these past 3 months is something that I think we should all be proud of. It shows that the Federal Government can work with State and local governments in a nonadversarial way. I think what took place here is an indication of what can take place in the future in other areas around the country.

It is possible, I repeat, that you can grow the economy and protect and preserve the environment, as indicated with the work that has taken place in the Lake Tahoe area during the last 3 months. Lake Tahoe and the area around there is only 26 percent registered Democrats. But it was impossible to determine, these past 3 months, who was a Democrat and who was a Republican. Everyone joined together to recognize that this great lake is in trouble and that we all need to work together—a Democratic President and a Republican Congress.

I hope, Mr. President, that the American people realize that we can work together, as indicated by the budget agreement that has been worked out around here these past few weeks, and that we can work together on difficult problems, not only environmental problems, but economic problems.

So, I'm very happy that the President accepted my invitation to come to Lake Tahoe. I think that his coming there was a home run for the economy and the environment and government in general.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Thank you, Mr. President.

THE BUDGET AGREEMENT

Mr. DORGAN. Mr. President, today, we learned that last evening the White House and congressional leaders reached agreement on a budget and tax cut proposal. I think that will be good news for the American people.

I have been in Congress for some long while, as has been the Presiding Officer, and we have seen budgets and more budgets. We have seen claims and counterclaims. We have seen good times and bad times. We have seen economies that are expanding and economies that are contracting.

I remember the action taken in 1993 by this Congress, at a point in time in 1993 when the budget deficit was swelling in an almost uncontrolled manner and the budget deficit was, in the unified budget, over $290 billion—if you count all the money the way you ought to, it was well over $300 billion—and then in 1993, with that deficit out of control, this Congress took action. By one vote here in the Senate and one vote in the other body, this Congress passed what should be called the Balanced Budget Act. We then called it a deficit reduction bill. And it has worked.

From 1993 until now, we have seen the budget deficit go down, down, down and way down. That has allowed, I think, the American people to be more

confident about this Congress' willingness and ability to deal with fiscal policy in a responsible way. The economy has blossomed and provided more economic growth, and because of that, unemployment has gone down, way down; inflation is down, way, way down; and because all the economic indicators are good and because economic growth has been up, we have seen the budget deficit now nearly disappear.

As a result of this economic boom, Members of Congress, working with the President, have reached a budget accord on not only spending issues for the coming 5 years, but also the question of what kind of tax reductions should be made available.

The one thing that is certain about all of us is that none of us will be around here 100 years from now; 100 years from now, we will all be gone. We will be faint memories. And 100 years from now, if someone wanted to look and evaluate what was this Congress about, what were the American people about, what did they hold dear and what did they think was important, they could look back a century at the budget of the United States of America 100 years prior to that time and evaluate what that Congress and the American people felt they should spend their money on, what they felt they should invest in. So 100 years from now, if they look back and evaluate what it is we held most dear, what we thought was most important, they could look into this budget agreement and evaluate what, in July 1997, motivated these men and women, what did they think was important.

The reason I came to the floor this morning is I think a number of the impulses in this budget agreement and the tax agreement are precisely the right kind of impulses for this Congress and for the American people to act on. First of all, I have, over time, tended to categorize the policy issues as kids, jobs and values; working on the issues of kids, jobs and values. Somehow the threading of those issues together in providing the right kinds of policy initiatives gives us the right direction.

Well, let's take a look at what's in this budget agreement and the proposal on tax reductions relative to kids, jobs and values.

First of all, what has happened in this agreement is the President pushed, and we pushed, and we pushed some more, and we have in an agreement a substantial new investment in education, $35 billion worth of tax relief targeted for education. This agreement says to the American people that when you send your kids to college, you are going to get a tax credit that is an inviting and important tax credit for you.

Why is that important? Because there is no substitute for education. A society, a country that is not educated is not going to improve and advance. Thomas Jefferson once said, ''Those who believe a country can be both ignorant and free believe in something that never was and never could be.''

So this agreement, thanks to the President, thanks to many of us in Congress who pushed and pushed and pushed and would not quit, says to parents who are going to send their kids to school, there is $35 billion for investment in education in the form of tax credits, a 100 percent tax credit for the first $1,000 you spend in sending your child to college, and 50 percent of the second $1,000 in the first 2 years of postsecondary education. This agreement says education is important. That is the one that says kids and their future represent the future of this country.

Also, child health. Twenty-four billion dollars in this agreement is dedicated to insure more children in this country who are now uninsured. Of the 10 million children who have no health insurance and no health coverage, 5 million of those children will be able to see the benefits of health insurance under this piece of legislation. That is a priority. That represents the kids portion of what we deem important here in this Congress and in our country. For poor children, 5 million poor children, the question of whether they get health care will no longer be a function of whether their parents have money. Health care for those sick children ought to be a right. And this budget agreement—again, thanks to this President and to many of us in Congress who pushed very hard to say children's health is important; when we have 10 million children without health coverage, we had to do something about it—moves a giant step in that direction.

Jobs, values. Well, this proposal on the budget and on taxes also is a proposal that says that saving is important. Savings and investment are important. It manifests that by the tax incentives; it says that we want the American people to have the incentives to save and to invest by providing tax incentives for that purpose. My grandmother, who is gone now, bless her soul, once said to me, ''You know, Byron, I never hear anybody talking about saving up to buy anything anymore because the whole economy is to say, 'Come over here and buy this, we will give you a rebate and give you the product, and you don't have to make the first payment for 6 months.''' That is the whole economy these days.

But the fact is, our economic strength and future economic growth rests on the ability to promote savings and, therefore, investment. Savings is critically important, and this budget agreement provides incentives, more tax incentives, for savings.

Home ownership. This tax agreement provides substantial tax help for those who sell their home and who now will no longer be paying any kind of capital gains tax on the value of that home sale.

Most importantly, with respect to children again, is the children's tax credit, a $500 tax credit. It is phased in in different ways. But the fact is, for those families who have children and who are struggling to make ends meet and pay bills and go to work every day and provide for their children's needs and send their kids to school, this provides a $500 child tax credit. The President pushed for that, the Congress pushed for that. That is also part of this agreement.

Now, we had a big fight about who is going to get that and should some children be left out because their parents don't make enough money—both parents working, both at minimum wage, neither of which pay much income taxes, but both of which pay a substantial payroll tax, and the payroll tax is the tax that has been increasing.

This agreement, as I understand it from last evening, does move in the direction of saying, yes, you are a taxpayer, if you make $25,000 a year and don't pay much in income tax but if you are paying a payroll tax, we consider you a taxpayer, and we think you deserve some tax reduction as well. So this $500 per child tax credit is going to be very beneficial to a good number of families who feel the pinch of the burden of taxes that they would like to be relieved of if they could in order to better provide for themselves and their families.

Now, I happen to think that the first goal and the first objective of eliminating the budget deficit is the important one. I want to go back to 1993, which is where I started this discussion. In 1993, when we passed on the floor of this Senate a budget agreement which we thought of as the Deficit Reduction Act. I voted for it. It wasn't the popular thing to do and certainly wasn't the political thing to do. There was nothing but political heartache and headache as a result of voting for that. It passed by only one vote. Some of my colleagues are no longer in this Chamber because they voted for it. They were defeated or they left.

I think, in retrospect, that history will show that, in 1993, this Congress turned the corner and made a U-turn and said to the American people: we want to tell you something. We are committed to deficit reduction and we are willing to make the tough choices and demonstrate that to you. And we passed the Deficit Reduction Act, which should really be called the Balanced Budget Act, because that is what has created the confidence in this country by the American people that Congress was willing to head in the right direction.

We have all these economists in the country who explain to us what has happened and what will happen. Most of them don't have the foggiest notion of either what happened or what will happen. I used to teach economics for a couple of years in college. I think economics is principally psychology pumped up with a little helium. All these economists tell us what is going to happen. Well, in 1993, we had this what I call the Balanced Budget Act, which I voted for. We had people here,

some of whom were economists, stand up and say, ''If you pass this legislation, this economy is going to go in the tank. We are going to have a recession, or a depression, and joblessness.'' I mean, the predictions were very dire.

In fact we passed that legislation and we have had unemployment go straight down, new jobs go straight up, inflation go straight down, and the deficit go straight down. The unified budget deficit was $290 billion in 1992. This year it may end up at less than $40 billion. The economy is on better footing. Why? Because it is not the economists that understand what is going on.

This economy rests on a cushion of confidence. If the American people are confident about what we are doing and the direction in which this country is heading, then they make the right decisions. ''We are confident about the future,'' they say, so they buy the next washer and dryer or the next car and make the decision to purchase a home.

If they are not confident, they make the other decision. ''We will defer the purchase. We will not buy the car. We won't buy the home. We won't buy the washer and dryer. We won't buy the refrigerator.'' And, as a result, the economy contracts.

But this economy is expanding. Why? Because in 1993 this Congress made the right decision—the tough decision—to put this country on the right course. It allows us now, in 1997, to make some other decisions. Yes, to make budget choices that are the right choices in many cases and to make tax reduction decisions that will be good decisions for many families in this country.

Are there some things in this piece of legislation that I don't like? Sure. There are probably some of them I don't yet know about.

Watching this crowd work on budget issues is a lot like taking your car to a garage. Once they lift your hood and tell you what they are charging you for, you do not have the foggiest idea what they are talking about. Some of that same mentality can certainly be true about the budget negotiations here in Congress because they are down there outside the regular committee process making deals. And I am sure that I will discover things that give me heartburn and stomach ache with respect to what they have put in this legislation. So, will there be some things that I don't like? Yes.

But, in the main, have we succeeded in pushing and pushing the kind of agenda that is important for this country? Have we expanded health insurance for 5 million kids? Have we provided a $500 tax credit that goes to working families—yes, all working families? Have we improved your ability to pass on a family farm or a small business to your sons and daughters who want to run it with the estate tax changes that are in this piece of legislation that Senator DASCHLE from South Dakota worked on and that I worked and others have worked on? Have we helped you to more easily send your kid to college and get tax credit for doing so, helped working families so that their kids have the opportunity to go to college? Have we done all of these things? The answer is: yes, we have.

Are they going to be helpful? I think so.

So I come to the floor today feeling that we are moving in the right direction and we are making the right decisions. Frankly, I am one who believes that the ability for the Republicans and Democrats to get together and work together and have common goals together for the future of this country is good for this country. Sometimes we should fight over things, and we do. We fought, for example, over the question of whether a family that is going to make $25,000 a year working full time should have access to the $500-per-child tax credit. Some in Congress said, absolutely not, because they are not paying much of an income tax. We said absolutely that they should get it, because they are paying taxes—significant payroll taxes. So we fight about those things.

But I am pleased to say that in the main much, much more of what we fought for is going to be in this conference agreement. I think the joining of the issues today on these range of issues in this budget agreement will spell good news for this country.

Let me finally mention one additional point. As we proceed to do these things on both the spending side and the tax side of this budget reconciliation agreement, it is very, very important that all of us decide that the budget deficit still matters, and at the first sign of ratcheting up a budget deficit once again, this Congress must take action. What we hope will happen is that this agreement will continue the economic growth we have had, and to the extent it does, that we will have a balanced budget not only in the year 2002 and perhaps even before, but also in subsequent years thereafter.

But when and if it appears that expenditures will exceed revenues—that we will run a deficit—then this Congress must be prepared to take action to stop it, because balanced budgets are important.

Now we have some room to provide some capability of tax cuts and some other things in the budget agreement that makes some sense for the American families. But American families most of all understand that balancing the budget is what will give them confidence in this economy. They know that balancing the budget is what will give this country the chance to grow and to provide jobs and to provide hope for all Americans, now and in the years to come.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESULTS OF THE 1993 BUDGET PLAN

Mr. CONRAD. Mr. President, I rise to comment briefly on the agreement that has now been reached between negotiators on the budget and tax package. That agreement will soon be before us.

I would like to put what has happened in some historical perspective. I have been reading and listening to the commentary over the last several days of how we got to the position we are in today, in which we can consider significant tax relief and continue on a path to balance the unified budget by the year 2002.

I think we have to go back to 1993 when President Clinton came into office and faced a $290 billion deficit he had inherited from the year before. I think we have to go back to the economic plan that he laid on the table to get our fiscal house in order and to lay the basis for strong economic growth.

When we go back to that period, I think we remember the situation we confronted. Deficits had been growing, were out of control. There were many who wondered if the best years of the United States were behind us.

The President put out an economic plan that proposed cutting spending. It also proposed higher taxes on the wealthiest among us, asking the wealthiest 1 percent in this country to pay higher income taxes. That plan passed the Congress. In fact, it passed in this body only because the Vice President of the United States broke a tie and voted in favor. There were those on the other side of the aisle who said this plan, which was going to raise taxes on the wealthiest and was going to have spending cuts, was going to crater the economy. They said at the time it was going to increase unemployment; it was going to reduce economic growth. All these bad things were going to happen.

Now we can look back and see what has really happened. None of the bad things came true. Instead, what we have seen is really a remarkable economic record.

Just with respect to the deficit, the so-called unified deficit, it was $290 billion in 1992 and came down every year under that economic plan. This year, the most recent projection was $67 billion, but even that is now outdated. We are now told that the deficit this year may be $45 billion, or may be as little as $30 billion.

So the fact is that the economic plan which passed in 1993, a 5-year plan, has exceeded every expectation. The deficit has come down each and every year under that economic plan and come down sharply. In fact, we are close to balancing the unified budget without any additional action. According to the

Office of Management and Budget, if one looks at long term savings, what one sees is the savings from the 1993 deficit reduction package are $2 trillion over 1994–2002. The budget agreement that the Senate will consider tomorrow is about $200 billion, about one-tenth as much. So if we go back and look at what made a difference here, the 1993 economic plan is the reason we have seen such dramatic deficit reduction and is the reason why we are in a position now to have tax relief for hard-pressed American taxpayers.

It is very interesting to go back and review the record of what has happened in this economy since that 1993 economic plan was adopted. By the way, it is the only economic plan that was adopted during that period. It was adopted without any help from the other side, and now we can look at the record.

The misery index. We used to talk a lot about the misery index. That is the combined rate of unemployment and inflation. The combined rate on July 14, 1997: 8.7 percent, the lowest average since the Johnson administration. That is a long time. Inflation: 2.8 percent per year, the lowest average since the Kennedy administration.

Employment. Our friends on the other side of the aisle said when we passed the 1993 plan—it is still ringing in my ears—I remember a Senator on the other side of the aisle saying this was going to crater the economy. It was going to increase unemployment. It was going to reduce economic growth. It was going to be devastating. Well, we can now look back and see what happened. Employment has increased by 12.5 million new jobs—the only administration to exceed 11 million in our history.

Deficit reduction. I have already talked about that. We have seen the unified deficit go from $290 billion to this year perhaps as little as $45 billion. Maybe even less. Business investment has grown at 10.5 percent a year, the fastest growth since the Kennedy administration.

The stock market. We all know what has happened to the stock market. It has gone from 3,242 on January 20, 1993, when this President took office, to 7,922 on July 11 of this year. Now we know it is over 8,000—the fastest growth since World War II.

And the poverty rate. The poverty rate in this country has declined from 15.1 percent in 1993 to 13.8 percent in 1995—the largest drop since the Johnson administration. Median family income has gone up $1,600 between 1993 and 1995—the fastest growth since the Johnson administration.

Mr. President, I recall this history because I think it is important. It is important to understand what has worked in terms of economic policy. Some said in 1993, if you raise taxes on anybody in this country, that will have a devastating economic impact.

They were wrong. They were simply wrong. I believe the reason they were wrong is because the benefits of deficit reduction to the economy far outweighed any negative consequences. No question, when you raise taxes that creates some drag in the economy. But it also had a beneficial component. The beneficial component was that deficit reduction took pressure off interest rates because we really did reduce the deficit.

The fact there was a move to ask the wealthiest 1 percent in this country to pay more in income taxes combined with the spending cuts of the 1993 plan meant the deficits came down. That meant there was less Government borrowing. That took pressure off of interest rates. Interest rates came down. In fact, we know every 1 percent reduction in interest rates takes $128 billion a year off this economy. That is lower borrowing costs for businesses, lowering borrowing costs for farmers, lowering borrowing costs for individuals. And that made a profound difference in this economy. It helped this economy reignite. And, again, since 1993, we see the results—not only this dramatic decline in the deficit as a result of that economic plan, but also a remarkable resurgence of economic growth, savings, and investment. We've seen the lowest level of core inflation in 31 years, and in May the lowest unemployment rate in 24 years. That is a remarkable economic record.

Some who are listening will say, well, Senator, you can't attribute this all to the 1993 plan. Fair enough. You cannot attribute it all to the 1993 plan because economic conditions are a result of not only fiscal policy but monetary policy as well. But make no mistake, the accommodative monetary policy we have had as a result of Federal Reserve Board decisions, follows the fiscal policy decisions that were made in 1993. That is not just my opinion. Alan Greenspan, the head of the Federal Reserve, says that himself. He has indicated that much of the strength we have seen in the economy can be attributed directly to the 1993 economic plan.

I think if one is fair and objective one would say, no question, this economic resurgence in terms of Government policy is a combination of fiscal policy that was passed by Congress in 1993 and the monetary policy that the Federal Reserve Board has followed since that time. But what made possible those Federal Reserve decisions was the fact that we bit the bullet, that we took action to reduce the deficit. Because we took that action in fiscal policy and the Federal Reserve Board responded with accommodative monetary policy, the result has been this remarkable economic resurgence.

There are other factors as well, but in terms of Government policy, what Government can do to affect outcomes, there is no question. The record is absolutely clear. The 1993 economic plan worked and worked remarkably well to strengthen this economy.

Mr. President, I look forward in the coming days to discussing this economic package that has now been agreed to by negotiators. I look forward to talking about the spending side of the ledger as well as the tax side of the ledger, the agreement that will be before us tomorrow.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, what is the pending business?

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report S. 1022.

The assistant legislative clerk read as follows:

A bill (S. 1022) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kerry amendment No. 992, to provide funding for the Community Policing to Combat Domestic Violence Program.

Gregg (for Kyl) amendment No. 995, to provide for the payment of special masters for civil actions concerning prison conditions.

Gregg (for Coverdell) amendment No. 996, to require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes.

Hollings (for Dorgan) amendment No. 997, to express the sense of the Senate that the Federal government should not withhold universals service support payments.

Hollings (for Biden) amendment No. 998, to provide additional funds for the Violent Crime Reduction Trust Fund.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

SANTA CLAUS IN JULY

Mr. HOLLINGS. Mr. President, pending the approach to this Chamber of our distinguished chairman and the original sponsors of some amendments, including the Senator from Minnesota, let me note the environment of Santa Claus in July.

It seems a lot of us are not here this morning. Instead, they are out selling their homes so they can make that $500,000 and go back home and live comfortably. We have the so-called agreement for a balanced budget. What a wonderful instrument. Everyone with a home can make up to $500,000 from this agreement. Couples in the $110,000 bracket and below would get $600. And,

of course, the rich will all get richer with the capital gains tax reduction.

My comment is to bring a note of reality. It is somewhat like when you are up to your neck in the swamp with the alligators and the original intent was to drain the swamp. Here, the original intent, of course, is to balance the budget and get us out of the red and into the black. And, of course, let's see exactly where we are at the present time. I ask unanimous consent that the CBO estimates be included in the RECORD.

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

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

Pres. and year	U.S. budget	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	−47.6	.....	260.1	.....
1946	55.2	−5.0	−15.9	−10.9	271.0	.....
1947	34.5	−9.9	4.0	+13.9	257.1	.....
1948	29.8	6.7	11.8	+5.1	252.0	.....
1949	38.8	1.2	0.6	−0.6	252.6	.....
1950	42.6	1.2	−3.1	−4.3	256.9	.....
1951	45.5	4.5	6.1	+1.6	255.3	.....
1952	67.7	2.3	−1.5	−3.8	259.1	.....
1953	76.1	0.4	−6.5	−6.9	266.0	.....
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	.....
1955	68.4	0.6	−3.0	−3.6	274.4	.....
1956	70.6	2.2	3.9	+1.7	272.7	.....
1957	76.6	3.0	3.4	+0.4	272.3	.....
1958	82.4	4.6	−2.8	−7.4	279.7	.....
1959	92.1	−5.0	−12.8	−7.8	287.5	.....
1960	92.2	3.3	0.3	−3.0	290.5	.....
1961	97.7	−1.2	−3.3	−2.1	292.6	.....
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,560.0	154.0	−107.0	−261.0	5,182.0	344.0
1997	1,622.0	110.0	−70.0	−180.0	5,362.0	359.0

Historical Tables, Budget of the US Government FY 1998, Beginning in 1962 CBO's 1997 Economic and Budget Outlook, May 19, 1997.

Mr. HOLLINGS. Mr. President, it was projected on May 19 by the Congressional Budget Office that the actual deficit for this fiscal year would be $180 billion. Now, I hasten to add that the picture has improved. We find that the revenues are coming in even better than what was originally anticipated. So the actual deficit, if it stays on course, would be down to $140 billion and, if it continues, let's say it would be right at $100 billion next year. That is what I was told this morning by those at the Congressional Budget Office.

Now, the unified deficit that everyone refers to is down to under $40 billion and could be balanced next year. The term ''unified'' is, of course, just a shibboleth for, ''don't bother, we are just running around spending all the pension funds, which we made illegal in 1990.'' We are spending the pension funds to allocate against the deficit itself.

So what is really happening is that we are on the course, under the unified deficit, toward getting into the black. But it is not on account of passing anything here this week in the midst of this wonderful jubilation atmosphere that everybody won this morning with the agreement last night. The truth of the matter is that we are on course as a result of the 1993 budget plan, whereby we on this side of the aisle, without a single vote on the other side of the aisle, voted for real deficit reduction that worked. I emphasize the fact that it was this side of the aisle, because we were told that if we increased the Social Security tax, they would be hunting us down like dogs in the street and shooting us. I am one of the dogs to be shot in the street. They said that we were going to have a catastrophe and a depression, not just a recession, and all sorts of other things, which were totally off-base.

Without a single vote on the other side, we cut some $255 billion in spending, increased taxes $241 billion. We increased taxes on the highest income tax bracket. We increased gasoline taxes. We increased Social Security taxes. We eliminated over 250,000 Federal jobs and reduced the size of the Government itself, and it is working. I guess, by way of emphasis, the point is that the thrust here today and last

night is to stop the bickering and to show that we can get together. This Senator would say, in the extreme, of course, let's continue the bickering because, with the bickering, we are bound to get, under a unified budget, the Government back into the black. Stay the course.

In fact, I offered an amendment earlier this year to not cut any taxes and not increase any spending. Now, what has been done in this particular agreement? Well everybody admits we are spending more than $100 billion more than we are taking in. If that's the case, what you want to do is cut spending and increase your revenues. Instead, we increased spending some $52 billion, under this agreement last night, and we cut the revenues—instead of $85 billion, we cut the revenues some $90 billion.

So, as a result of the 1993 budget agreement and enactment, we are momentarily on course, having reduced the deficit each year for 5 years. Yet you are hearing shouts in the halls that, ''this is the first tax cut since 1981.'' We ought to say we got the first tax cut since the disaster of 1981, because the result of 1981, of Reaganomics, is that we are still spending over $100 billion more than we are taking in. So we are still in the red. The debt increases, the interest costs increase. So, under this so-called balanced budget agreement, the debt continues to grow, and our Government continues to borrow more and more money.

We are talking now about how we helped families with the child credit and by cutting taxes, but, in actuality, we have increased the taxes for children because we, the senior citizens, are going to move right along and leave them with the bill.

My distinguished chairman is here. I will be able to elaborate, Mr. President, in a more appropriate fashion at an appropriate time. I think there ought to be a note of sobriety with the ''Santa Claus in July'' that we are now experiencing here this morning that everybody won. The truth of the matter is that we have changed course, once again, to cutting taxes and increasing spending. Under a budget of that kind, there is no way for us to get really into the black and start reducing that debt and the carrying charges that are some $285 billion more than back in 1981. We are spending $285 billion more in interest costs than we were in 1981 for absolutely nothing.

As the chairman of the Appropriations Committee, the distinguished Presiding Officer, would realize, if we had that $285 billion, we could satisfy every subcommittee chairman on the 602(b) allocation, we could build many bridges, we could do all the research at NIH we need, we could double the President's request on education; we could have better housing, highways, and everything else of that kind. So that is not the case. I think what we ought to do is look at the reality.

I yield the floor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 1024 THROUGH 1031, EN BLOC

Mr. GREGG. Mr. President, I send a managers' package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], proposes amendments numbered 1024 through 1031, en bloc.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1024

(Purpose: To improve the bill)

On page 77, line 16, strike ''$1,995,252,000'' and insert $1,999,052,000''.

On page 77, line 16, after ''expended'', insert the following: '', of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery''.

On page 77, line 26, strike ''$1,992,252,000'' and insert ''$1,996,052,000''.

On page 100, line 24, strike ''75,000,000'' and insert ''105,000,000''.

AMENDMENT NO. 1025

(Purpose: To improve the bill)

At the appropriate place, insert the following:

Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) Subsection 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach program in Durham, New Hampshire.

AMENDMENT NO. 1026

(Purpose: To require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes)

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the terms ''criminal offense against a victim who is a minor'', ''sexually violent offense'', and ''sexually violent predator'' have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term ''DNA'' means deoxyribonucleic acid; and

(3) the term ''sex offender'' means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

AMENDMENT NO. 1027

(Purpose: To express the Sense of the Senate that the Federal government should not withhold universal service support payments)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.

The Congress finds that:

(A) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(B) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(1) Quality services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(3) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advance telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services;

(4) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, and sufficient Federal and State mechanisms

to preserve and advance universal service; and

(6) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

(C) Federal and state universal contributions are administered by an independent, non-federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

(D) the Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002; and

(E) the withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, it is the Sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

Mr. DASCHLE. Mr. President, I commend my colleague from North Dakota for highlighting the case against including the Universal Service Fund in our budget reconciliation process. This is bad public policy. It is unfair to the residents of rural America. I hope that today the Senate will take a strong stand against it.

The Universal Service Fund is comprised of private fees assessed to our Nation's telecommunications carriers. Over the last 60 years, this fund has made it possible for every resident in the United States to have access to telecommunications services. It represents a national guarantee that wherever you decide to live and work and raise a family—even if it is in one of the most remote areas of our country—telecommunications services will be affordable.

Although universal service is a Federal guideline, there are no Federal tax dollars involved in the Universal Service Fund. Moreover, the fund is administered by a nongovernmental agency that operates on the simple notion that carriers in low cost urban areas contribute more so that carriers who serve residents of high cost rural areas can provide affordable service. The administration of this fund has worked so well that most Americans do not even know it exists and take for granted the low rates for basic telephone service we all currently enjoy.

The principle of universal service represents one of our Government's most sacred and successful agreements with the American people. It guarantees those who live in rural areas the same access to telecommunications services as those who live in urban areas and is a major contributor to the rapid development and growth our rural areas are currently experiencing. Many parts of my home State of South Dakota, quite frankly, may not have been settled were it not for this guarantee, and I am very concerned that the budget deal may inadvertently undermine the Universal Service Fund.

Under the budget agreement concluded last night, the Universal Service Fund will be used to mask a $2 billion hole in the Federal deficit in fiscal year 2002. This sets a dangerous precedent. This private fund should not be incorporated into the Federal budget process, and the affordable rates it guarantees should not be left vulnerable to budget whimsy.

Throughout the past year, I have worked closely with Senator DORGAN and many other colleagues to impress upon the administration the value of ensuring equitable and affordable access to telecommunications services in rural areas. While administration officials have been largely receptive to this argument, the decision to put the USF on budget raises questions about some policymakers' understanding of rural concerns.

I am greatly troubled that placing the Universal Service Fund on budget will create a dangerous precedent that could raise rates in rural America and endanger our Government's 60 year promise of affordable telecommunications service to all areas of this country. The principle of universal service represents a sacred agreement between the Government and its citizens. It must not be undermined by budget games.

The Dorgan amendment puts the Senate on record that the use of these funds in the budget process is wrong, and I strongly urge its approval.

Mr. KERREY. Mr. President, I rise in support of the Dorgan Amendment, which expresses the view of the Senate that the universal service support system which keeps telephone service affordable; should not be turned into a piggy bank which can be raided to produce an illusory deficit reduction.

The Conferees working on the Reconciliation Conference report are considering legislation which for the first time would manipulate the universal service support system for budgetary gains. This would be a terrible precedent which could drive up phone rates, especially for rural Americans.

In 1996, the Congress enacted dramatic reform in the laws which govern the organization of America's telecommunications markets. The law was intended to introduce competition into all telecomm markets and preserve universal service.

The bargain was that competition would replace regulation but that all carriers would share the responsibility for providing universal service.

The idea of Universal Service is profound. It is one of the most fundamental principles of telecommunications law and economics. The concept was introduced in the original Communications Act of 1934 which promised ''to make available to all Americans a rapid, efficient, nationwide and world-wide wire and radio communications service . . .''

From 1934 to 1996, regulation and monopoly were the primary means of ensuring telephone services to all Americans. In 1996, the Congress embraced the idea that competition would best deliver telecommunications services to all Americans at affordable rates.

The Congress also recognized that there were some markets which competitive companies would not serve and some areas where costs are so high that rates would drive citizens off of the phone network. In those markets, universal service support would keep comparable services and comparable rates available in rural and urban areas.

The principle of universal service is that all Americans should have modern, efficient and affordable communications services available to them regardless of where they live.

In the aftermath of the break-up of AT&T, a system of intercompany payments were established to assure that competition in long distance services did not drive prices for local phone service through the roof, especially in rural areas.

Universal service support is not a subsidy, and it is not a tax. It is a shared cost of a national telecommunications network.

What makes the American phone network valuable is that almost anyone can be reached. Affordable phone service is not just important to the citizens of rural America, it is of value to the citizens who live in urban areas who need and want to reach Americans in rural areas.

The basic bargain of the Telecommunications Act of 1996 was that the gates of competition would open, provided all telecommunications carriers contribute to the support of universal service. Under the act, support would be sufficient, predictable, and the burdens would be shared in a nondiscriminatory manner.

To assure that all Americans shared in the benefits of the information revolution, the Congress also adopted the Snowe-Rockefeller-Exon-Kerrey amendment which provided for discounts to schools, libraries, and rural health care facilities. The bottom line, Mr. President was that no American would be left behind.

If certain budget negotiators have their way, many Americans will be left behind.

The precedent that the reconciliation conferees have under consideration is dangerous because it attempts to undermine the promise of sufficient and predictable support for universal service. It does so to gain a mere bookkeeping advantage in the effort to reach a balanced budget by 2002.

If the universal service support system is manipulated for this purpose, consumers lose. They will get higher rates and lower service.

By adopting the Dorgan amendment, the Senate can send a clear message to conferees that affordable phone service is important to all Americas. The very system which assures affordability

should not be jeopardized by an attempt to avoid the real choices necessary to produce a balanced budget by the year 2002.

Thank you, Mr. President.

AMENDMENT NO. 1028

(Purpose: To improve the bill)

At the end of the section in title I regarding the ''WAIVER OF CERTAIN VACCINATION REQUIREMENTS'', insert the following new subsection:

''(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.''

AMENDMENT NO. 1029

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.

Beginning on the date of enactment of this legislation, the discretionary spending limits contained in Section 201 of H.Con.Res. 84 (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

Mr. BIDEN. Mr. President, this amendment extends the crime law trust fund through 2002 at the funding levels of the budget agreement.

This amendment has the same effect as the Biden-Gramm-Hatch amendment passed by the Senate 98 to 2 on June 27, 1997.

Let me point out just one practical effect of my amendment. The Senate Judiciary Committee reported major youth violence legislation last week—this Hatch-Sessions bill calls for $1.5 billion from the crime law trust fund in 2001 and 2002—this is almost one-half of the dollars to fund a new Republican youth violence block grant.

Now, I do not agree with many of the specifics of this block grant and I look forward to debating these issues on the floor.

But, the bottom line is real simple—if we do not pass this amendment, there will be no trust fund in 2001 and 2002, and so, there will be no youth violence block grant in 2001 and 2002—no matter what form this block grant ultimately takes.

And, it is the same for prisons, 100,000 cops, and violence against women. If we do not pass my amendment, there will be no trust fund in 2001 and 2002, and there will be no more funding for prisons and no more to fight violence against women.

I also want to point out to my colleagues that I believe that there are Budget Act points of order which could be lodged against my amendment. I say that just so all of us are clear about my amendment. I would move to waive such a point of order were it raised. I just want my colleagues to understand this fact as we pass this amendment.

I urge my colleagues to support my amendment.

AMENDMENT NO. 1030

(Purpose: To provide funding for the Community Policing to Combat Domestic Violence Program)

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, 10,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*,'' after ''*Provided*,''.

AMENDMENT NO. 1031

On page 65, on line 25 after ''expenses'' insert the following: *Provided further*, That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.''

Mr. GREGG. Mr. President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Withholding, and I do not intend to object, I understand it is pretty well worked out, but there was one language inclusion.

Mr. GREGG. It is all done.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 1024–1031), en bloc, were agreed to.

Mr. GREGG. Mr. President, we are going to have some further discussion on this bill, the Commerce, State, Justice appropriations bill, and I understand there are at least a couple of votes. This package of amendments has eliminated four of the votes. In fact, I ask unanimous consent to withdraw amendments Nos. 992, 996, 997, and 998.

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

The amendments (Nos. 992, 996, 997, and 998) were withdrawn.

Mr. GREGG. Mr. President, just for the information of the Members, we are now down to what appears to be final passage, plus potentially four votes. Hopefully, we can reduce that further. We are certainly going to work on that. And then we can complete the bill. I understand we are going to proceed to these votes and final passage around 3:15. That is the plan presently.

THE BUDGET AGREEMENT

Mr. GREGG. Mr. President, let me speak briefly on the budget agreement which was reached late last night, and mention my thoughts on this. This agreement is obviously not everything that everybody wanted. But it is a giant step in the right direction. It is especially a giant step on the issue of cutting taxes for the working American family, or that group of Americans in the middle-income brackets who are struggling with the costs of raising children and sending those children to college.

For a family whose income is in the range of $32,000 or $35,000, this tax cut could well represent a tax cut of almost 50 percent for a family of four. That is a big tax cut. For that same family, should they have a child who is headed off to college, this could represent a tax cut of up to 75 percent. That is a huge tax cut.

In addition, if you are in a working family situation and you are trying to make ends meet, you are going to be able to take advantage of this child credit coming to you to help you support the cost of raising your children—$500 per child. And all of these tax cuts that I am talking about are directed at middle-income Americans. In fact, almost all of them phase out as you get into incomes over $100,000.

Further, if you are a family where one of the spouses is staying at home to try to raise your children, under today's law, you can't have an IRA account that is deductible. That stay-at-home spouse can't have an IRA account that is deductible. Under this bill, the mother that is home raising the children will have the opportunity to have an IRA account that will be deductible and safe for her retirement. That is a major step forward.

In addition, there is a significant estate tax savings, especially for small business people and for farmers. Estate tax savings, which means that when somebody works all their life to build up a grocery store, a restaurant, or a gas station business, or some other small business, they are not going to lose that business to taxes when they die. They are going to be able to pass on that business to their children. That is very important.

So this is a major step forward. It is the first significant tax cut—it is the first tax cut for middle-income Americans in 16 years. It should have been done a long time ago. But it has taken a Republican Congress and a commitment of a Republican Congress to have this as our No. 1 goal, and a commitment to accomplishment. While we have accomplished this tax cut, we have at the same time put in place a spending pattern which controls the rate of growth of Federal spending so that we can reach a balanced budget by the year 2002. We may even reach it before that, according to present estimates. But that was another major goal of this Republican Congress—to balance the budget.

So we have done two very significant things here. We have balanced the budget, and we managed to cut taxes

for working Americans, and especially for working Americans who have families to raise. That is good news. Is it everything we want? Of course not. I would like to see more action in the area of Medicare, for example. But the will wasn't there—both at the White House and, unfortunately, in the other body. But as a practical matter, the spending restraints in this bill are very significant.

The rate of growth in spending in this bill is approximately one-half of 1 percent over the next 5 years in discretionary nondefense accounts—one-half of 1 percent. That is the lowest rate of growth of spending that has occurred in the last 20 years in this Government in the area of discretionary accounts. That is significant. Because we have that low rate of growth of spending on the discretionary side of the ledger, we are able to bring into balance the budget agreement of this Government by the year 2002. We will have to go back and we will have to revise the issue of Medicare. There is no question about that. That remains a big issue of public policy. But within the Medicare accounts we made some very substantive and positive changes in this bill.

In the spending package is the proposal for Choice Care. Choice Care gives seniors approximately the same type of options which we as Members of Congress have—the ability to go out into the marketplace and choose from a variety of different health care plans. The practical effect of that is to bring the market forces into play to control the rate of growth of the cost of Medicare and, at the same time, give seniors much more choice, many more options, in the way they get their health care provided. Choice Care is a very positive, substantive, long-term reform for the Medicare system, and it is in this bill. So there were significant steps taken in that account, too.

But, most importantly, you have to return to the fact that not only do we balance the budget, but we give these very significant tax cuts to working Americans—especially working Americans who are trying to raise a family. Isn't it about time? This is relief that is long overdue. As this Government finally gets its fiscal house in order, as we move toward a balanced budget, who should be the recipient of that positive event, of that good fiscal management? Well, the people who paid for the Government should be the recipient of that.

That is what this bill essentially does. It turns back to those folks who are paying the cost of the Government some of their hard-earned dollars so that they can make the decision as to how they are spent rather than having that decision made here in Washington. We do not happen to believe, those of us who support this tax cut, that the Federal Government is a better manager of your dollars if you are running a household than you are. We think that if you have money to decide how you want to raise your children and to use it on spending for your children's education, you are going to do a better job of spending that in educating your children than if the Federal Government takes your money, brings it here to Washington, and then redistributes it to you.

So this tax cut is a very important event, and a big win—a big win—for the working American family. Thus, I am certainly hopeful that we will pass this package later this week and make that major step forward, or that significant step forward, in assisting families in this country meet the costs of raising kids and see that at the same time we move this Government toward a balanced budget.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GREGG. Mr. President, we are here to consider the Commerce, State, Justice bill.

I ask of the Chair, how is the time being allocated relative to the Wellstone amendment?

The PRESIDING OFFICER. Under the order on the Wellstone amendments, they are entitled to 30 minutes equally divided on each of the two amendments.

Mr. GREGG. So the time is still available, the full 30 minutes on each amendment?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

THE BUDGET COMPROMISE

Mr. HOLLINGS. Mr. President, the distinguished Senator from Minnesota has now arrived.

Let me just remind colleagues once again. When we look at the concurrent resolution on the budget for fiscal year 1998—we wouldn't put that entire conference report in the RECORD, obviously. But I ask unanimous consent that section 5 on page 4, which only contains some seven lines, be printed in the RECORD at this particular point.

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

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,841,000,000,000.
Fiscal year 2000: $6,088,600,000,000.
Fiscal year 2001: $6,307,300,000,000.
Fiscal year 2002: $6,481,200,000,000.

Mr. HOLLINGS. Mr. President, it shows the public debt for the fiscal year 2001 at $6,307,300,000,000, and it shows for fiscal year 2002 the public debt has increased to $6,481,200,000,000, an increase of $173.9 billion. It does not show a balanced budget. It does not show, I emphasize, a balanced budget in the fiscal year 2002. We all know from the agreement last evening that rather than cutting taxes only $85 billion, it was a net tax cut of $90 billion. So we have increased the loss of revenue some $5 billion. We also know that the spending under the particular 1998 budget agreed to last evening increased some $52 billion.

So what we have done since we made that agreement—and the conference report was adopted last month—is to actually increase spending more, and reduce the revenues more. So we know that come the year 2002, we will not have the first balanced budget in 33 years. The document itself shows it is in deficit because the debt increases that last year. Why will the debt increase if we had a balanced budget?

It is quite obvious that we have not taken significant steps for the middle class or the working Americans as has been described here. If we really wanted to help working Americans, we could have cut payroll taxes. But the truth of the matter is that we cut capital gains taxes for the rich. We cut the inheritance tax for the rich. So we didn't do it for working Americans. We kept that high payroll tax up. We left out the working Americans, and we agreed on both sides to call it balance, which is a total fraud.

I yield the floor.

APPOINTMENT OF CONFEREES—H.R. 2209

The PRESIDING OFFICER. Under a previous agreement, the Chair is authorized to appoint conferees on H.R. 2209.

The Presiding Officer appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mr. DORGAN, Mrs. BOXER, and Mr. BYRD conferees on the part of the Senate.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent that Elise Gould, a fellow in my office, be granted the privilege of the floor during today's session.

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

AMENDMENT NO. 1032

(Purpose: To clarify the income eligibility requirements for victims of domestic violence)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk in behalf of myself, Senator TORRICELLI, Senator LANDRIEU, and Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. TORRICELLI, Ms. LANDRIEU, and Mr. AKAKA, proposes an amendment numbered 1032.

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

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

The amendment is as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . For fiscal year 1998 and subsequent fiscal years, in establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

Mr. WELLSTONE. Mr. President, I understand that this amendment will be accepted. I am very pleased. I think there is strong bipartisan support for it. We worked very hard to make sure it was kept in conference.

I would like to thank Senator HOLLINGS and Senator GREGG for their support, and Senator TORRICELLI who is out here on the floor.

Mr. President, let me briefly summarize this amendment. This amendment essentially ensures that no one who is a victim of domestic violence will be denied legal representation because of the economic status of her or his abuser.

Mr. President, I am saddened to have to really on the floor of the Senate make the point that what we have right now in the country is something close—it is a staggering problem. We have an estimated 4 million American women who experience a serious assault by a husband or boyfriend each year. In 1993 alone, over 1,300 women were reportedly killed by abusive partners or former partners.

I want to make it clear that Legal Services has done a wonderful job. They have handled over 250,000 cases involving domestic violence; 50,000 of those cases involved clients seeking protection from abusive spouses.

The problem is that all too often those on the receiving end of grants in some cases—I know in Minnesota this happens—they really do everything they can and extend the rules or figure out ways of providing legal representation. Most of the time it is for a woman. But sometimes what happens in other situations is they don't because it is a horrible catch-22 situation where the income of the husband or assets of the husband which are the assets of the household makes this woman who has been abused and beaten up ineligible for any legal representation. By the same token, she can't afford to have legal representation on her own, in which case she is without protection. This is critically important. I actually don't think that this is an exaggeration to say that this quite often is a life or death situation.

So when we are talking about obtaining orders of protection, child support, and other kinds of protection, this is critically important.

I again thank both of my colleagues for their support of this amendment. I want to thank Senator TORRICELLI who has been very active and a real leader in this area for his support.

This is an important clarification. One more time, and I will finish.

The legal services community in the country is doing the very best job. But, if we had a debate, I would have brought out to the floor many examples—very telling examples—of women who have not been able to receive the protection. Legal Services lawyers want to provide it but are not at all clear that they can because of the income of the husband and sometimes the income of a wife. This is a tragedy.

This is a huge step forward. It is a very significant amendment. I thank both of my colleagues for their support.

Mr. GREGG. Mr. President, I think it is an excellent amendment, and it is an appropriate amendment. We have no objection to it.

I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I know that we have amendments. But I yield some time to my colleague from New Jersey, who has been a real leader in this area.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank the Senator from Minnesota for yielding. And I want to offer my thanks to Senator HOLLINGS and Senator GREGG for agreeing to this amendment.

Mr. President, this is not the first time that I have joined with Senator WELLSTONE in legislation to help women who are the victims of domestic violence.

In the last Congress we successfully led an effort to deny access to handguns to people who have convictions of domestic violence. We return here today because the plague of domestic violence has not abated. It is believed that there are 3 to 4 million women every year in America who are subjected to domestic violence. Every 18 seconds another victim is struck. Indeed, during the course of a lifetime, half of the women in this country will be abused by a husband or a boyfriend or someone with whom they live.

One of the tragic ironies of this terrible situation is that in the moment when women need the help of the law the most they are denied. The Legal Services Corporation last year handled a quarter of a million cases of domestic violence and yet those women who may have needed the help the most could not get Legal Services assistance because the income of their husbands, the very people who might be striking them, the person from whom they are seeking a restraining order or a divorce, made them ineligible.

The amendment we offer today would eliminate this tragic contradiction. I believe it is a good statement by this Senate, a realistic recognition of a terrible national problem and the ending of this real dilemma for American women, that in the future it can be said any woman, regardless of her husband's income, will be able to get legal assistance because of her own vulnerability, based on her own lack of resources. So she gets the protection she needs.

I am very pleased to be offering this amendment with Senator WELLSTONE today and once again offer my thanks to Senator GREGG and Senator HOLLINGS for their support.

I yield the floor.

Mr. WELLSTONE. Mr. President, I think we can go forward with the vote. I thank my colleague from New Jersey.

Please, I say to both of my other colleagues, this is a very important amendment. It really is connected to many people's lives, and many of them are women—some men but I am sad to say mainly women. This is an extremely important protection that we are now providing to these women with children. I hope we will keep this in conference committee.

I thank, Mr. President, the National Task Force on Violence Against Women and NOW Legal Defense and Education Fund, for their help on this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield back the remainder of our time and ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is agreed to.

The amendment (No. 1032) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1033

(Purpose: To require the Legal Services Corporation to conduct a study regarding persons prohibited from receiving legal representation regarding efforts to reform welfare systems)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. KENNEDY, proposes an amendment numbered 1033.

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

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

The amendment is as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134:110 State. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

Mr. WELLSTONE. Mr. President, I can be very brief on this. This is really just a study.

Basically, what this amendment asks is that as we go forward with the welfare bill and it is implemented in States around the country, the Legal Services Corporation compile data on what kinds of appeals might be made by women and their families dealing with the welfare law as it is implemented.

It is simply a study to document numbers of people who come to them with a variety of different grievances so that we get a clear record of what is happening. Right now, in many cases, these lawyers are not able to take up these cases.

This does not mandate anything. It just simply calls for a study.

I thank my colleagues for their support.

Mr. GREGG. Mr. President, I ask unanimous consent the amendment be agreed to, and I yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1033) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I thank my colleagues.

Is the amendment agreed to?

The PRESIDING OFFICER. The amendment is agreed to.

Mr. WELLSTONE. As to this amendment, I think what we want to make sure of, whatever differences we have about the welfare bill, what I think is a kind of bipartisan consensus is that it work well as it gets implemented at the State level. And so whether it is food-nutrition programs or whether it is a mother trying to find child care or whether someone who is in a job training program and trying to stay in that program or whether it is an issue of public transportation, we want to make sure that all of our citizens, even if they are poor, even if they are women and children, have legal representation and that the due process rights are maintained. I think this study will give us a clearer picture as to where we are in relation to these issues.

I thank both my colleagues.

Mr. President, I would also like to thank them for their patience. I was at Justice Brennan's service and that is why I was a little late in getting back.

Mr. President, I yield back the remainder of my time.

RESTRICTIONS ON INS FINGERPRINTING IN THE CJS APPROPRIATIONS BILL

Mr. ABRAHAM. Mr. President, I would like to raise with the distinguished chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, an important issue related to restrictions included in the CJS bill that reform the taking and processing of fingerprints by the Immigration and Naturalization Service for criminal background checks. At the outset, I would also like to thank Senator GREGG for his work on this issue, which has been of significant concern to me as chairman of the Immigration Subcommittee. I know it is also of great concern to the ranking member on our Subcommittee, Senator KENNEDY.

In fact, I chaired a hearing on this issue earlier this Congress and am considering legislation to address some of the very serious faults in the INS's conduct of criminal background checks. I have also raised this issue with the Director of the Federal Bureau of Investigation, who expressed serious concerns—in terms of both quality and integrity—with the INS's use of outside entities to take fingerprints. Accordingly, I am pleased that the CJS bill will take us away from the current system, although I know that much remains to be done in this area.

The language in the manager's package will permit fingerprints for INS purposes to be taken only by offices of the INS or by law enforcement agencies, which may collect a fee for the service of taking and processing the fingerprints. The INS has indicated that it is moving to a new fingerprint processing system under which it would take all of the fingerprints at INS offices, and has indicated that it can do so without unduly delaying the naturalization process. However, the INS will not be able to bring its new system up and running by the start of the next fiscal year. Even with the ability to also utilize the services of law enforcement agencies, I believe that a delayed effective date of 9 to 12 months will be required so there can be an orderly transition to the new system and so that the processing of naturalization applications can continue without complete disruption to the system.

Mr. KENNEDY. I agree wholeheartedly with the chairman of the Immigration Subcommittee, and I share his concerns. The backlog in citizenship applications continues to grow. Without a significant delay in the effective date, we will have serious and possibly irreversible disruption in the naturalization process.

Mr. ABRAHAM. I thank the distinguished Senator from Massachusetts for his remarks. I would simply like to confirm with Senator GREGG my understanding that the effective date will be looked at in conference so that the effect of this provision can be delayed—I would hope in the range of 9 to 12 months—to an appropriate point.

Mr. GREGG. Yes. In conference, we will certainly examine the effective date of this provision and modify it as needed to make this transition work.

Mr. ABRAHAM. I thank the chairman in advance for his careful consideration of this issue in conference, and for the modifications to the provision that he has already made. I look forward to continuing to work with him in addressing the very serious problems in the INS's processing of citizenship applications.

U.S./ISRAEL SCIENCE AND TECHNOLOGY COMMISSION

Mr. HOLLINGS. Mr. President, I would like to clarify report language on page 65 concerning the committee's willingness to permit the technology administration to undertake certain international economic development initiatives, particularly as it affects the United States/Israel Science and Technology Commission. I have long been a supporter of the work of the Commission, a binational program that promotes economic and technological collaboration between the United States and Israel that has already provided numerous benefits to both countries. It was not our intention to affect in any way the current or future activities and operations of the Commission, and I would like to clarify with the chairman of the subcommittee that it was not his intention either.

Mr. GREGG. The Senator is correct.

TEENS, CRIME AND THE COMMUNITY FUNDING

Mr. HOLLINGS. Mr. President, I would like the attention of my colleagues to point out what I see as an unintentional omission. Last year's Commerce, Justice, State appropriations' conference report contained language which provided $1.0 million for the National Crime, Prevention Council's Teens, Crime and the Community Program otherwise known as TCC. The Senate supported this provision last year and it was my intention that it be included in this year's bill. Unfortunately, it was inadvertently left out of the committee report. For my part, I believe it should be the Senate's intent that funding for The Teens, Crime, and the Community Program be included when the bill reaches conference.

Mr. GREGG. Would the Senator yield?

Mr. HOLLINGS. I yield to the distinguished chairman.

Mr. GREGG. I appreciate the ranking member, Senator HOLLINGS, bringing this oversight to the Senate's attention. Last year, I supported including this program in the conference report,

and, I agree with the Senator from South Carolina, it should be included in this fiscal year 1998 bill.

Mr. HOLLINGS. I appreciate the Senator's support and would point out that the TCC Program provides a unique curriculum to educate young people about crime risks and prevention with the aim of reducing or eliminating specific crime problems in their school or community. Over 500,000 young people in over 1,000 different schools and communities all across the country have participated in the program. It has proven to be an effective strategy for reducing crime, preventing delinquency, and involving youth in community crime prevention efforts.

Mr. GREGG. Let me conclude by saying that in conference we will seek to get the House to agree to provide $1.0 million of juvenile justice and delinquency prevention funds for this worthwhile program. I yield the floor.

SOUTH DAKOTA EMERGENCY AND LAW ENFORCEMENT ASSISTANCE

Mr. DASCHLE. Mr. President, I would like to thank the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, Mr. GREGG, and the ranking member, Mr. HOLLINGS, for their excellent work on the fiscal year 1998 Commerce, Justice, State, and judiciary appropriations bill. They and their staffs have put together an excellent bill and should be commended for their leadership.

Let me take a brief moment to explain my intentions regarding amendment 1004. Its purpose is twofold. First, it makes $100,000 available for a grant to Roberts County, SD.

It is clear from my discussions with law enforcement personnel in rural areas of South Dakota that few greater priorities exist than to ensure that South Dakotans have immediate access to emergency services when necessary. Unfortunately, many rural counties in South Dakota do not have the resources to purchase equipment for a 911 system to provide this capability. It is my intention that these funds be used for the purchase of that equipment and any other functions that must necessarily take place for the establishment of a 911 system in Roberts County. It is my further hope that in coming years Congress and the Department of Justice will continue to address the urgent need for assistance in the purchase of equipment to provide 911 services.

The second purpose of the section is to provide $900,000 to the South Dakota Division of Criminal Investigation [DCI]. The DCI requires an immediate upgrade of computer and telecommunications equipment in its field offices, new equipment for its forensics lab, and new radio equipment to address problems in law enforcement radio transmissions. These funds will be of significant assistance in the provision of this equipment for the DCI, and I am pleased that I have been able to work with the committee to meet this need.

Once again, I thank the chairman and ranking member for their assistance with these important matters.

FTE INCREASES

Mrs. MURRAY. Mr. President, the appropriation measure before us includes $363 million for the National Marine Fisheries Service. In addition, the Committee recommendation allows for the administration's proposed increased of 58 full-time equivalents [FTE's] for the National Marine Fisheries Service [NMFS]. The Committee directs the NMFS to use as many available FTE's as are needed to ensure the full and timely implementation of the Magnuson-Stevens Fishery Conservation and Management Act. The Magnuson-Stevens Act was reauthorized in the 104th Congress after a long and difficult process of negotiation and compromise. It includes many new provisions to improve the conservation and management of this Nation's fishery resources. I appreciate the tremendous task the NMFS faces in fully implementing all of the new provisions and requirements we placed on the NMFS and share the committee's desire to see adequate FTE's allocated to this important task.

I am also concerned, however, about the very real need for FTE's to implement the requirements of the Endangered Species Act [ESA], particularly in the Pacific Northwest. With several salmon species already listed under the ESA and an elaborate recovery plant currently being implemented with a critical decision point rapidly approaching, with habitat conservation plans being negotiated with public utility districts in central Washington, and additional ESA listings likely coming in the future, the NMFS is in desperate need of both resources and personnel to meet its obligations. I appreciate the committee's willingness to fund NMFS efforts in these areas at or above the President's requested levels. These funds will go along way toward salmon recovery efforts throughout the entire Pacific coast. I would like to emphasize the need for adequate FTE's to be provided to this important effort. While the committee has correctly directed FTE's to the implementation of the Magnuson-Stevens Act, this allocation should not come at the expense of the agency's ability to undertake salmon recovery efforts in the Pacific Northwest. Both of these responsibilities of the NMFS are vitally important to Washington State and the Pacific Northwest. I urge the NMFS to meet the real need for FTE's in both of these areas.

TIIAP-FUNDING FOR FISCAL YEAR 1998

Mr. KERREY. Mr. President, I am pleased to note that Senate appropriators have restored $10.5 million to the Telecommunications Information Infrastructure Assistance Program [TIIAP]. TIIAP is a highly competitive, merit-based, grant program that provides seed money for innovative, practical technology projects across the United States.

TIIAP grants help our communities utilize the information technologies that play an increasingly important role in the world economy. Without access to advanced telecommunications services that deliver education, healthcare, social services, and news, individuals and sometimes entire communities are relegated to second-class economic status. Rural and low income regions that already face difficult economic hurdles are pushed even farther behind because they lack the resources to join the information revolution. The Federal assistance provided by TIIAP has already helped many of these areas transition into the information economy.

In my home State of Nebraska, TIIAP has helped the city of Crete purchase computers to build an access center where adults are taught computer skills and are given assistance to apply those skills to new jobs. Through the Nebraska Network for Children and Families, a TIIAP grant provides funding for the Ideas Network. The Ideas Network is an interactive place where Nebraska families and professionals involved in the human services system may find information, dialog opportunities, education resources, advocacy information, and supportive relationships. Specifically, this valuable network is devoted to Nebraska's foster families, subsidized adoptive families, families of children with special needs, and human service professionals.

TIIAP is a matching grant program. Since 1994, $79 million in Federal grant funds generated investment of $133 million of local funds. Underfunding this productive program would have been a tremendous mistake. Without the seed money provided by TIIAP, valuable community building projects such as the Ideas Network would not be possible. This innovative program is an important component of better education, health care and improved community relations.

JACOB WETTERLING ACT

Mr. DEWINE. I wish to ask my colleague from New Hampshire a question. It is my understanding that the Senator from New Hampshire has authored language in this appropriations bill that amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act?

Mr. GREGG. Yes, I have worked hard to address some technical changes to this act that I believe will improve the procedure for the registration of sex offenders, and raise States' compliance with its provisions.

Mr. DEWINE. I appreciate your leadership on this important issue, and believe that you have improved this important law. However, the attorney general of Ohio has raised an issue shared by a majority of States that I am compelled to address.

Current law under the Jacob Wetterling Act requires that States

create a special State board. This board must be composed of experts in the field on the behavior and treatment of sexual offenders, victims' rights advocates, and representatives of law enforcement to determine when someone is a sexually violent predator. Currently, according to the Department of Justice, 37 States would not meet this requirement.

Mr. GREGG. Yes, that is my understanding. States are given 2 years to establish such a board.

Mr. DEWINE. Mr. President, it is also my understanding the Senator from New Hampshire is working with the Department of Justice to assure that your proposed language in the bill before us would provide a waiver for impacted States, such as Ohio, who for differing reasons, may not specifically meet the requirements of having a special State board. My State, as well as many others, however, have alternative methods that fairly, efficiently, and scientifically make the determination when someone is a sexual predator. Is that correct?

Mr. GREGG. The Senator from Ohio is correct.

Mr. DEWINE. Is it my friend from New Hampshire's intention that his language would allow for States like Ohio and New Hampshire a waiver by the attorney general in these types of situations?

Mr. GREGG. That is correct. It is certainly my intention that the U.S. Department of Justice would be as flexible as possible in working with States to determine compliance on this matter.

Mr. DEWINE. I thank my colleague from New Hampshire for his fine work to ensure States have the administrative flexibility to meet the goal of the Jacob Wetterling law.

Mr. BURNS. Mr. President, I rise today to support the $1,675,000 request for the Experimental Program to Stimulate Competitive Technology [EPSCoT] Program reported in the Senate appropriations bill, S. 1022. EPSCoT, which is part of the Commerce Department's Technology Administration, is an important program for our Nation's rural States. Its aim is to help foster regional technology-based economic growth in the 18 States that are traditionally underrepresented in Federal research and development funding.

EPSCoT evolved during the 104th Congress from a series of discussions between the Technology Administration and the Senate Subcommittee on Science, Technology, and Space which I chaired along with Senator ROCKEFELLER, the ranking minority member. Dr. Mary Good, who retired as the Undersecretary of Technology in June, recognized the importance of initiating, maintaining, and enhancing research development and technology in all States of this Nation. Using the highly successful National Science Foundation Program to Stimulate Competitive Research [EPSCoR] as its model, EPSCoT was originated to serve as its technology counterpart. The States are ready to proceed since they can use their existing EPSCoR State network to now help build a strong technology infrastructure throughout this country.

This program receives bipartisan support. While EPSCoT will be a competitive, cost-shared, merit-based grants program, the actual details are now being worked out through a series of public meetings with representatives from State and local government, regional organizations, small businesses, and universities. In June, we held one of three regional policy forums in Billings, MT. We heard from the people that will be participating in this program. They provided the feedback and advice about how EPSCoT should be designed to meet their unique needs to develop and sustain a long-term technology-based economic infrastructure in the region.

A successful EPSCoT program could also provide a mechanism to relieve some of the concerns raised in opposition to the Advanced Technology Program [ATP]. I believe that ATP plays an important role in the development of emerging and enabling technologies critical for sustaining a strong economy. However, it has been viewed as providing too much support to large companies and, as a result of the way industry is now clustered, limiting the support to a few specific regions within the country. There is a strong call for wider participation and greater diversity of partnerships in the Department of Commerce.

In Montana, 98 percent of the businesses are considered small businesses. Generally, small businesses do not have the capacity or the resources necessary to undertake or maintain the research and support activities which larger businesses and industries maintain as part of their on-going activities. To the extent that such support exists in these States, it usually comes from local universities. EPSCoT is a vehicle to assist the largely rural States to develop regional clusters, spin-off companies, and other small high technology companies. It will help small businesses and industries which are emerging in Montana and other rural States to be successful and globally competitive. This program, with sufficient support, will be successful in stimulating technology development and transfer. EPSCoT will foster the scientific and technological infrastructure necessary for job creation and economic growth.

Mr. President, for these reasons, I strongly support the funds provided to launch EPSCoT. This is an investment to spur economic growth in rural areas that are key to an overall healthy American economy.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I wanted to take a moment to commend the members of the Commerce, Justice, State Appropriations Subcommittee for including $1,675,000 for the Experimental Program to Stimulate Competitive Technology [EPSCoT] in the fiscal year 1998 appropriations request. This program model is based on the successful National Science Foundation's Experimental Program to Stimulate Competitive Research [EPSCoR].

EPSCoR has a strong track record in helping to promote quality research in States, like West Virginia, that are traditionally under represented in Federal research and development funding. EPSCoT is intended to promote similar activities for technology transfer.

This is a wise investment with bipartisan support. Senator BURNS and I have discussed this concept and its potential, and we have sought the comments of leaders in our states and regions.

Technology plays a vital role in economic growth. According to the Congressional Research Service, experts widely believe that technological progress is responsible for up to one-half of the growth of the U.S. economy and is one principal driving force in long-term economic expansion and increases in our Nation's standard of living. Given this compelling point, it is essential to ensure that technology is successfully transferred to business and industry in every region, including those regions which historically are under served. Our Nation will not thrive if some regions are left behind in the key sectors of R&D or technology transfer.

The National Science Foundation's EPSCoR program has considerably helped States enhance their capacity for research and development. The Department of Commerce is now looking to use this successful model for technology transfer. It is important to note that this initiative has been debated and considered for quite some time. Commerce officials have worked closely with Governors and U.S. Innovation Partnership.

As a longstanding advocate for EPSCoR, I am enthusiastic about the potential for this new Commerce initiative, EPSCoT, to effectively build partnerships at the State level and promote technological advances that will lead to long-term growth in regions of our country that traditionally have been left behind. I am confident that West Virginia and other States can benefit enormously by such a targeted incentive program. This appropriations is a good start in the right direction on technology transfer.

FUNDING OF THE PATENT AND TRADEMARK OFFICE

Mr. HATCH. Mr. President, let me just take a moment to discuss the important issue of the funding of the Patent and Trademark Office [PTO] that is contained in the Commerce, Justice, State, and Judiciary appropriations bill that the Senate will vote on later today. As my colleagues know, Mr. President, the PTO has been entirely funded by user fees for several years now. Not one cent of general taxpayer

money goes to the operation of that vital office. Thus, it is my belief that all the money generated by the user fees should be available for use by the PTO.

Unfortunately, in the last few years, increasingly large amounts of money have been diverted from the PTO. The patent surcharge, which was instituted to make the PTO self-funding, has been the target of this diversion. That is why I was very pleased when the surcharge, which is scheduled to expire after fiscal year 1998, was not renewed. I had advocated that it not be renewed and, with the support of Senators DOMENICI and LAUTENBERG, the chairman and ranking member of the Budget Committee, it was not.

In addition to the surcharge, this bill contains new PTO funding issues. First, the bill set aside $20 million to fund an office called the Under Secretary of Commerce for Intellectual Property Policy, should such an office be created. This office does not yet exist but is advocated by the administration, which seeks to add it to my Omnibus Patent Act, S. 507. I am negotiating with the administration with regard to the possible creation of such an office. But one thing seems clear: if that office is created, it will not need a budget of $20 million. Thus, I cosponsored an effort by Senator LAUTENBERG to reduce that amount.

I want to thank both Senator LAUTENBERG for his efforts and Senator GREGG for agreeing to modify that provision. Instead of $20 million, the bill now sets aside an amount up to 2 percent of the PTO budget. That is a maximum of about $14 million. That is a more realistic number, and, I suspect that, should the office be created, it would not even need that much.

The second new issue raised by this legislation deals not with the surcharge, but with the base fees. In the past, the PTO has been permitted to collect and spend whatever amount of base fees is generated in a given year. This is logical, since increased filings will increase work for the PTO but also generate more money with which to do that work. But this bill sets a cap on the base fees that PTO may not exceed, regardless of how much they collect. This is of serious concern to me, Mr. President, as it risks leaving the PTO with an increased workload but with insufficient funds to conduct proper patent examinations and trademark registrations.

The House Appropriations Committee did not set a similar cap. Rather, the House has continued the standard practice of allowing the PTO to spend whatever the base fees happen to generate. Mr. President, the language in the Senate version risks leaving the PTO unable to perform its vital task of protecting the work of Utahns and all other American inventors. I urge the conference committee to adopt the House language and not impose a new cap on the Patent and Trademark Office.

Mr. President, I led the fight for the balanced budget amendment. In balancing the budget, it is unjust to force American inventors to bear a greater burden than the ordinary taxpayer.

Mr. MOYNIHAN. Mr. President, this morning I learned from the mayor of the Village of Owego of a problem he is having with the village's share of the local law enforcement block grant. As we are concluding the debate on the Commerce, State, Justice appropriations bill today, I thought it might be appropriate to bring the matter to the attention of the Senator from New Hampshire and the Senator from South Carolina. I intend to pursue the matter with the Justice Department, but I may need to ask their help at some point.

Mayor Hogan informs me that after recently receiving a letter from the director of the Bureau of Justice Assistance concerning the application process for fiscal year 1997 funds, and while filling out the fiscal year 1997 application, village officials discovered that 1996 funds had been available to them. They had never been notified. A Bureau official then told them that some requests for applications had been sent to incorrect addresses. Village officials contacted the supervisor of the nearby Town of Owego, who remembered receiving the application notice meant for the village. However, the application deadline passed 9 months ago. The village lost out on $10,840 through no fault of its own.

Mr. President, $10,840 may not seem to be a large sum these days, but for the Village of Owego it is. It constitutes three-quarters of 1 percent of the village tax base. If three-quarters of 1 percent of the total Federal receipts for 1998 were at stake, we would be talking about $11.7 billion, and that would have our attention. I hope the Senators from New Hampshire and South Carolina will consider assisting in this matter if necessary.

Mr. GREGG. I would certainly like to be kept informed about the situation, and I hope the Senator from New York will do so.

Mr. HOLLINGS. I too would like to know if the Bureau of Justice Assistance can help.

Mr. BYRD. Mr. President, I would like to express my congratulations to the distinguished Chairman, Senator GREGG, and Ranking Member, Senator HOLLINGS, for a very thorough, fair, and bipartisan Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Bill. It is my understanding that Chairman GREGG was most respectful of his ranking member's concerns in drafting this legislation. It is my further understanding that Chairman GREGG and his staff have embraced Senator STEVENS' philosophy as chairman of our full committee that embodies open disclosure, full cooperation, and respect for the interests of the members of both sides of the aisle. As a result, we have before us an excellent bill, drafted in the spirit of bipartisanship with the best interest of our Nation at heart.

The appropriation bill before us provides $31.6 billion dollars for the Departments of Commerce, Justice, State, the Judiciary, and related agencies. This is an increase of $1.4 billion over current levels. It is about one-half a billion dollars below the President's request, excluding the administration's request for advanced appropriations. Again, the committee has demonstrated its commitment toward fighting crime and supporting law enforcement initiatives by providing the Department of Justice with $17.3 billion in appropriations. When taking offsetting collections from fees into account, the Department's total resources made available in this bill are about $19.3 billion. Within this amount many important programs are funded, including the President's COPS on the Beat Program, 1,000 more border patrol agents in the Immigration and Naturalization Service, a new block grant program to address juvenile crime and related programs, and an increased budget for initiatives addressing violence against women. Also included is $3.075 billion for the Federal Bureau of Investigation, an increase of $238 million above the current year. Funding increases are provided to complete the new forensics laboratory at Quantico, VA, and to combat child exploitation on the Internet. A total of $1.091 billion is provided for the Drug Enforcement Administration and $332 million for the Immigration and Naturalization Service.

Mr. President, we have before us a good bill that I will join Senators HOLLINGS and GREGG in supporting. In closing, I commend the work of committee staff. On the majority staff, I acknowledge and thank Jim Morhard, Paddy Link, Kevin Linskey, and Dana Quam for their professionalism and spirit of bipartisanship. On the minority side, I thank Scott Gudes and Emelie East for their many hours of work on this bill.

Mr. KOHL. Mr. President, I just wanted to thank Senator GREGG and Senator HOLLINGS and their staff for their hard work on this bill and especially for their efforts in the area of crime prevention. Since the passage of the Crime Act in 1994, I have worked here in the Appropriations Committee and on the Senate floor to provide funding for proven crime prevention programs and to maintain a reasonable balance between law enforcement and prevention. During that time, Senator GREGG and I have had our differences over the need for these programs. This year, however, I was very pleased to work with Senator GREGG on this issue and these discussions resulted in a total of $75 million for a new program that expands upon the Juvenile Justice Act's title V. This program gives local communities broad discretion to fund a variety of crime prevention efforts, while guaranteeing that not all of our

anticrime effort goes to law enforcement alone. Consistent with this initiative, the Judiciary Committee reauthorized title V in the juvenile crime bill reported out of committee last week.

While this is a large step in the right direction, some small but effective crime prevention efforts that were funded in last year's bill have, unfortunately, been eliminated this year—including the President's Crime Prevention Council. I look forward to working with Senator GREGG and Senator HOLLINGS to address these problems as we move forward with this bill.

In closing, I would like to reiterate my thanks to Senator GREGG and Senator HOLLINGS for their support of significant crime prevention funding. In communities across the Nation, their efforts will make a difference in the lives of millions of young people.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

Mr. GREGG. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 1757.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 1757) entitled ''An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organizations (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.'', and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate insist on its amendments, agree to the request of the House for a conference, and further the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER. (Mr. THOMAS) appointed Mr. HELMS, Mr. COVERDELL, Mr. HAGEL, Mr. GRAMS, Mr. BIDEN, Mr. SARBANES, and Mr. DODD conferees on the part of the Senate.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. HOLLINGS. As I understand from my distinguished chairman, we are awaiting the leader's approval of resuming proceedings as if in morning business because on our particular bill, State, Justice, Commerce, there has been an agreement that we vote at 3:30. There could be a couple of amendments that have a couple minutes a side to explain prior to the vote. So pending the approval there, I would ask unanimous consent for just a couple of minutes for comments to be connected with the earlier comments I made on the budget. Is that all right?

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

SMOKE AND MIRRORS OF THE BUDGET

Mr. HOLLINGS. I wanted to comment with respect to the usual smoke and mirrors of this year's budget. I wish, of course, our distinguished chairman of the Appropriations Committee, the distinguished Senator from Alaska [Mr. STEVENS], was still in the Chamber because he initiated the actual spectrum auctions discussion for the simple reason that we have pretty well drained the pot there.

On our last auctions, billions were expected, but we only received millions. Some of those bidding have now been put into receivership and have not responded to their particular bid. So we know now that under this particular agreement, when it calls for some $26.3 billion to come from spectrum actions, we will be lucky to get half of that amount. There again is more smoke and another mirror.

Specifically, they who designed it agreed that it was smoke and it was a mirror in that they then backed it up with the universal service fund provision. This, of course, is a private fund, gotten together by the particular entities in communications where they measure each month the amount of traffic that they have had and the amount necessary to go into the universal service fund. It is a private fund, and there is a question legally whether you can even account for it. I don't know how CBO would score it, but we know that the agreement between the President and the leadership last evening leaves this space blank. Because, whatever is needed and is not allowed by the Congressional Budget Office in its measurement with respect to spectrum auctions, they then put into that particular blank space, whether it is $3 billion, $4 billion, $5 billion or otherwise.

The entitlement cuts, of course, are back loaded with 75 percent of the entitlement cuts to occur the last 2 years. And, of course, the most smoke and the biggest mirror of all is using, if you please, pension funds to make the budget appear balanced. Actually, we spend the money out of the pension funds. We spend the money out of Social Security; we spend the money out of the military retirees' fund; we spend the money out of the civil service retirees' fund; we spend money out of the airport and airways trust fund; we spend money out of the highway trust fund, and allocate that in the accounting to what they call a unified budget to make it look or appear balanced.

That is the most smoke, that is the biggest mirror, that is the biggest shibboleth that is accepted by the free press. I don't know whether those in journalism ever had an arithmetic course, but the question is whether are you spending more than you are getting in each year in Government. At the State level, we measured it more specifically. We had to not only to balance the budget but also have reserves before Moody's and Standard & Poor's and other groups would give us our AAA credit rating. We have that in my particular State, but no such approach is used here at the Federal level. They use, continually, the smoke, the mirrors, and the biggest one of all which is to include, by the year 2000, over $100 in trust fund surpluses to make the budget appear balanced.

So I think this completes my comments on the reality of this particular budget agreement that is called balanced when the very authors themselves know there is no chance of it being balanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MORNING BUSINESS

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 28, 1997, the federal debt stood at $5,369,966,109,620.66. (Five trillion, three hundred sixty-nine billion, nine hundred sixty-six million, one hundred nine thousand, six hundred twenty dollars and sixty-six cents)

Five years ago, July 28, 1992, the federal debt stood at $3,993,518,000,000. (Three trillion, nine hundred ninety-three billion, five hundred eighteen million)

Ten years ago, July 28, 1987, the federal debt stood at $2,299,649,000,000. (Two trillion, two hundred ninety-nine billion, six hundred forty-nine million)

Fifteen years ago, July 28, 1982, the federal debt stood at $1,088,071,000,000. (One trillion, eighty-eight billion, seventy-one million)

Twenty-five years ago, July 28, 1972, the federal debt stood at $435,641,000,000 (Four hundred thirty-five billion, six hundred forty-one million) which reflects a debt increase of nearly $5 trillion—$4,934,325,109,620.66 (Four trillion, nine hundred thirty-four billion, three hundred twenty-five million, one hundred nine thousand, six hundred twenty

dollars and sixty-six cents) during the past 25 years.

Mr. HOLLINGS. 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.

The PRESIDING OFFICER. The Chair, in his capacity as Senator from Wyoming, asks that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will resume consideration of S. 1048, the Department of Transportation appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1048) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Shelby (for D'Amato-Moynihan) amendment No. 1022, to direct a transit fare study in the New York City metropolitan area.

AMENDMENT NO. 1022

The PRESIDING OFFICER. Pending is amendment No. 1022 to the bill offered by Senator SHELBY on behalf of Senator D'AMATO.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 1022, offered by the Senator from Alabama on behalf of the Senator from New York, Senator D'AMATO, to bill number S. 1048.

Mr. SHELBY. I ask unanimous consent that we temporarily set that amendment aside.

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

Mr. SHELBY. Mr. President, we are now resuming consideration of the fiscal year 1998 Transportation appropriations bill under a unanimous-consent agreement reached last evening. I believe this is important legislation that will have very significant effects on every State in this Union. It sets a record-high obligation ceiling on Federal highway spending. It provides the resources for the Federal Aviation Administration and the U.S. Coast Guard to operate our Nation's airways and waterways safely and efficiently.

Mr. President, it increases, again, our commitment to improving highway safety in this Nation. We want to finish our deliberations on this bill and pass it, if we can, and I ask now for the cooperation of all my colleagues in the Senate who have the option to offer amendments under the consent agreement and have not yet brought them to our attention. I would like for them to come to the floor with their amendments.

Later, I intend to seek a unanimous-consent agreement that all amendments must be offered this evening, that we debate any amendments on which there is disagreement this evening, and that we have a final vote tomorrow. Accordingly, I encourage all Members desiring to speak on the bill on any of the amendments that they propose to come to the floor as soon as possible.

Further, Mr. President, I ask unanimous consent that the following amendments—we have a list of amendments and some of them we have worked out and will be stricken. If I could, I would like to go through the list of the ones that we worked on and we will not have to consider. First is the Hollings amendment on the list; the Graham transit amendment; the Durbin amendment; two amendments by Senator ENZI; the Mack amendment; one of the Abraham amendments; the Bond amendment—two of the Bond amendments. I believe that would take care of a number of them. Some of the other amendments still will be before us, we hope, in some form soon or will be disposed of in some way.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this has been cleared on this side. Therefore, we have no objection.

The PRESIDING OFFICER. No objection is heard to the agreement.

Mr. BYRD. Mr. President, I rise in strong support of S. 1048, the Transportation appropriations bill for fiscal year 1998.

The Transportation appropriations bill may be the most important of all the appropriations bills. It establishes the Federal investment level in our Nation's highways, airports, passenger, rail, and mass transit systems. I have spoken many times on the Senate floor regarding the importance of maintaining and improving the Nation's physical infrastructure. Our economy is highly dependent on the efficient movement of goods and people. Congestion and capacity constraints on our Nation's highways and delays at our airports cost the U.S. economy billions of dollars each year in lost productivity. But while the estimated costs associated with congestion grow each year, our Federal investment in infrastructure has continued to decline significantly.

Indeed, since 1980, our national investment in infrastructure has declined, both as a percentage of our gross domestic product and as a percentage of our Federal budget. The bill before the Senate today seeks to reverse the destructive trend of Federal disinvestment. Most importantly, as far as this Senator is concerned, the Federal aid highway obligation ceiling will rise to a historic high of $21.8 billion, an increase of more than $3 billion, or 17 percent. Our Nation's airports will enjoy a 16-percent increase in Federal funding for critical capital and safety improvement projects, an increase of $260 million.

Now, Mr. President, these additional highway funds are sorely needed in all States of the Nation. Indeed, the historic $3 billion increase is still only one-fifth the size of the increase that the Federal Highway Administration estimates would be necessary to cease deterioration in the condition of our National Highway System. Put another way, if we wanted to see a net improvement in the condition of our roads and bridges, we would be required to provide an increase in excess of $15 billion in the bill, or a total of almost $37 billion. Unfortunately, the restrictions that have been placed on domestic discretionary spending through the Federal budget process preclude us from providing such an increase through this bill. But I still want to commend the managers for making our Federal investment in highways a priority in the development of this bill.

These highway funds are not the only critical investments in this bill. The Transportation appropriations bill includes our entire annual investment in critical safety programs in all modes of transportation. These include investments to maintain and modernize our air traffic control system, programs for the prevention of drunk driving, funding for rail safety inspectors and motor carrier inspectors, as well as programs of the National Highway Traffic Safety Administration and the National Transportation Safety Board.

Mr. President, when one considers the costs to society in terms of the thousands of lives lost each year through accidents involving our transportation system, the devastation is great. Whether it be highway deaths, or airline disasters, or train accidents, it matters little to those who lose their lives, or to those who are permanently disabled, or to their families, as to which mode of transportation was involved. We simply must do all that we can to reduce the death and the destruction that occurs annually in our various transportation systems.

In doing so, we not only save lives, we also save the billions of dollars that these accidents cost the economy each year in terms of property damage and lost productivity, as well as the health care costs—and they are often long-term—associated with these tragedies.

I believe it is necessary to point out, Mr. President, that it will require a two-step process for us to get increased highway construction funding, as well as highway safety funding to our States. This appropriations bill is the first step, but it will be equally essential for us to pass the surface transportation authorization bill in the very near future. Our major Federal highway construction, highway safety, and mass transit programs are set to expire in less than 10 weeks' time. As has been the usual convention, the annual appropriations bill sets an obligation limitation on these highway construction, highway safety, and mass transit programs.

But it is the responsibility of the authorizing committees—the Committees on Environment and Public Works and Commerce and Banking—to provide the necessary contract authority so that these programs will continue beyond September 30. I know it has been the stated desire of the majority leader to bring such an authorization bill before the Senate as soon as possible. And I am one of many Senators who anxiously await an opportunity to debate a new surface transportation authorization bill on the Senate floor.

Mr. President, I commend Senator SHELBY for his excellent work in his first year as chairman of the Transportation Subcommittee. He held a thorough and informative set of hearings at the beginning of the year. I was pleased to have had the opportunity to participate in some of them. And I also commend Senator LAUTENBERG, the ranking member of the Transportation Subcommittee, who, as ranking member of the Budget Committee, toiled diligently to ensure that the budget resolution treated transportation as an important budget priority for the coming year.

Senator SHELBY and Senator LAUTENBERG have continued to act in the cooperative bipartisan fashion that has always characterized the workings of the Transportation Subcommittee.

Mr. President, these Senators, who act as managers of a bill as important as this is, put an immense amount of time into their work. They conduct thorough hearings. They work with able staff. They conduct markups on the bill at the subcommittee level, and the bill is generally approved by the Appropriations Committee. The bill has usually emanated from the subcommittee, and seldom does the full committee make changes in those subcommittee actions that go into the formulation of the bill.

I know that Senator SHELBY has worked hard, and he has done a good job, as did Senator LAUTENBERG when he was chairman of the Transportation Subcommittee. They are both highly dedicated to their work, and they are both very well respected. And I want to commend both of these Senators. They are working in the best interests of the Nation. They are working in the best interests of the States that make up the Nation. And they are working in the best interests of the future and the people who will depend upon adequate modes of transportation today and in the future.

I also want to thank the Presiding Officer. I note that he listens to what Senators are saying. And that is important. He is alert to what is going on, on the floor. He is alert to what is being said. He is not working crossword puzzles. He is not signing his mail. He is not reading a book. He is busily engaged in the business of presiding. So I compliment all of these whose names I have mentioned.

As I think of the work that is done by Senator SHELBY and Senator LAUTENBERG, I used to be the chairman of the Transportation Appropriations Subcommittee a good many years ago. I was instrumental years ago in helping to get the first appropriations for the metropolitan transit system here. That was before most Senators were Members of this body. But I saw the need for a transportation system in the District of Columbia to serve the metropolitan area, and I supported mass transit throughout the years. When I was chairman of the full committee, I did not come to bury mass transit. I came to praise mass transit and to save mass transit and to help mass transit. I am sorry to say that I have not been accorded the same reciprocity toward highways, especially from some of the Members of the other body. I don't mention names because that is against the Senate rules.

But we are all working for the Nation. And when we work to improve the transportation of the Nation, we work to build the Nation's prosperity. We work for the increased safety of those who travel, and we work for the young men and women who will be the leaders of the Nation in years to come.

It reminds me of a bit of verse by Will Dromgoole. One might think that that author was a man. The name is Will, but it was a woman.

An old man traveling a long highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side.
And he built a bridge to span the tide.

''Old man,'' said a fellow pilgrim standing near.
''You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?''

The builder lifted his old gray head.
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to speak as if in morning business.

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

U.S. STATE OF READINESS

Mr. INHOFE. Mr. President, I saw a very interesting article in Friday's Washington Times that has brought to surface the truth that is so often avoided around here concerning our state of readiness in our Nation' defense system.

As the chairman of the readiness subcommittee of the Senate Armed Services Committee, I have had occasion to visit many, many of the installations around the country. I have been in the European theater, most of the installations in England, Italy, Hungary, and, of course, several times to Bosnia, Camp Lejeune Marine Corps Base; Fort Hood, TX; Fort Bragg, NC; Corpus Christi Navy Air Base, and several others. What I am finding is that there are very serious problems they are facing.

Mr. President, I know you are aware, as chairman of the personnel subcommittee, of some of these problems and how they are affecting our state of readiness. One of the contributing factors, of course, is our contingency operations. We have two serious problems with contingency operations. First of all, they are very expensive. We had occasion to narrowly lose our resolution of disapproval in order to keep our troops from being sent over to Bosnia here back in December 1995—only by four votes. And one of the determining factors was they said it would be a 12-month operation, which we all knew better, but they also said that the cost of the operation would not exceed $2 billion, it would be somewhere between $1.5 and $2 billion. At that time we felt, with mission creep and the fact it was easy to go in and very difficult to come out, that it would cost more.

Well, sure enough. We are up there now, close to $7 billion it is going to cost us.

Where does that money come from, Mr. President? It comes from our readiness accounts. This has become a very serious problem.

The other problem is that it is using up our troops, keeping them from being

able to be trained properly should an emergency come along, should some type of war operation become necessary to face. I have been going around, and they have been bringing out problems such as equipment is wearing out well before its projected lifetime, excessive usage of spare parts, pushing our people so hard they no longer have time to train. At almost every unit I saw maintenance personnel cannibalizing perfectly good, new equipment to keep other equipment working, which may solve the problem for today but it is very labor intensive by the time they get the machines working again.

An Air Force maintenance officer told me, ''Our lack of spares has caused us to cannibalize perfectly good engines to keep others operating, requiring my maintenance troops to work even more hours to keep our planes flying. Our normal workweek is now 50 to 56 hours a week.''

With regard to OPTEMPO—when we talk about OPTEMPO, we are talking about the tempo of operations—an F–18 squadron commander told me, ''The high OPTEMPO at which our personnel are operating is definitely causing a strain on our people's families and the strain also affects my pilots' job performance.''

We know our retention is low. In my State of Oklahoma, we will spend—we actually save $86,000 a primary student. That is the savings. Imagine what it costs to put someone in training. Right now the airlines are coming along and taking some of our very best. And the ones I talked to, Mr. President, do not want to leave. They want to stay in. They are soldiers, they are fighters, but they have to do it. And their family situation is demanding that they do.

An Air Force F–16 squadron commander said, ''The number of days we fly to support Bosnia doesn't leave us with enough time to train. The only areas where we get training from our Bosnia missions is in reconnaissance and close air support. The rest of our training areas are suffering.''

This goes on and on. An Air Force C–130 squadron commander told how they are now up to 160 days in their TDY as opposed to their goal of 120.

Now, what does this do? It is quite obvious. When you talk to the services, you give them choices. You say, well, if you are going to have to take money to put in these contingency operations, it is going to either have to come out of force strength, readiness, quality of life, or modernization. Those are the only four areas over which we have control. And I can tell you that each one of the chiefs has said we cannot take any more money out of any of these areas.

Now, there is an assumption around here that somehow we have a state of readiness that would allow America to protect itself in two regional contingencies. I can tell you right now that this is not the case. In fact, it has been stated by most of the chiefs now that we could not fight today the Persian Gulf war.

I will just read a couple excerpts from the article that came out Friday morning. It is the first time I have seen it in print. It was in the Washington Times Friday morning. It said, ''The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs, and maintenance depots with little quality of work being produced. Pilots complain of poorly equipped fighter wings, too much time away from their families, and air patrol types of missions that do little to hone their air combat skills.'' And it goes on and on.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the article of Friday morning be printed in the RECORD.

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

(See exhibit 1.)

Mr. INHOFE. In conclusion, Mr. President, right now I think we are facing a very serious threat. I know there are people in this Chamber who would like to believe that the cold war is over and that there is no longer any real serious threat out there when, in fact, as I have said several times before, I am not the only one who looks back wistfully at the days of the cold war; at least then we had two superpowers and we had an idea of what the Soviet Union at that time had. We could predict what they were going to do. They have a more predictable type of personality. Our intelligence knew more about what their capabilities were. Today we have 25 or 30 nations out there, run by the type of people who murder their own grandchildren, and here we are in a position where we could very easily be challenged in two geographic areas.

So, Mr. President, I hope as we progress here and as we follow through the rest of the year we can change some of the attitudes in this Chamber and over in the other Chamber and in the White House as concerns our ability to defend America.

EXHIBIT 1

AIR FORCE LEADERS LOSE PILOTS' FAITH—PENTAGON MEMO DETAILS LOW MORALE, SHODDY WORK

(By Rowan Scarborough)

The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs and maintenance depots with ''little quality or quantity of work being produced,'' according to an internal Defense Department memorandum.

The draft memo, a copy of which was obtained by the Washington Times, paints a troubling picture of the state of American air power.

It says Air Force pilots are in the dumps, fleeing the service at a rate higher than aviators in the Army, Navy or Marines.

''Many pilots expressed great distrust of the senior leadership,'' said the memo prepared for Louis Finch, deputy undersecretary of defense for readiness. The memo calls the Air Force cadre of instructor pilots ''a very disgruntled group.''

The memo didn't spell out why the senior leadership, including Air Force Secretary Shelia Widnall and Gen. Ronald Engleman, the chief of staff, has failed in the eyes of pilots.

But the service has been hit by a series of public-relations disasters, including the Khobar Towers terrorist bombing that killed 19 service members and the attempted court-martial of Lt. Kelly Flinn. Pilots complain of poorly equipped fighter wings, too much time away from their families and air patrol-type missions that do little to hone air-combat skills.

''Discussions with fighter pilots reveal a great deal of dissatisfaction with the ongoing deployments,'' the memo says. ''There is no training, they are not doing what they are trained to do, they are simply 'boring holes in the sky.' Combining this lack of mission satisfaction with increased airline hiring makes civilian life much more attractive.''

In what should be a troubling finding for safety officials, the memo states that nearly two-thirds (65 percent) of engines for the giant C–5 cargo jet are returning from repair shops still malfunctioning.

It says two major depots in California and Texas are caught up in the battle between Congress and President Clinton over whether they should stay open. A nonpartisan base-closure commission recommended closing the air-logistics centers in Sacramento, Calif., and San Antonio and transferring the work elsewhere.

But last year Mr. Clinton, making what critics say was a political decision to garner votes in two large states, said the bases would be handed over to civilian companies.

Said the Pentagon memo, ''Due to the ongoing political contest regarding privatization, there is little quality or quantity of work being produced. Both workers and plants are underutilized. Further, the operational units are not satisfied with the products received from the depots.''

It is the San Antonio depot that is sending out malfunctioning C–5 jet engines, the memo states. ''Currently, there is a 65 percent reject rate of the engines coming back from [San Antonio],'' it states. ''The quality is getting better though.''

Dated yesterday, the memo seems to bolster complaints from pro-defense conservatives in Congress. They contend the Clinton administration is underfunding the armed forces at the same time it deploys troops at a high rate around the world.

Robert Maginnis, a retired Army lieutenant colonel, said the report shows the negative effects of cutting defense spending by more than 30 percent the past five years.

''The sad state of Air Force readiness can be blamed on the Clinton administration, which treats the military as a toy to be deployed for meals-on-wheels-type missions without due consideration for its impact on readiness,'' said Mr. Maginnis, an analyst at the conservative Family Research Council.

''Depots are caught in never-never land between privatization, base closures and status quo,'' he said. ''The results are devastating.''

Maj. Monica Aloisio, a Pentagon spokeswoman, said the memo is a ''trip report'' periodically done on all four branches. The Pentagon readiness office uses such reports in making budget recommendations.

The Air Force declined comment, saying the report is still in draft form.

The report was based on site visits by defense officials in June to warplane squadrons, repair depots, the Air Force entry-level pilot school and an air-refueling unit.

It draws a particularly negative portrait of pilot morale at the Air Education and Training Command at Randolph Air Force Base, Texas.

The inspection report calls Randolph a ''poor training ground for future pilots.''

''The instructor pilots at Randolph are sick of high 'OPTEMPO' [operational tempo],'' says the memo. ''Most said that they came to Randolph as a three-year break from being gone from home too much on deployment. Most of the pilots also said that they will be getting out of the Air Force as soon as their commitment is over.

''The pilots liked the quality of the mid-level leadership, but totally disliked their senior leadership. They stated that they did not trust senior leadership and that things are getting worse. In general they felt they were lied to, betrayed and treated very poorly.''

Officers at the 940th Air Refueling Squadron complained of excessive training.

''Everyone complained that the number of days of mandatory training per year should be capped and purged of everything that is not mission essential or job critical,'' the memo said. ''All of the politically correct, brainwashing, propaganda and white laboratory mouse training should be purged from the curriculum.''

Mr. INHOFE. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Mr. President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair and thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Minnesota.

THE BUDGET AGREEMENT

Mr. WELLSTONE. Mr. President, just a few thoughts about the budget agreement. There is still a lot of drafting going on, so to a certain extent I think all of us are at a little bit of a disadvantage in that we have not seen all of the specifics, but I would like to raise a couple of questions about this agreement, and I raise these questions given what I think is the important standard of fairness.

First of all, I hope that all Senators, Democrats and Republicans, will have before them the distributional data, that is to say some understanding as to who will benefit from these tax cuts, before we are asked to vote on the tax-cut part of this bill. It seems to me this is kind of a prerequisite for good public policy. I remain very skeptical that, indeed, these tax cuts, when you look at who is really going to benefit with each passing year, will not disproportionately go to those people who are least in need of any assistance. At the same time, I see a tradeoff that seems quite unacceptable. Every single time it looks like low-income and moderate-income families get the short end of the stick. I think we should set the bar at a higher level, and I think those families should count. Let me just give but a couple of examples.

Mr. President, the child credit, we are now hearing from the White House, will go to families with incomes under $30,000 a year or under $28,000 a year, the argument being that, indeed, these families pay Social Security taxes and they should receive a child credit as well as those families with incomes over $30,000 a year. But, as it turns out, families with incomes under $16,000 a year are not going to receive any child care credit. I have had a chance to travel some around the country and visit with poor children, visit with low-income families. I don't understand how in the world we could be talking about fairness if, in fact, those families are not going to receive any of the child care credits, those families most in need.

Another example is on the higher education piece. I have said this over and over again, and I hope I am wrong, but I don't think I am. I was a teacher for 20 years. I spent a lot of time at the community colleges. Mr. President, if the tax credits are not refundable, then those students or those families with incomes under $28,000 a year or $27,000 a year, that are not going to have any tax liability, they are not going to receive any of the assistance. So when it comes to those students who have been least able to afford higher education, they are still going to be waiting for some of this assistance.

Add to that some of the concerns that I think all of us have to have about the cuts or reductions in payment in Medicare and medical assistance, in particular those of us—and I come from such a State—where we have strong rural communities. We have to worry about the negative impact this is going to have on rural health care providers. If we don't have hospitals or clinics, then we are not able to deliver the care out in our communities. We have to have concerns about the disproportionate effect this is going to have on our children's hospitals and public hospitals that have received a disproportionate amount of medical assistance because they serve a disproportionate number of low-income and moderate-income people.

So, the question really becomes: Where is the standard of fairness if the tax cuts still, in the main, go to the very top of the economic population and at the same time the benefits don't go to many, many hard-pressed families? We have not invested, in this budget agreement, one penny in rebuilding crumbling schools. As it turns out, families with incomes under $16,000, with children, receive no help by way of the child credit. Those students from families with incomes $23,000, $24,000, $25,000 a year are not going to benefit from the Hope scholarship unless it's a refundable tax credit. We are not investing in the schools, and at the same time we don't even have the distributional data on who exactly is going to benefit from these tax cuts.

So I count myself as a skeptical Senator. And if I was going to be voting today, I would vote against this package. I do not think it meets the Minnesota standard of fairness. I think we should do better.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The pending business of the Senate is to resume consideration of Senate bill 1022.

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 995

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays on the Kyl amendment No. 995 be vitiated.

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

Mr. ABRAHAM. Mr. President, I rise in support of the amendment of my friend from Arizona.

As a preliminary matter, I should say that I would have hoped that this amendment would not be necessary. I do not believe there is any real difficulty in reconciling the provision from last year's omnibus appropriations bill prohibiting the use of judiciary's funds to pay for special masters appointed pre-PLRA with the PLRA's requirement that masters be paid only with such funds. I believe this can easily be done without violating the intent of the PLRA's authors, including my friend from Arizona and myself, that the PLRA's compensation and other requirements be applied to pre-PLRA masters.

The way to reconcile them is clear: the court can either proceed without a special master, or it can appoint a new one—or reappoint an old one—in the manner specified by the PLRA, thereby making the master eligible for payment under the terms of last year's rider. Indeed, in a discussion at the end of the last Congress, the distinguished chairman of the CSJ Appropriations Subcommittee and I agreed that this was the intended interpretation of the appropriations provision.

Nevertheless, some courts have instead used this provision as one basis for concluding that the compensation requirements, and even special masters provisions other than the compensation requirements, do not apply to masters appointed pre-PLRA, or even in some instances to masters appointed post-PLRA in pre-PLRA cases.

Let's look at the continuing saga of the Rikers Island jail in the Benjamin versus Jacobson case. The basic issue there is whether, as a result of the PLRA, the court will allow Rikers to store its mops right side up or upside down, and whether the jail has to use Borax in a particular concentration to clean certain public areas or whether it should be allowed to use a different concentration, or even a different detergent. Or to put the question a little more seriously, the issue there is whether within the constraints of the Constitution, New York City will be allowed to run its jail according to what it, rather than an unelected special master, believes is sound prison policy.

This year, Judge Baer—whose earlier handling of the central aspects of this case was frankly a model of judicial restraint—issued an order requiring New York City to continue to fund the special master's office at approximately $275,000 a year, pay for office space, and provide a car and a parking space. The order even specified that the car had to be of a certain type and quality.

Judge Baer had earlier held that the PLRA required dissolution of the consent decree that had been governing Riker's for years, but the court of appeals stayed that order pending appeal. Thus, the order retaining the special master on the old terms was issued in a case that predated the PLRA, but where it was clear by its own terms that the order appointing the master had expired. Moreover Judge Baer had previously upheld the constitutionality and retroactivity of the other provisions of the act.

For all these reasons one would have thought it clear that even if last year's prohibition were construed to allow the court to impose the costs of pre-PLRA-appointed masters on the States, the act's limitations on special masters should be applied to the reappointment of this one. Nevertheless, without holding the special masters limitations unconstitutional, Judge Baer simply declined to follow them on the theory that the court of appeals stay of his original order upholding the other provisions of the PLRA was a mandate for him to preserve the status quo in all respects.

I think the real lesson of this and many other decisions regarding the PLRA's limitations on prospective relief, as well as many of the decisions concerning the new habeas provisions, is that judges, like other human beings, tend to resist change. What, after all, is the old maxim that statutes in derogation of the common law shall be strictly construed, if not a fairly blunt statement that courts will construe any ambiguity in favor of their own ways of doing things?

By clearing up what may seem to some an ambiguity, the amendment of my friend from Arizona removes one possible source of authority to which a court can turn in an effort to exercise broad powers through a special master while making the State or locality whose powers are being usurped foot the bill.

Accordingly, I am pleased to support his amendment.

Mr. LEAHY. Mr. President, this amendment applies to only a few States that have been found liable for violations of civil rights or constitutional rights of prisoners in their prisons before enactment of the Prison Litigation Reform Act of 1995. There are about 35 special masters supervising prison conditions that might be affected by this amendment, although the Administrative Office of the Courts expects that number to be reduced to 28 by October 1.

Why should Congress and Federal taxpayers be required to bail out these few States for their poor prison conditions, unconstitutional treatment, and history of noncompliance with their own consent decrees?

The Congressional Budget Office and Administrative Office of the Courts estimate that this amendment will cost the Federal Treasury about $3 million this year. Why should U.S. taxpayers bail out a few States for one of the costs of bringing their state prison conditions up to constitutional standards? Will we next be asked to pay for the other remedial aspects of the decrees that have been agreed to by State officials? If States want flexibility to use some of the billions of dollars for prisons that the Federal Government has made available to the States since passage of the Violent Crime Control and Law Enforcement Act of 1994 to help defray these costs and expenses, I would support that.

This amendment raise constitutional concerns because it retroactively and statutorily seeks to overturn consent decrees where States have agreed to foot the bill for a special master to monitor their poor prison conditions and implementing remedies to bring them up to constitutional standards. Why should Congress overturn decrees already agreed to by the States involved in these lawsuits over poor prison conditions? Why should Congress intervene when these matters are already being reviewed by newly assigned judges in these cases?

The Prison Litigation Reform Act, which was included in last year's omnibus spending bill, has been construed by the courts not to be retroactive in order for it not to be held unconstitutional. This amendment crosses that line and seeks to extend certain questionable provisions of that law back in time and have them apply to cases that it was not designed or intended to cover. It will lead to additional constitutional challenges.

This amendment would bail out a few States by taking money from the Federal Judiciary's administrative account. That account pays for improvements in computers in courtrooms, teleconferencing, and other services that make the administration of justice more effective and efficient. Why are we taking money away from improving the administration of justice to bail out these few States?

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment No. 995 offered by the Senator from Arizona be agreed to.

Mr. HOLLINGS. I will not object.

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

The amendment (No. 995) was agreed to.

AMENDMENT NO. 1034

Mr. GREGG. Mr. President, I ask unanimous consent that, notwithstanding the previous order, it be in order to send an amendment to the desk.

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

Mr. GREGG. Mr. President, I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1034.

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

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

The amendment is as follows:

At the appropriate place, insert:

Notwithstanding any other provision in this Act the amount for the Department of State ''capital investment fund'' shall be $105,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1034) was agreed to.

Mr. GREGG. Mr. President, I suggest the regular order is the vote on final passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi, [Mr. COCHRAN] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Cochran

The bill (S. 1022), as amended, was passed as follows:

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,373,000; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $29,450,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $20,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $437,178,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $24,555,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That not to exceed 4 permanent positions and 5 full-time equivalent workyears and $470,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $82,447,000: *Provided*, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for pre-merger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $12,447,000: *Provided further*, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $986,404,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That not to exceed $8,000,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: *Provided further*, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That not to exceed $10,000,000 shall remain available until expended to support Violent Crime Task Forces in United States Attorneys Offices, of which $5,000,000 shall be available for the expansion of several existing Task Forces into regionally-diverse demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,652 positions and 8,936 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public

Law 104–132), $46,128,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $11,408,000 shall be available for Southwest Border Control and $9,747,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $116,721,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That notwithstanding any other provision of law, $116,721,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: *Provided further*, That any such fees collected in excess of $116,721,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $471,786,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: *Provided*, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102: *Provided further*, That not to exceed 6 permanent positions and 6 full-time equivalent workyears and $350,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to this paragraph shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, to remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,837,268,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $257,601,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $84,400,000 for the automation of fingerprint identification services and related costs and not to exceed $14,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $60,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed 59 permanent positions and 59 full-time equivalent workyears and $5,470,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended (''the 1994 Act''), and the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be

for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act: *Provided*, That notwithstanding any other law relating to employee classification, pay, and performance, the Director, Federal Bureau of Investigation may, with the approval of the Attorney General, design and implement a system of personnel management providing for the classification, pay, and performance of non-Senior Executive Service employees of the Federal Bureau of Investigation. Except as otherwise provided by law, no employee compensated under this system may be paid in excess of the rate of basic pay payable for Level IV of the Executive Schedule. Payments to employees under this system shall be subject to the limitation on payments to General Schedule employees set forth in section 5307 of title 5, United States Code.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $59,006,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $639,265,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement, retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That not to exceed 29 permanent positions and 29 full-time equivalent workyears and $2,134,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and for the purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, $441,117,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $10,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,574, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint INS and United States Marshals Service's Buffalo Detention Facility; $1,430,199,000, of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That the Attorney General may reallocate to the INS training program from other INS programs such amounts as may be necessary for direct expenditure for immigration officer basic training: *Provided further*, That none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD–258 fingerprint card, or any other means used to transmit fingerprints, for the purpose of conducting a criminal background check on any applicant for any benefit under the Immigration and Nationality Act unless the applicant's fingerprints have been taken by an office of the Immigration and Naturalization Service or by a law enforcement agency, which may collect a fee for the service of taking and forwarding the fingerprints: *Provided further*, That none of the funds available to the INS shall be available to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1998, except in such instances when the commissioner determines that enforcing this overtime provision would harm enforcement activities: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project scheduled to end September 30, 1996, is extended hereafter, for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll: *Provided further*, That not to exceed 20 permanent positions, of which not less than 11 permanent positions are caseworkers, and 20 full-time equivalent workyears and $1,737,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $719,898,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $73,559,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,933,900,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into

contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $6,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $267,833,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,042,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $160,165,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which, $25,000,000 is for the National Sexual Offender Registry.

For an additional amount, $23,000,000, to remain available until expended; of which $5,000,000 shall be for Local Firefighter and Emergency Services Training Grants as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''); of which $14,000,000 shall be for development of counterterrorism technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism Act; and of which $4,000,000 shall be for specialized multi-agency response training.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $451,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $75,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $6,200,000 shall be for the National Center for Missing and Exploited Children, of which $2,000,000 shall be for National Neighborhood Crime and Drug Abuse Prevention Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center, of which $100,000 shall be available for a grant to Roberts County, South Dakota, for establishment of a 911 emergency system; and of which $900,000 shall be available for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the State forensic laboratory.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $2,154,650,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, of which $25,000,000 shall be for grants to States for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors: *Provided*, That of the amount made available for Local Law Enforcement Block Grants under this heading, $10,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs and district attorneys are to be considered the unit of local government under section 108 of H.R. 728: *Provided further*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $2,400,000 of this amount shall be for discretionary grants for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation: *Provided further*, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $128,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $350,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $740,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $150,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $35,000,000 shall be available for the Cooperative Agreement Program, and of which $5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $160,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $7,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $61,200,000 shall be for grants for residential substance abuse treatment for State prisoners as authorized by section 1001(a)(17) of the 1968 Act; of which $15,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which

$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $3,800,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; and of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens as authorized by section 250005(3) of the 1994 Act: *Provided further,* That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further,* That section 20105(c) of subtitle A of title II of the 1994 Act (42 U.S.C. 13705(c)) is amended to read as follows ''Notwithstanding any other provision of this subtitle, States may use grant funds to build or expand State or local juvenile correctional facilities and boot camps, for violent and nonviolent juvenile offenders.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $33,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided,* That not to exceed 270 permanent positions and 228 full-time equivalent workyears and $24,669,000 shall be expended for program management and administration.

In addition, for activities authorized by the 1994 Act, $40,000,000 for the Police Corps program to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $230,922,000, to remain available until expended, as authorized by section 299 of part I of title II, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $86,500,000 shall be available for expenses authorized by part B of title II of the Act, and $29,500,000 shall be available for expenses authorized by part C of title II of the Act; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $75,000,000 shall be available for the Anti-Truancy, School Violence and Crime Intervention Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by sections 214B of the Act.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $145,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided,* That none of the funds appropriated or otherwise made available by this Act for ''Juvenile Block Grants'' may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided,* That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking the year in the date therein contained and replacing the same with ''1997 and thereafter''.

SEC. 109. The Director, Federal Bureau of Investigation, is authorized to carry out a 2-year demonstration project showing the viability for the defensive arming of select non-agent personnel: *Provided,* That the Director, Federal Bureau of Investigation, may authorize to carry firearms not more than 50 non-agent investigative specialists assigned to special surveillance groups supporting investigations, counterintelligence and counterterrorism activities: *Provided further,* That personnel designated under this authority shall meet selection criteria established by the Director, Federal Bureau of Investigation, and successfully complete training for firearms proficiency, defensive tactics, and deadly force policy: *Provided further,* That personnel designated under this authority shall not be deemed law enforcement officers under Title 5, United States Code, for pay, retirement, position classification, or other purposes: *Provided further,* That the Director, Federal Bureau of Investigation, shall submit to the Committees on the Judiciary of both the House and the Senate, by March 31, 1999, a report on the viability of the defensive arming demonstration project along with recommendations for permanent authority for non-agent personnel or discontinuance of the demonstraton project.

SEC. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

(a) by striking entirely section 286(s);

(b) in section 286(r) by—

(1) adding '', and amount described in section 245(i)(3)(b)'' after ''recovered by the Department of Justice'' in subsection (2);

(2) replacing ''Immigration and Naturalization Service'' with ''Attorney General'' in subsection (3); and

(3) striking subsection (4), and replacing it with, ''The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the

President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year.''; and

(c) in section 245(i)(3)(B), by replacing ''Immigration Detention Account established under section 286(s)'' with ''Breached Bond/Detention Fund established under section 286(r)''.

SEC. 111. Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (8 U.S.C. 1182 note, 1255 note) is amended by deleting everything after ''1994''.

SEC. 112. (a) SHORT TITLE.—This section may be cited as the ''Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997''.

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

''(B) who—

''(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

''(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

''(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946:'';

(2) by adding at the end of subsection (a) the following new paragraph:

''(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

''(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

''(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army or, in the event the Department of the Army has no record of military service of such applicant, the General Headquarters of the Armed Forces of the Philippines; or

''(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

''(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service.''; and

(3) by adding at the end the following new subsection:

''(d) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, for purposes of the naturalization of natives of the Philippines under this section—

''(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

''(B) oaths of allegiance for applications for naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

''(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States.''.

(c) REPEAL.—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(d) EFFECTIVE DATE; TERMINATION DATE.—

(1) APPLICATION TO PENDING APPLICATIONS.—The amendments made by subsection (b) shall apply to applications filed before February 3, 1995.

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. (a) Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant—

''(i) who is present in the United States without having been admitted or paroled, or who has been paroled into the United States by the Attorney General specifically for the purpose of obtaining special immigrant status pursuant to this subparagraph;

''(ii)(I) who has been declared dependent on a juvenile court located in the United States if the dependency order is issued pursuant to a request made on behalf of the alien, the court notifies the Attorney General of the request for the order, and the Attorney General expressly consents to the court hearing the request; or

''(II) whom the juvenile court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care, except that while the alien is in the actual or constructive custody of the Attorney General, the court shall have jurisdiction to determine the custody status of the alien only if the Attorney General expressly consents to that jurisdiction; and

''(iii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.''.

(b) ADJUSTMENT OF STATUS.—Section 245(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h)) is amended by striking the period at the end and inserting the following: '', unless the alien was paroled into the United States by the Attorney General specifically in order to apply for such special immigrant status. Nothing in this subsection or section 101(a)(27)(J) shall be construed to require the Attorney General to parole into the United States any alien specifically for this purpose.''.

SEC. 114. (a) Section 1402 of the Victims of Crime Act of 1984, (42 U.S.C. 10601), is amended in subsection (d) by—

(1) replacing ''judicial branch administrative costs; grant program percentages'' in the heading with ''grant programs'';

(2) striking paragraph (1);

(3) replacing ''the next'' in paragraph (2) with ''The first''; and

(4) redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

SEC. 115. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93–645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 116. (a) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''with a designated State law enforcement agency''; and

(B) in subparagraph (B), by striking ''with a designated State law enforcement agency''; and

(2) by striking paragraph (2), and inserting the following:

''(2) DETERMINATION BY STATE BOARDS.—

''(A) IN GENERAL.—A determination that a person is a sexually violent predator or a determination that a person is no longer a sexually violent predator for purposes of this section shall be made by the sentencing court, after considering—

''(i) the recommendations of the appropriate State board or boards under subparagraph (B)(iii); or

''(ii) with respect to a State described in subparagraph (C), the recommendations of the State, which shall be made in accordance with the procedures described in that subparagraph.

''(B) STATE BOARDS.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 2 years after the date of enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997, each State shall establish 1 or more State boards in accordance with this subparagraph.

''(ii) MEMBERSHIP.—Each State board established under this subparagraph shall be composed of—

''(I) experts in the behavior and treatment of sex offenders;

''(II) victims' rights advocates; and

''(III) representatives of law enforcement agencies.

''(iii) RECOMMENDATIONS.—Upon the request of a sentencing court, a State board established under this subparagraph shall make a recommendation to the sentencing court regarding whether a person is a sexually violent predator or whether a person is no longer a sexually violent predator for purposes of this section.

''(C) WAIVER.—The Attorney General of the United States may waive the requirement that a State establish 1 or more boards in accordance with subparagraph (B), if the State demonstrates to the satisfaction of the Attorney General that the State—

''(i) has established alternative procedures for making recommendations to a sentencing court for purposes of subparagraph (A); and

''(ii) will make a recommendation described in clause (i) with respect to any person, upon the request of the sentencing court.''.

(b) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(1) in paragraph (1)—

(A) by striking the paragraph designation and heading and inserting the following:

''(1) DUTIES OF RESPONSIBLE OFFICIALS.—'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''or in the case of probation, the court'' and inserting ''a designated State agency, the court, or other responsible official'';

(ii) in clause (ii), by striking ''give'' and all that follows before the semicolon and inserting ''report the change of address as provided by State law''; and

(iii) in clause (iii), by striking ''shall register'' and all that follows before the semicolon and inserting ''shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence''; and

(C) in subparagraph (B), by striking ''or the court'' and inserting '', the designated State agency, the court, or other responsible official'';

(2) by striking paragraph (2) and inserting the following:

''(2) TRANSFER OF INFORMATION TO FEDERAL BUREAU OF INVESTIGATION AND TO STATE.—

''(A) IN GENERAL.—A designated State agency, the court, or other responsible official, shall forward the registration information to the agency responsible for registration under State law, in accordance with State procedures that meet the requirements of subparagraph (B).

''(B) STATE PROCEDURES.—State procedures shall ensure that, as promptly as practicable—

''(i) the registration information is provided and made available to a law enforcement agency having jurisdiction where the person expects to reside;

''(ii) the registration information is entered into the appropriate State records or data system; and

''(iii) conviction data and fingerprints for registered persons are transmitted to the Federal Bureau of Investigation.'';

(3) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting after ''(a)(1)'' the following: ''with respect to any person required to register under subsection (a)(1)(A), State procedures shall provide for verification of address not less than annually. Such verification may be effected by providing that,'';

(B) in clause (i), by striking ''The designated State law enforcement'' and inserting ''A designated'';

(C) in clause (ii), by striking ''State law enforcement'';

(D) in clause (iii), by striking ''to the designated State law enforcement agency''; and

(E) in clause (iv), by striking ''State law enforcement'';

(4) in paragraph (4), by striking ''section reported'' and all that follows before the period at the end and inserting ''section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is provided promptly to a law enforcement agency having jurisdiction over the location at which the person will reside and that the information is entered into the appropriate State records or data system'';

(5) in paragraph (5), by striking ''shall register'' and all that follows before the period at the end and inserting ''and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration''; and

(6) by adding at the end the following:

''(7) OFFENDERS CROSSING STATE BORDERS.—

''(A) IN GENERAL.—

''(i) REGISTRATION UNDER LAWS OF CERTAIN STATES.—Any person who is required to register in that person's State of residence under this section shall also register in accordance with the law that governs the registration, verification, and notification of sex offenders of each State in which that person is—

''(I) employed or carries on a vocation; or

''(II) enrolled as a student.

''(ii) DEFINITIONS.—In this subparagraph—

''(I) the term 'employed or carries on a vocation' includes employment that is full-time or part-time, for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and

''(II) the term 'student' includes any person who is enrolled on a full-or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

''(B) NOTIFICATION REQUIREMENTS.—The State authority responsible for the registration of sex offenders in each State shall ensure that each person who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements.

''(8) RELOCATING STATE PROBATIONERS AND PAROLEES.—

''(A) IN GENERAL.—Notwithstanding any conflicting terms of a probation, parole, or transfer agreement, any person who is serving a sentence of probation, parole, or other supervised release for conviction of an offense that requires registration under this section, and who is residing in any State other than the State in which that person was sentenced for that offense, shall register in accordance with the law of the State of residence of the offender that governs the registration and notification of sex offenders, regardless of any registration or notification obligation under the law of the State in which that person was sentenced for the offense.

''(B) EFFECT OF FAILURE TO COMPLY.—A person required to register under subparagraph (A) who knowingly fails to comply with this paragraph, not later than 10 days after the date on which the person establishes residence in a State other than the State in which the person was sentenced as described in subparagraph (A)—

''(i) shall be subject to punishment by a State with respect to which the person is registered under subparagraph (A); and

''(ii) shall be guilty of an extraditable offense, for which a Federal warrant for unlawful flight to avoid prosecution is available.

''(C) NOTIFICATION REQUIREMENTS.—Each State authority responsible for the registration of sex offenders who reside in that State—

''(i) shall ensure, during the course of verification of registration information, that each person who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements; and

''(ii) whether the relocation of a sex offender described in this paragraph occurs under courtesy supervision or otherwise, shall—

''(I) notify the authority responsible for sex offender registration and notification in the State of relocation of the pending arrival of the offender in that State of relocation; and

''(II) provide the authority responsible for sex offender registration and notification in the State of relocation with information relating to the sex offender, including—

''(aa) the social security number, physical description, criminal record, terms of supervision, and any alias of the sex offender; and

''(bb) the address, telephone number, and any place of employment of the sex offender in the State of relocation.

''(9) REPORTING REQUIREMENT.—Not later than July 1, 1999, a State shall submit a report to the Attorney General that sets forth existing or proposed laws, including penalty provisions, regarding stalking crimes against individuals 16 years of age or younger.''.

(c) RELEASE OF INFORMATION.—Section 170101(d)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)(3)) is amended—

(1) by striking ''the designated'' and all that follows through ''State agency'' and inserting ''the State or any agency authorized by the State'';

(2) by inserting ''to be disclosed only for criminal justice purposes'' after ''private data''; and

(3) by adding at the end the following: ''The sale or exchange of such information for profit or remuneration is prohibited and shall be subject to prosecution under State law.''.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(e) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)) is amended by striking ''and State officials'' and inserting ''independent contractors acting at the direction of those agencies, and State officials''.

(e) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—Section 170102(g)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(g)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting each clause 2 ems to the right;

(2) by striking ''A person'' and inserting the following:

''(A) IN GENERAL.—A person''; and

(3) by adding at the end the following:

''(B) FEDERAL OFFENDERS.—

''(i) IN GENERAL.—A person who is released from prison, or placed on parole, supervised release, or probation—

''(I) who is convicted under Federal law of—

''(aa) a criminal offense against a victim who is a minor; or

''(bb) a sexually violent offense; or

''(II) who has been determined to be a sexually violent predator,

shall, in addition to complying with the registration requirement in paragraph (2), register in accordance with the law of the State of residence of that person.

''(ii) NOTIFICATION REQUIREMENTS.—The Director of the Bureau of Prisons shall ensure that each person who is required to register under this subparagraph is notified of the requirements of this subparagraph and the potential consequences of a failure to comply with those requirements.

''(C) MILITARY PERSONNEL.—

''(i) IN GENERAL.—

''(I) REGISTRATION UNDER LAWS OF STATE OF RESIDENCE.—A member of the Armed Forces of the United States who has—

''(aa) been convicted of a criminal offense against a victim who is a minor;

''(bb) been convicted of a sexually violent offense; or

''(cc) been determined to be a sexually violent predator,

by a court of the United States, a court of a State, or a court-martial under the Uniform Code of Military Justice, shall register with the entities referred to in subclause (II).

''(II) ENTITIES.—The entities referred to in this subclause are—

''(aa) the FBI; and

''(bb) the State of residence of the member, and if different from the State of residence, the State in which the member is permanently assigned.

''(III) DETERMINATION OF STATE OF RESIDENCE.—For purposes of subclause (II)(bb), the State of residence of a member of the Armed Forces of the United States is—

''(aa) in the case of a member whose permanent duty station is in a State (including such a member who resides on a military installation or is serving aboard a vessel at sea), the State where the member resides whenever the member is present at that permanent duty station; and

''(bb) in the case of a member whose permanent duty station is outside the United States, the State of the member's home of record (as determined under regulations prescribed by the Secretary of the military department concerned).

''(ii) EFFECT OF FAILURE TO COMPLY.—A person who is required to register under this subparagraph and who knowingly fails to comply with this section may be punished—

''(I) under section 170102(i)(1);

''(II) under the Uniform Code of Military Justice; or

''(III) in accordance with the applicable laws of the State with respect to which that person is registered.

''(iii) NOTIFICATION REQUIREMENTS.—The Secretary of Defense shall ensure that each member of the Armed Forces of the United States who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements.''.

(f) SENSE OF SENATE.—It is the sense of the Senate that each State should have in effect a law that makes it a crime to stalk an individual under the age of 16 without requiring that such individual be physically harmed before a stalker is restrained or punished.

SEC. 117. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

(1) by striking ''300'' and inserting ''3,000''; and

(2) by striking ''five years'' and inserting ''seven years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 118. The Director of the United States Marshals Service shall provide a magnetometer and not less than one qualified guard at each entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico.

SEC. 119. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

''(I) law enforcement purposes, as determined by the Attorney General; or

''(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

''(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.''.

SEC. 120. Of the amounts made available under this title under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount otherwise to be awarded to an entity under the Local Law Enforcement Block Grant Program shall be made available to that entity, if it is made known to the Federal official having authority to obligate or expend such amounts that the entity employs a public safety officer (as that term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide an employee who is public safety officer and who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are otherwise paid by the entity to a public safety officer at the time of retirement or separation.

SEC. 121. PUBLIC DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES.—Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) DISCLOSURE OF FEES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

''(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

''(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

''(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

''(I) Arraignment and or plea.

''(II) Bail and detention hearings.

''(III) Motions.

''(IV) Hearings.

''(V) Interviews and conferences.

''(VI) Obtaining and reviewing records.

''(VII) Legal research and brief writing.

''(VIII) Travel time.

''(IX) Investigative work.

''(X) Experts.

''(XI) Trial and appeals.

''(XII) Other.

''(C) TRIAL COMPLETED.—

''(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

''(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

''(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

''(i) to protect any person's 5th amendment right against self-incrimination;

''(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

''(iii) the defendant's attorney-client privilege;

''(iv) the work product privilege of the defendant's counsel;

''(v) the safety of any person; and

''(vi) any other interest that justice may require.

''(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.''.

SEC. 122. (a) Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)) is amended by inserting after ''The term 'agent of a foreign principal' '' the following: ''(1) includes an entity described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 that receives, directly or indirectly, from a government of a foreign country (or more than one such government) in any 12-month period contributions in a total amount in excess of $10,000, and that conducts public policy research, education, or information dissemination and that is not included in any other subsection of 170(b) (1)(A), and (2)''.

(b) Section 3(d) of such Act (22 U.S.C. 613(d)) is amended by inserting '', other than an entity referred to in section 1(d)(1),'' after ''Any person''.

SEC. 123. The Administrative Office of the United States Courts, in consultation with the Judicial Conference, shall conduct a study of the average costs incurred in defending and presiding over Federal capital cases from the initial appearance of the defendant through the final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, with constitutional requirements.

SEC. 124. The Attorney General shall review the practices of United States Attorneys' Offices and relevant investigating agencies in investigating and prosecuting Federal capital cases, including before the initial appearance of the defendant through final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, consistent with constitutional requirements, and outlining a protocol for the effective, fiscally responsible prosecution of Federal capital cases.

SEC. 125. There shall be no restriction on the use of Public Safety and Community Policing Grants, authorized under title I of the 1994 Act, to support innovative programs to improve the safety of elementary and secondary school children and reduce crime on or near elementary or secondary school grounds.

SEC. 126. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

''(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.''.

SEC. 127. WAIVER OF CERTAIN VACCINATION REQUIREMENTS. (a) IN GENERAL.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) The Attorney General should exercise the waiver authority provided for in subsection (g)(2)(B) for any alien orphan applying for an IR3 or IR4 category visa.''.

(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.

SEC. 128. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

SEC. 129. REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS. (a) DEFINITIONS.—In this section—

(1) the terms ''criminal offense against a victim who is a minor'', ''sexually violent offense'', and ''sexually violent predator'' have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term ''DNA'' means deoxyribonucleic acid; and

(3) the term ''sex offender'' means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 130. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND. (a) Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following—

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.

(b) Beginning on the date of enactment of this legislation, the discretionary spending limits contained in section 201 of H. Con. Res. 84 (One Hundred Fifth Congress) are reduced as follows—

(1) for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

(2) for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

SEC. 131. SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS. Section 3626(f) of title 18, United States Code, is amended—

(1) by striking the subsection heading and inserting the following:

''(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.—''; and

(2) in paragraph (4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) in subparagraph (A), as so designated, by adding at the end the following: ''In no event shall a court require a party to a civil action under this subsection to pay the compensation, expenses, or costs of a special master. Notwithstanding any other provision of law (including section 306 of the Act entitled 'An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997,' contained in section 101(a) of title I of division A of the Act entitled 'An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997' (110 Stat. 3009–201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced, before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.''; and

(C) by adding at the end the following:

''(B) The payment requirements under subparagraph (A) shall not apply to the payment to a special master who was appointed before the date of enactment of the Prison Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.) of compensation, expenses, or costs relating to activities of the special master under this subsection that were carried out during the period beginning on the date of enactment of the Prison Litigation Reform Act of 1995 and ending on the date of enactment of this subparagraph.''.

This title may be cited as the ''Department of Justice Appropriations Act, 1998''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $22,092,000, of which $2,500,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses: *Provided further,* That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,000,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $280,736,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards

of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,126,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $250,000,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further,* That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $22,028,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,811,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,917,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $138,056,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $520,726,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,574,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $25,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further,* That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $11,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office or any successor organization, $656,320,000, to remain available until expended: *Provided,* That $629,320,000 of offsetting collections shall be assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $27,000,000: *Provided further,* That should legislation establishing an Office of the Under Secretary of Commerce for Intellectual Property Policy be enacted, such funds as are necessary, not to exceed 2 percent of projected annual revenues of the Patent and Trademark Office, shall be made available from the sum appropriated in this paragraph for the staffing, operation, and support of said office once a plan for this office has been submitted to the House and Senate Committees on Appropriations pursuant to section 605 of this Act.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,800,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $111,040,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the ''Working Capital Fund'': *Provided,* That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c)(1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology (''Centers''), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal

to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: *Provided further*, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $200,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund.''

CONSTRUCTION OF RESEARCH FACILITIES

For renovation of existing facilities of the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $16,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 299 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,999,052,000, to remain available until expended, of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final general fund appropriation estimated at not more than $1,996,052,000: *Provided further*, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $62,381,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000. Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) section 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach programs in Durham, New Hampshire.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $88,000,000, to remain available until expended.

FLEET MAINTENANCE AND PLANNING

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $15,823,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $200,000, to be derived from receipts collected pursuant to subsections (b) and (f) of section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost of guaranteed loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $28,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

SEC. 207. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 208. There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each

year: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be credited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: *Provided further*, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the appropriationment of Representatives in Congress among the States.

SEC. 210. (a) Section 401 of title 22, United States Code, is amended—

(1) in subsection (a), by adding after the first sentence the following: ''The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles.''; and

(2) in subsection (b), by adding the following after ''and not inconsistent with the provisions hereof.''—

''However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property.''

(b) Section 524(c)(11)(B) of title 28, United States Code, is amended by adding at the end thereof ''or pursuant to the authority of the Secretary of Commerce''.

SEC. 211. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended.

SEC. 212. The Office of Management and Budget shall designate the Jonesboro-Paragould, Arkansas Metropolitan Statistical Area in lieu of the Jonesboro, Arkansas Metropolitan Statistical Area. The Jonesboro-Paragould, Arkansas Metropolitan Statistical Area shall include both Craighead County, Arkansas and Greene County, Arkansas, in their entirety.

SEC. 213. In addition to funds provided elsewhere in this Act for the National Telecommunications and Information Administration Information Infrastructure Grants program, $10,490,000 is available until expended: *Provided*, That this amount shall be offset by proportionate reductions in appropriations provided for the Department of Commerce in title II of this Act: *Provided further*, That no reductions shall be made from any appropriations made available in this Act for the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the National Telecommunications and Information Administration Public Broadcasting Facilities, Planning and Construction program.

SEC. 214. SENSE OF THE SENATE WITH RESPECT TO SLAMMING. (a) STATEMENT OF PURPOSE.—The purposes of this statement of the sense of the Senate are to—

(1) protect consumers from the fraudulent transfer of their phone service provider;

(2) allow the efficient prosecution of phone service providers who defraud consumers; and

(3) encourage an environment in which consumers can readily select the telephone service provider which best serves them.

(b) FINDINGS.—The Congress finds the following:

(1) As the telecommunications industry has moved toward competition in the long distance market, consumers have increasingly elected to change the company which provides their long-distance phone service. As many as fifty million consumers now change their long distance provider annually.

(2) The fluid nature of the long distance market has also allowed an increasing number of fraudulent transfers to occur. Such transfers have been termed ''slamming'', which constitutes any practice that changes a consumer's long distance carrier without the consumer's knowledge or consent.

(3) Slamming is now the largest single consumer complaint received by the Common Carrier Bureau of the Federal Communications Commission. As many as one million consumers are fraudulently transferred annually to a provider which they have not chosen.

(4) The increased costs which consumers face as a result of these fraudulent switches threaten to rob consumers of the financial benefits created by a competitive marketplace.

(5) The Telecommunications Act of 1996 sought to combat this problem by directing that any revenues generated by a fraudulent transfer be payable to the company which the consumer has expressly chosen, not the fraudulent transferor. Recently the Federal Communications Commision has exercised its proper authority to implement this rule. Eliminating the financial incentive to slam will reduce this problem.

(6) While the Federal Communications Commission has proposed and promulgated regulations on this subject, the Commission has not been able to effectively deter the practice of slamming due to a lack of prosecutorial resources as well as the difficulty of proving that a provider failed to obtain the consent of a consumer prior to acquiring that consumer as a new customer. Commission action to date has not adequately protected consumers.

(7) The majority of consumers who have been fraudulently denied the services of their chosen phone service vendor do not turn to the Federal Communications Commission for assistance. Indeed, section 258 of the Communications Act of 1934 directs that State commissions shall be able to enforce regulations mandating that the consent of a consumer be obtained prior to a switch of service.

(8) It is essential that Congress provide the Federal Communications Commission, law enforcement, consumers, and consumer agencies with the ability to efficiently and effectively prosecute those companies which slam consumers, thus providing a deterrent to all other firms which provide phone services.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Communications Commission should, within 12 months of the date of enactment of this Act, promulgate regulations, consistent with the Communications Act of 1934 which provide law enforcement officials dispositive evidence for use in the prosecution of fraudulent transfers of presubscribed customers of long distance and local service; and

(2) the Senate should examine the issue of slamming and take appropriate legislative action in the One Hundred Fifth Congress to better protect consumers from unscrupulous practices including, but not limited to, mandating the recording and maintenance of evidence concerning the consent of the consumer to switch phone vendors, including a requirement for third-party verification, establishing higher civil fines for violations, approving the Federal Communications Commission's exercise of its authority to provide by rule for slammed consumers to be exempt from any payment requirement, and establishing a civil right of action against fraudulent providers, as well as criminal sanctions for repeated and willful instances of slamming.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 1998''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $28,903,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $6,170,000, of which $3,620,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,796,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,478,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retire from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges,

magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,789,777,000 (including the purchase of firearms and ammunition); of which not to exceed $16,530,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $308,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That the annual incremental cost of each capital representation shall not exceed $63,000: *Provided further*, That if the annual incremental cost of any capital representation exceeds $63,000, the costs in excess of $63,000 shall be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $68,252,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,883,000, of which not to exceed $26,962,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $53,843,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,480,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code, shall be amended by striking out subsection (l).

SEC. 305. (a) SHORT TITLE.—This section may be cited as the ''Ninth Circuit Court of Appeals Reorganization Act of 1997''.

(b) NUMBER AND COMPOSITION OF CIRCUITS.—Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking ''thirteen'' and inserting ''fourteen'';

(2) in the table, by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... California, Nevada.'';

and

(3) between the last 2 items of the table, by inserting the following new item:

''Twelfth ..... Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.''.

(c) NUMBER OF CIRCUIT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... 15'';

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth ..... 13''.

(d) PLACES OF CIRCUIT COURT.—The table in section 48 of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... San Francisco, Los Angeles.'';

and

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth ..... Portland, Seattle, Phoenix.''.

(e) ASSIGNMENT OF CIRCUIT JUDGES AND CLERKS OF THE COURT.—Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this section—

(1) is in California or Nevada is assigned as a circuit judge on the new ninth circuit;

(2) is in Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon or Washington is assigned as a circuit judge on the twelfth circuit; and

(3) two co-equal clerks of the court for the twelfth circuit shall be located in two co-equal circuit seats which shall be located in Phoenix, Arizona, and Seattle, Washington, respectively.

(f) ELECTION OF ASSIGNMENT BY SENIOR JUDGES.—Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this section may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

(g) SENIORITY OF JUDGES.—The seniority of each judge—

(1) who is assigned under subsection (e); or

(2) who elects to be assigned under subsection (f); shall run from the date of commission of such judge as a judge of the former ninth circuit.

(h) APPLICATION TO CASES.—The provisions of the following paragraphs of this subsection apply to any case in which, on the day before the effective date of this section, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this section had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified,

shall, by appropriate orders, be transferred to the court to which it would have gone had this section been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this section, or submitted before the effective date of this section and decided on or after the effective date as provided in paragraph (1) of this subsection, shall be treated in the same manner and with the same effect as though this section had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this section had not been enacted.

(i) DEFINITIONS.—For the purposes of this section, the term—

(1) ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this section;

(2) ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by subsection (b)(2);

(3) ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by subsection (b)(3).

(j) ADMINISTRATION.—The court of appeals for the ninth circuit as constituted on the day before the effective date of this section may take such administrative action as may be required to carry out this section. Such court shall cease to exist for administrative purposes on July 1, 1999.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on October 1, 1997.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: ''In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.''.

This title may be cited as ''The Judiciary Appropriations Act, 1998''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; $1,727,868,000: *Provided*, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with funds in, the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, not to exceed $125,000 shall be available only for the Maui Pacific Center: *Provided further*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal year 1998 and each fiscal year thereafter under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); and in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts ''Diplomatic and Consular Programs'' and ''Salaries and Expenses'' under the heading ''Administration of Foreign Affairs'' may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $105,000,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,100,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $420,281,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $14,490,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $957,009,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arreages owed the United Nations: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated or otherwise made available by this Act for ''Contributions to International Organizations'', including payment of arrearages owed to the United Nations, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997: *Provided further*, That notwithstanding section 402 of this Act, not to

exceed $10,000,000 may be transferred from the funds made available under this heading to the ''International Conferences and Contingencies'' account for assessed contributions to new or provisional international organizations or for travel expenses of official delegates to international conferences: *Provided further*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $200,320,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for ''Contributions for International Peacekeeping Activities'', including payment of arrearages, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $10,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $18,200,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the international Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,010,000, of which not to exceed $9,900 shall be available for representation expenses incurred by the International Joint Commission: *Provided*, That of the amount made available under this heading, not to exceed $40,000 shall be available only for the Bering Straits Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $14,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $5,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided for arms control, nonproliferation, and disarmament activities, $32,613,000 of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $427,097,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further*, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from student advising and counseling: *Provided further*, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $10,000,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $500,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475a).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $339,655,000, of which not to exceed $10,000,000 shall be available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio

and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $32,710,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $22,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $3,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds hereafter appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 1998 or any fiscal year thereafter may be obligated or expended to pay for any cost incurred in—

(1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995;

(2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating as of July 11, 1995; or

(3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam in excess of the total number of personnel assigned to the posts as of July 11, 1995, unless the President certifies within 60 days of the beginning of each fiscal year the following:

(A) Based upon a formal assessment of all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 406. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading ''ADMINISTRATION OF FOREIGN AFFAIRS'' as follows:

(A) $108,932,000 of the amount made available under the paragraph ''DIPLOMATIC AND CONSULAR PROGRAMS''.

(B) $3,530,000 of the amount made available under the paragraph ''SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS''.

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, $1,117,000; and,

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000; and

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

SEC. 407. NATIONAL ENDOWMENT FOR DEMOCRACY.—For grants made by the United States information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended. The language on page 119, line 15 to wit, ''$105,000,000'' is deemed to be ''$75,000,000''. This shall become effective one day after enactment of this Act.

SEC. 408. SENSE OF THE SENATE REGARDING THE EXEMPLARY SERVICE OF JOHN H.R. BERG TO THE UNITED STATES. (a) FINDINGS.—

(1) John H.R. Berg began his service to the United States Government working for the United States Army at the age of fifteen after fleeing Nazi persecution in Germany where his father died in the Auschwitz concentration camp; and

(2) John H.R. Berg's dedication to the United States Government was further exhibited by his desire to become a United States citizen, a goal that was achieved in 1981, 35 years after he began his commendable service to the United States; and

(3) Since 1949, John H.R. Berg has been employed by the United States Embassy in Paris where he is currently the Chief of the Visitor's and Travel Unit. And, this year has supported over 10,700 official visitors, 500 conferences, and over 15,000 official and unofficial reservations; and

(4) John H.R. Berg's reputation for ''accomplishing the impossible'' through his dedication, efficiency and knowledge has become legend in the Foreign Service; and

(5) John H.R. Berg has just completed 50 years of outstanding service to the United States Government with the United States Department of State.

(b) SENSE OF SENATE.—Therefore it is the sense of the Senate that John H.R. Berg deserves the highest praise from the Congress for his steadfast devotion, caring leadership, and lifetime of service to the United States Government.

SEC. 409. Not to exceed $2,000,000 may be made available for the 1999 Women's World Cup Organizing Committee cultural exchange and exchange related activities associated with the 1999 Women's World Cup.

SEC. 410. Notwithstanding any other provision in this Act the amount for the Department of State ''CAPITAL INVESTMENT FUND'' shall be $105,000,000.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1998''.

TITLE V—RELATED AGENCIES

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $135,000,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,000,000, to remain available until expended: *Provided,* That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,000,000: *Provided,* That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $29,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $459,000 to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $27,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $242,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,949,000, of which not to exceed $300,000 shall remain available until September 30, 1998, for research and policy studies: *Provided,* That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the

Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,426,000: *Provided further,* That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,300,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $108,000,000: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further,* That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $28,000,000, to remain available until expended: that not more than $10,000,000 shall be available from prior year unobligated fee collections: *Provided further,* That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285): *Provided further,* That, for a period of one year, none of the funds made available to the Federal Trade Commission shall be spent on an administrative proceeding concerning the merger of two hospitals where the Commission has already sought injunctive relief under 15 U.S.C. 53(b), and prior to July 9, 1997, a Court of Appeals has affirmed the denial of the injunctive relief requested by the Commission unless further review overturns the decision by the court of appeals.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $273,070,000 is for basic field programs and required independent audits; $2,019,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $7,911,000 is for management and administration; and $17,000,000, to remain available until expended, is for pro se legal education demonstration projects.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–52 et seq.).

(b) INAPPLICABILITY OF NONCOMPETITIVE PROCEDURES.—For purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Legal Services Corporation regulations, the Legal Services Corporation finds, after notice and an opportunity for a hearing to the recipient, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Legal Services Corporation, the Legal Services Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the grant or contract of the recipient.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (110 Stat. 1321–58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term ''battered or subjected to extreme cruelty'' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1953).

(2) The term ''related legal assistance'' means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Legal Services Corporation. Any such action to debar a recipient shall be instituted after the Legal Services Corporation provides notice and an opportunity for a hearing to the recipient. The decision regarding the debarment shall not be subject to Section 1011 of the Legal Services Corporation Act (42 U.S.C. 2996j).

(b) The Legal Services Corporation shall promulgate regulations to implement this section.

(c) In this section, the term ''good cause'', used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to the date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, section 502(a)(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, or section 502(a)(2) of this title;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any federal funds, naming the Legal Services Corporation, or any agency or employee of a federal, state, or local government, as a defendant.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,240,000.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended: *Provided,* That funds made available for this purpose shall be taken from funds made available on page 23, line 16.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $285,412,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: *Provided,* That fees and charges authorized by section 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further,* That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further,* That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting collections are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at no more than $35,889,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $246,100,000, of which $16,500,000 shall be available to fund technical assistance grants in fiscal year 1998 as authorized by section 7(m) of the Small Business Act, as amended: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further,* That $75,800,000 shall be available to fund grants for performance in fiscal year 1997 or fiscal year 1998 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $10,600,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 7(b) of the Small Business Act, as amended, $173,200,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums may be transferred to and merged with appropriations for Salaries and Expenses and Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the ''Surety Bond Guarantees Revolving Fund'', authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 505. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,550,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS. —It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

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

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 610. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 611. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 612. The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 613. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI. (a) GROUNDS FOR EXCLUSION.—None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(6) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 614. SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET. (a) FINDINGS.—The Congress finds that—

(1) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(2) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(A) Quality services should be available at just, reasonable, and affordable rates.

(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

(C) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services.

(D) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.

(E) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service.

(F) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services.

(3) Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations.

(4) The Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002.

(5) The withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996.

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

SEC. 615. For fiscal year 1998 and subsequent fiscal years, in establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

SEC. 616. The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice,

and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $30,310,000 are rescinded.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998''.

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

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

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, at this point, I certainly want to thank Senators for their cooperation on the passage of the Commerce, State, Justice bill. I, obviously, especially thank the Senator from South Carolina without whose expertise and input we could not have moved this bill in such an aggressive and bipartisan manner. He has a huge institutional knowledge, which he used in a most constructive and effective way in allowing us to pull together a bill that can work and that has passed with an exceptionally strong vote. I thank him for all his assistance.

Mr. HOLLINGS. Mr. President, as we say at home, let the record speak. I have been with this bill 26 years and, as the distinguished Senator from New Hampshire said, it was the first time we ever passed the bill unanimously. I thank the Senator for his cooperation and wonderful help on both sides.

Mr. GREGG. It could not have been done without the Senator's efforts and especially the assistance of the staff, which worked overtime on both sides of the aisle.

I especially want to thank Scott Gudes, who is the minority staff leader, and his assistants, Emily East and Karen Swanson Wolf, for their exceptional work on our side of the aisle. We had a wonderful team that worked literally hundreds of hours and did an exceptional job: Jim Morhard, who is the clerk, Kevin Linskey, Paddy Link, Carl Truscott, Dana Quam, and Vasiliki Alexopoulos. I can't say enough about the extraordinary effort that these people put in, and it certainly reflects in their expertise.

I would have to say that actually I am not sure we had a majority that passed this bill at one point earlier this year. So, the fact that it was passed in this way reflects the fact that a lot of extraordinary work went into it.

Again, I thank everyone for their participation.

Mr. HOLLINGS. Mr. President, I want to thank again the distinguished chairman, Senator GREGG, from New Hampshire. He has worked these issues very hard and studied these programs with great deliberation. He has done a really, really superb job on this State, Justice, and Commerce bill. He has put this bill together in a bipartisan fashion, considering Members' interests from both sides of the aisle.

You know that is the way appropriations bills have worked in the past. Mr. President, that is the way they are supposed to work. It has enabled us to pass this bill through committee with overwhelming support. It has enabled us to quickly complete action in just a little more than 1 day. And, I believe that this spirit of bipartisanship will be reflected shortly in the vote on final passage.

Of course, I would also like to recognize the support and guidance from our new Committee Chairman TED STEVENS and his right hand man, our committee staff director Steve Cortese. They are getting the trains to run on time. In fact, we are way ahead of the House, which hasn't even taken up the State, Justice, and Commerce bill. Steve Cortese has taken on the job of running our full Appropriations Committee as well as continuing to serve as staff director of the Defense Subcommittee. That is incredible. And, we, of course, very much appreciate the support of our leader, Senator BYRD and his staff director, Jim English. Senator BYRD and Jim English know these 13 appropriations bills thoroughly. They work tirelessly and continue to watch out for our committee and for our Senate as an institution.

Mr. President, I would like to take a minute to recognize the subcommittee staff. On the majority side they are led by Jim Morhard. Jim is level headed and experienced. He knows appropriations and how to put together legislation and build consensus. I can tell you that Chairman STEVENS and Senator GREGG know they can rely on Jim's counsel. His staff includes Paddy Link, Kevin Linskey, Dana Quam, Vasiliki Alexopoulos, and Carl Truscott, who is on detail from the U.S. Secret Service. These individuals have been working night and day putting together this bill. They are all new this year to the subcommittee. Jim Morhard moved over from military construction appropriations; Paddy Link joined us from the Commerce, Science, and Transportation Committee; and Kevin Linskey worked for the distinguished former leader, Senator Dole. They each bring unique backgrounds and perspectives to their positions. And, they have each had to learn about the agencies and programs in this very diverse and important State, Justice, and Commerce appropriations bill. They have had to be quick studies. They have done a truly outstanding job, and they have done a real service for the committee and the Senate.

I especially want to recognize Paddy Link for her dedication. I have known Paddy for years. She was, of course, Larry Pressler's chief of staff on the Commerce, Science, and Transportation Committee. She has experience over in the House Science Committee and during the Reagan and Bush administrations Paddy was at Commerce and served as director of legislative affairs at NOAA. During the same week that this bill went before the subcommittee, Paddy's father suffered a severe stroke and tragically passed away. Paddy continued to lend a hand even under such trying circumstances. I think she knows that all the Members' hearts go out to her and her family in their loss. She went far beyond the call of duty to help out in the production of this bill. It is a tribute to her sense of public service and professionalism.

Finally, I want to recognize the staff on our side. Scott Gudes, our subcommittee staff director, has been with me now for almost 7 years after 4½ years on Defense appropriations. He has been with me so long that I've got him automatically thinking of USC as meaning the University of South Carolina instead of another institution in his native southern California. Karen Swanson Wolf, who is on detail to us from the National Oceanic and Atmospheric Administration, has been doing a great job for the subcommittee. She has been dealing with justice and judiciary issues, and has been working on patent and trademark issues. And, finally, Emelie East who helps out this subcommittee as well as the Defense, Military Construction and Foreign Operations Subcommittees. Senator BYRD has picked a winner there. Every subcommittee, even the majority staff, keep putting in requests for Emelie to help out in markup, on the floor, and in conference. She is our utility player on the Appropriations Committee going from one bill to another. And, with this bill she will be seeing her fourth get through the Senate and be sent to the House of Representatives. Ms. East is as professional as they get and we all appreciate the outstanding work she does day in and day out.

So Mr. President, I just wanted to recognize these fine public servants. We don't do that enough around here. I, for one, appreciate their hard work.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF CONFEREES—H.R. 2266

The PRESIDING OFFICER. Under the previous order, the Chair appoints conferees on H.R. 2266.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER,

Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, and Mr. DORGAN conferees on the part of the Senate.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1022

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 1022 to S. 1048, the Transportation appropriations bill.

Mr. SHELBY. Mr. President, I know of no further discussion on amendment No. 1022.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1022) was agreed to.

AMENDMENTS NOS. 1035 THROUGH 1044, EN BLOC

Mr. SHELBY. Mr. President, I send a managers' package of amendments to the desk and ask that they be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 1035 through 1044, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1035 through 1044) were agreed to, as follows:

AMENDMENT NO. 1035

(Purpose: To extend the expiration date of a general provision from the fiscal year 1997 transportation appropriations act)

On page 52, at line 1, insert the following:

SEC. 339. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking ''September 30, 1997'' and inserting ''February 28, 1998''.

AMENDMENT NO. 1036

(Purpose: To make technical corrections to sec. 332 of the bill and to make minor funding changes to the bill)

On page 12, line 19, strike ''$286,000,000'' and insert: ''$190,000,000''.

On page 23, line 10, strike ''$90,000,000'' and insert: ''$190,000,000''.

On page 24, line 8, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 10, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 19, strike ''$2,000,000,000'' and insert: ''$2,008,000,000''.

On page 25, line 5, strike ''$780,000,000'' and insert: ''$788,000,000''.

On page 46, line 16, strike the word ''persons'' and insert: ''passengers''.

On page 46, line 18, strike ''363,000'' and insert: ''300,000''.

On page 26, before line 20, insert the following: ''$4,645,000 for the Little Rock, Arkansas Junction Bridge project;''.

AMENDMENT NO. 1037

(Purpose: To recognize transit bus projects)

At the appropriate place in title III, insert the following:

SEC. 340. Of funds made available under this Act for discretionary grants for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, up to $20,000,000 may be provided to the State of Michigan and $12,000,000 to the State of Illinois.

AMENDMENT NO. 1038

(Purpose: To provide for a study of the metropolitan planning process in Denver)

On page 24, line 3, strike the period at the end of the line and insert the following: '': *Provided,* That within the funds made available under this head, $500,000 may be made available to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to by Douglas County (on behalf of selected Denver regional county governments and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. Within 24 months of enactment of this Act, the recommendations of this study will be transmitted to the Senate and House Committees on Appropriations.''

AMENDMENT NO. 1039

(Purpose: To make a technical correction relating to the Right-or-Way Revolving Fund)

On page 15, line 4, after the word ''loans'' insert: ''to be repaid with other than Federal funds''.

AMENDMENT NO. 1040

(Purpose: To clarify Sec. 335 of the bill)

On page 50, line 11, insert the following:

(D) Nothing in this Act shall be construed to affect any existing statutes of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

AMENDMENT NO. 1041

(Purpose: To facilitate the application of the pilot record-sharing provisions of title 49, United States Code, added by the Federal Aviation Reauthorization Act of 1996, to air carriers operating non-scheduled operations under part 135 of the FAA regulations)

At the appropriate place in title III, insert the following:

SEC. 3 . PILOT RECORD SHARING.

The Administrator of the Federal Aviation Administration shall—

(1) work with air carriers conducting non-scheduled operations under part 135 of the Federal Aviation Administration's regulations (14 C.F.R. 135.1 et seq.) to implement the requirements of section 44936(f) of title 49, United States Code, effectively and expeditiously; and

(2) implement those requirements with respect to such air carriers not later than February 1, 1998, or sooner if, in working with such air carriers, the Administrator determines that the provisions of that section can be effectively implemented for such air carriers.

AMENDMENT NO. 1042

(Purpose: To require the Secretary of Transportation to exercise the exemption authority under section 41714 of title 49, United States Code, with respect to certain air service between slot-controlled airports subject to that authority and nonhub points, within 120 days after receiving a request for such an exemption)

At the appropriate place in title III, insert the following:

SEC. 3 . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''.

AMENDMENT NO. 1043

(Purpose: To express the sense of the Senate concerning the imminent expiration of highway and mass transit spending authorizations and the function of this bill)

On page 51, after line 25, add the following:

SEC. . SENSE OF THE SENATE CONCERNING REAUTHORIZATION OF HIGHWAY AND MASS TRANSIT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) on October 1, 1997, authorization for most of the programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), including mass transit programs, will expire;

(2) States, local governments, and the national economy depend on Federal investment in the transportation infrastructure of the United States;

(3) it is the duty of Congress to reauthorize the programs to ensure that the investment continues to flow and that there is no interruption of critical transportation services or construction; and

(4) the public and Congress should have a substantial opportunity to review, comment on, and comprehensively debate committee-reported proposals to reauthorize the programs well in advance of their expiration to ensure that the programs adequately reflect the needs of the United States and the contributions of the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Act should not be considered to be a substitute for a comprehensive measure reauthorizing highway and mass transit spending programs and should not be interpreted to authorize or otherwise direct the distribution of funds to the States under expiring formulas under title 23 or 49, United States Code, in fiscal year 1998.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of this important sense of the Senate. It should help to dispel any concerns that Members may have had regarding the Transportation appropriations bill and its potential effect on the ongoing reauthorization process for highway and transit funding. This measure puts the Senate's intention on record that none of the funds in S. 1048 are to be distributed according to the old, unfair formulas.

Mr. President, the State of Michigan has long been contributing more into the highway trust fund than it receives in Federal money for highways or mass transit, due to the old discriminatory formulas. The changes to previous law included the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] slightly improved Michigan's return. Unfortunately, it largely continued the decades-old unfair pattern of sending significantly more to small States than they contributed without any valid justification. My State's problem has been further compounded by limitations on obligations through the appropriations process that reduce our total dollar return. As a result, our average ratio of contributions to obligations for highway funding under ISTEA has been approximately 80.5 percent, while mass transit has been even worse with an average ratio of 42.3 percent.

I am pleased that the committee's bill provides nearly a $3 billion higher obligation limitation on highway spending. Unfortunately, a chart has been included in the RECORD at the beginning of debate on this bill which implies that those funds will be distributed according to the old, expiring ISTEA formulas. That is incorrect and the subcommittee chairman has stressed that the chart was for illustrative purposes only and not intended to direct these funds. I encourage Members to ignore that distribution. Michigan would, because of the increased obligation limitation, receive at least an additional approximately $100 million in fiscal year 1998, if ISTEA's average formula distribution was still in effect, over last year. It would be difficult for any State not to get an increase when the obligation limitation is raised, as it has been in the bill before us.

However, I encourage my colleagues not to focus on the formulas of the past. There are at least five major reauthorization proposals to be considered for fiscal year 1998 and beyond. Of those five, Michigan would do best under the Transportation Empowerment Act [TEA–2] and could have approximately $175 million more in obligation authority available in fiscal year 1998 assuming this bill's obligation limitation than in fiscal year 1997. Next best would be the STEP–21 proposal providing about $141 million more in fiscal year 1998. ISTEA does not work for Michigan and many other States, and Members should analyze these other proposals to determine whether they provide more fairness.

Mr. President, this sense of the Senate makes it very clear that S. 1048 does not reauthorize highway or mass transit spending programs. The Senate is still waiting for the Environment and Public Works, and the Banking Committees, to produce fair bills that will allow the continued flow of infrastructure investment dollars to the States from the funds provided in S. 1048. These bills need to be provided to the full Senate well in advance of the October 1, 1997, authorization expiration of these programs. No Member of the Senate or the public should be precluded from the opportunity to fully and carefully review the proposals reported by the committees.

Recently, I received a letter from the president of the American Association of State Highway and Transportation Officials [AASHTO], who is very concerned that Congress' ''delay [in moving a reauthorization bill] will negatively impact our Nation's transportation system and our economy.'' He is right to be concerned. There is no committee-reported proposal for the Senate to consider and we are about to recess until September. Unless, by some miracle, a fair and equitable bill is reported the first day we return, Congress is very unlikely to meet the October 1 deadline. No Senator should be placed in the position of supporting an unfair bill to meet that deadline because the Committees have failed to act punctually.

Mr. President, I urge my colleagues to support the resolution.

AMENDMENT NO. 1044

(Purpose: To provide for the development and operation of the Nationwide Differential Global Positioning System)

On page 4, line 11, strike the numeral and insert ''$2,435,400,000''.

At the appropriate place in title III, insert the following:

SEC. 3 . (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred to in this section as ''GWEN'') as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the ''Nationwide Differential Global Positioning System'' (referred to in this section as ''NDGPS'').

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as ''CORS'') system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

Mr. DEWINE. Mr. President, I would like to take a moment to commend the chairman of the Appropriate Subcommittee on Transportation, Senator SHELBY, for the work he has done on this bill. It is not easy to balance the competing interests in any appropriations bill, but I think it is even more difficult on transportation appropriations. I would also like to call attention to one area of the Senate's bill which is very different than the House version.

The Federal Automated Surface Observing System [ASOS] program, which began in the late 1980's, is sponsored by the Federal Aviation Administration [FAA], the National Weather Service [NWS], and the Department of Defense [DOD] and currently includes approximately 860 ASOS units. For its part, the FAA has completed procurement of its 539 baseline ASOS network. Of these units, 476 were installed, yet only 129 systems had been commissioned as of December 21, 1996.

Specifically, the Senate bill would provide $24.85 million for the Automated Surface Observing System [ASOS]. This amount is $10 million more than the Federal Aviation Administration [FAA] requested. According to the committee report, $14.85 million is to be used to commission systems that have already been purchased.

The $14.85 million requested by the administration would pay for getting these systems on-line, providing essential weather services to airports that now have them. The House language on this system is similar. I think it makes sense to do this. After all, the Federal Government purchase these units. They might as well be used.

Where the House and Senate language differ is in the use of the funds that the administration did not request. The House bill would provide

$7.5 million for procurement of additional weather observing systems and direct the FAA to compare costs and capabilities of similar systems and to purchase new systems only after full and open competition between all qualified vendors.

In contrast, the Senate report provides FAA with an additional $10 million to purchase 50 new ASOS units. If the past is an accurate indicator, these units will sit idle until FAA finds the funds to get them running. In essence, what we are doing is purchasing technology with great potential but fraught with high maintenance costs and unusable for a number of years for every airport that needs a weather observation system, when many airports can use off-the-shelf technology that can be used immediately.

In 1995, the General Accounting Office [GAO] released a report on ASOS. I would like to highlight some of their findings. First, GAO found that six of the eight sensors in the ASOS system do not meet key performance specifications. Second, ASOS shortfalls are caused by contractor failure to deliver products that meet specifications and Government failure to furnish sufficient equipment. Third, the NWS does not have adequate personnel or integrated information systems for it to isolate and correct ASOS failures at FAA sites. Fourth, ASOS does not satisfy the weather observational needs of many users. And, finally ASOS users state that incorrect ASOS observations could risk aviation efficiently and safety. I don't believe that Congress should force the FAA to purchase more ASOS units until the problems with the ones they already have can be worked out.

For this reason, I believe the House language on weather observation systems is a better option for airports. I hope my friend from Alabama will examine carefully the House approach on this issue and I urge him to opt for the House's approach to maximize airport safety.

Mr. SHELBY. I thank the Senator from Ohio for his statement. I have listened with interest to his remarks and recognize his concerns. The Senator from Ohio has raised very compelling arguments and I will carefully consider his request during the conference committee deliberations.

CHILD SIZE CRASH TEST DUMMIES

Mr. SPECTER. Mr. President, I wish to address the distinguished chairman of the subcommittee regarding the issue of funding for an innovative research project aimed at developing a child size crash test dummy which will be undertaken by a collaborative private sector group that includes several Pennsylvania universities.

The project will develop a new crash test dummy particularly suited for research on automobile occupant safety because it will generate data on children's unique biological features and the behavior of children under crash conditions.

I am advised that the House has provided $100,000 for this purpose within the budget for the National Highway Traffic Safety Administration. Would the distinguished chairman be willing to work with me and our House counterparts to explore funding for this important safety initiative?

Mr. SHELBY. Mr. President, the Senator from Pennsylvania correctly notes that this will be an issue we address in conference with the House and I would be glad to work with him on exploring funding possibilities for an initiative which could protect our children from injuries sustained in automobile accidents.

Mr. DURBIN. Mr. President, I rise today in order to engage the chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, in a brief colloquy regarding the Northeast Illinois Regional Commuter Railroad Corporation—Metra. I commend both Senators SHELBY and LAUTENBERG for their tireless efforts on behalf of our Nation's transportation systems. And I congratulate them on bringing this bill to the floor.

Mr. President, as Senator SHELBY knows, Metra is the second largest commuter rail system in the country, carrying over 270,000 riders a day. Metra's 12 rail lines serve more than 100 towns and municipalities with 238 stations and a stop at O'Hare International Airport. It maintains a 97 percent on time performance while operating over 500 route miles. In short, Metra is an effective, first-class transit system that fills an enormous commuter need in the Northern Illinois/Chicago region.

Metra anticipates that by the year 2020, the population of its service territory will grow by 25 percent and employment in that area will increase 37 percent. In order to prepare for this growth and meet additional needs, Metra plans to expand and upgrade service on three lines. Specifically, Metra plans to upgrade and expand North Central Service and the Metra Milwaukee West Line; upgrade and extend the South West Service to Manhattan, Illinois; and upgrade and extend the Union Pacific line to LaFox and Elburn, IL. The total cost of this project is $301 million over 6 years.

The House included $5 million in the fiscal year 1998 Transportation appropriations bill for engineering and design on tracks, signals, bridges, and earthwork associated with this project.

Mr. President, I would like to ask Senator SHELBY if he considers Metra to be a priority new start transit project and if he and Senator LAUTENBERG would be willing to work to include the House language in conference.

Mr. SHELBY. I thank the Senator from Illinois. As Senator DURBIN knows, the committee has worked with him over the years to fund various Metra expansion projects, most recently a new service line—the North Central Service. I appreciate his leadership on this project.

Metra expansion is vitally important to the Chicago/Northern Illinois service region. The Metra project is certainly a priority new start transit project that is worthy of Federal funding.

I will work with Senator LAUTENBERG and our House colleagues in the conference committee to make sure that the Senator's interests in this important project are represented at the conference committee.

I look forward to working with Senator DURBIN on this project in the years to come.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related Agencies appropriations bill for fiscal year 1998.

I congratulate the distinguished chairman of the subcommittee, Senator SHELBY, for bringing his first transportation appropriations bill to the full Senate. I commend the chairman for bringing the Senate a balanced bill.

As all Members know, transportation spending was a priority area within the bipartisan budget agreement. With passage of this bill, we begin to increase funding for our Nation's infrastructure as we promised during negotiations on the balanced budget agreement.

The Senate-reported bill provides $12.6 billion budget authority [BA] and $13.2 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highways, mass transit, aviation activities, the U.S. Coast Guard, and transportation safety agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $12.7 billion in budget authority and $37.6 billion in outlays for fiscal year 1998.

The reported bill is $0.2 billion in budget authority and $3 million in outlays below the subcommittee's section 602(b) allocation.

This spending is $0.5 billion in budget authority below the President's fiscal year 1998 budget request for the subcommittee, and $0.15 billion in outlays above the president's request.

The Senate-reported bill is $0.6 billion in discretionary BA and $0.2 billion in outlays below the House version of the bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring on this bill be inserted in to the RECORD.

I support the bill and urge its adoption.

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	—	11,957	—	698	12,655
Outlays	59	36,890	—	665	37,614
Senate 602(b) allocation:					
Budget authority	—	12,157	—	698	12,855
Outlays	59	36,893	—	665	37,617
President's request:					
Budget authority	300	12,173	—	698	13,171
Outlays	299	36,502	—	665	37,466
House-passed bill:					
Budget authority	300	12,217	—	698	13,215
Outlays	299	36,855	—	665	37,819
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority	—	(200)	—	—	(200)

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Outlays	—	(3)	—	—	(3)
President's request:					
Budget authority	(300)	(216)	—	—	(516)
Outlays	(240)	388	—	—	148
House-passed bill:					
Budget authority	(300)	(260)	—	—	(560)
Outlays	(240)	35	—	—	(205)

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. SMITH of New Hampshire. Mr. President, I would like to engage in a discussion with the bill manager on an amendment that I filed yesterday. Will the Senator from Alabama yield for a question?

Mr. SHELBY: Yes, I will yield to the Senator from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, I filed an amendment yesterday that I hope will not be necessary. The issue concerns truck weight limitations on interstate highways and potential sanctions on the States of New Hampshire and Maine.

Last year's appropriations legislation for the Department of Transportation included an amendment sponsored by Senators COHEN, SNOWE, GREGG, and myself which established a moratorium on the Department of Transportation's authority to withhold highway funds from New Hampshire and Maine because of their allowance of heavier trucks on Interstate 95. That moratorium is set to expire on September 1, 1997.

Under section 127 of our surface transportation law, States may not allow trucks over 80,000 pounds on the Interstate System without risking the loss of highway funds, even though many State roads allow 100,000-pound trucks, as is the case in New Hampshire and Maine. While I do not wish to get into a policy discussion on truck weights, there is a safety argument to be made in keeping these heavier trucks on the Interstate System, which is built to higher standards. That debate should be appropriately reserved for ISTEA reauthorization, currently under way in the Environment and Public Works Committee. It is there that we will debate any proposed changes to Federal truck weight limits.

Nevertheless, we are faced with the expiration of the sanctions moratorium on September 1 and the fact that the Environment and Public Works Committee has not yet dealt with this issue in ISTEA. It is for these reasons that I now seek assurances from the Transportation Department that sanctions would not be imposed before ISTEA is reauthorized and fiscal year 1998 apportionments are released.

Is it the Senator's understanding that the Department of Transportation would not have the authority to withhold highway funds from New Hampshire and Maine for the remainder of this fiscal year or until such time as the highway program is reauthorized and fiscal year 1998 funds are apportioned to the States?

Mr. SHELBY: Yes, that is correct. There would not be an opportunity for sanctions under section 127 of our surface transportation law until fiscal year 1998 highway funds are apportioned, which would not occur until Congress reauthorizes the surface transportation programs.

Mr. SMITH of New Hampshire. I want to thank the manager of this bill for that clarification. I yield the floor.

Mr. LEVIN. Mr. President, I would like to engage the chairman of the Transportation Appropriations Subcommittee in a brief colloquy on the matter of guidance for the distribution of fiscal year 1998 highway and transit appropriations provided by the bill before us.

It is my understanding that S. 1048 would not, if it became law, direct or otherwise assume that the allocation and apportionment of highway obligation authority to the States from the highway trust fund shall be distributed under the expiring ISTEA formulas or any other distribution scheme. Would the chairman confirm that understanding?

Mr. SHELBY. The Senator from Michigan is correct. This bill simply provides an overall limitation on States' highway obligations from the highway trust fund of $21.8 billion and is completely silent on its distribution among the States.

Mr. LEVIN. So, just to be clear, there is no way to accurately determine what share or total that any State can expect to receive of that $21.8 billion in fiscal year 1998. Is that correct?

Mr. SHELBY. Again, the Senator from Michigan is correct. That distribution will be determined when Congress works out whatever transportation law will replace ISTEA.

Mr. LEVIN. As a Senator from a donor State, I appreciate the Senator's remarks. I am looking forward to improving Michigan's return on gas tax dollars contributed into the highway trust fund and wanted to be certain that Senate action on this bill did not preclude or prejudge that debate.

From my review of the mass transit provisions in the bill, it appears that the committee has assumed the old distribution formulas and allocation method. This is a problem for Michigan, and perhaps the chairman's State too, since Michigan is a significant donor State in terms of receipts of transit grants versus contributions to the mass transit account of the highway trust fund. In fact, the Michigan Department of Transportation calculates that Michigan's return at approximately $.53 on the gas tax dollar. According to the Community Transportation Association of America, Alabama receives approximately $.16 per gas tax dollar.

I am particularly concerned about section 49 U.S.C. 5309(m), which treats bus and bus facilities very poorly in relation to other categories. And, I believe that section 5307 and related sections should be modified to more accurately reflect States' contribution into the mass transit account. These expiring sections and others in title 49 need to be rewritten to provide greater fairness to States that do not have subways or major fixed guideway facilities.

Does the Committee's bill assume that funds appropriated in this bill for mass transit grant and loan formulas and other mass transit program will be distributed according to the authorizations in title 49 that expire on October 1, 1997?

Mr. SHELBY. We have assumed current law with respect to transit programs, until such time as a reauthorization bill is enacted. With respect to formula and discretionary grants, the bill sets obligation limitations on contract authority for both programs and appropriates $190 million for formula grants. It is our understanding that the only significant amount of contract authority for transit programs that is expected to carry over into fiscal year 1998 is $392 million for transit new start projects. In the absence of a reauthorization bill, the only significant new funding for transit formula and discretionary grant programs next year would be the amount appropriated for formula grants in this bill and the amount remaining available for new start projects. The Federal Transit Administration would apportion the appropriated funds for formula grants according to current formulas, and the new start funding would be distributed based on statutory direction in this bill. Both those distributions would be revisited when reauthorization legislation has been enacted and, presumably, has created new contract authority for these programs.

Mr. LEVIN. I thank the Chairman for his willingness to clarify these matters, though the mass transit situation is very unfortunate from an equity point of view. This is obviously not the best situation. We need to move an authorization bill for both highway and mass transit programs before October 1, 1997. Debate and resolution of that matter is long overdue. I realize these are difficult and significant matters and that the balanced budget agreement has locked in a lower level of spending on transportation than most of us would have liked, but we will need sufficient time to analyze and debate whatever bill that the Senate Environment and Public Works, and the Banking Committees report to the Senate. It would be very, very unfortunate, if there is an attempt to present a bill to the Senate without adequate time to consider it before the October 1 deadline.

SAINT LAWRENCE SEAWAY

Mr. KOHL. Let me take this opportunity to thank both the chairman and ranking member of the subcommittee, Senators SHELBY and LAUTENBERG, and

their staffs, for all their hard work in putting together the transportation appropriations bill. Every Member of the Senate should greatly appreciate the bipartisan and good faith manner in which they tackled the daunting task of meeting our Nation's infrastructure priorities.

There are many transportation programs and priorities funded by this bill that are important to my State of Wisconsin and the Great Lakes region. I would like to take a moment to discuss one particular Great Lakes priority, the Saint Lawrence Seaway Development Corporation [SLSDC].

Mr. President, since its creation in 1959, SLSDC has provided safe, efficient, and reliable commercial shipping and lockage services through the Saint Lawrence Seaway. The Seaway serves as the gatekeeper for all oceangoing vessel traffic coming to and from the Great Lakes. As such, SLSDC's work is vital to the Great Lakes region, which is responsible for nearly half of America's industrial and agricultural output. That output translates into iron ore for America's steel miles, low-sulphur coal for public utilities and Midwestern export grain for the world market. Simply put, the economic viability of the Great Lakes and the country depends on the efficient operation of the Seaway and SLSDC. Of equal importance are the environmental and safety functions performed through the Seaway.

As you know, the administration has proposed that SLSDC be restructured as a performance-based organization [PBO]. I have endorsed this proposal as a critical and innovative step in ensuring the long-term stability of commercial shipping in the Seaway System and throughout the Great Lakes region, and am currently working with other Great Lakes' Senators to prepare the necessary authorizing legislation.

Last year, in the transportation appropriations bill for fiscal year 1997, the Senate included a sense-of-the-Senate amendment that the Congress should consider such legislation in the 105th Congress. We are hopeful that the Senate will approve the PBO legislation before the end of this session, although we recognize that there's much work left to be done.

As you know, one of the unique features of the PBO initiative is the financing mechanism, which would link SLSDC's funding level to performance—that is, the annual funding level would be calculated according to average tonnage figures through the Seaway. Thus, the PBO initiative authorizing legislation will move SLSDC financing from appropriated funds to an automatic, annual, performance-based payment. The administration's budget request reflected this distinction by not including a request for appropriated funds for SLSDC. I bring this up for discussion simply to avoid confusion as to the appropriations level included in the Senate transportation appropriations bill for fiscal year 1998.

Mr. SHELBY. I'm glad the Senate brought this matter to the attention of the full Senate. Although you and I discussed this matter during committee consideration of the bill, I am pleased to have the opportunity to explain this matter to the rest of our Senate colleagues. Many details of this new proposed agency performance based organization structure will have to be sorted out in the authorization process, including the funding proposal. In order to give the authorizing committees as much time as possible before making a final decision regarding this proposal, the Senate Appropriations Committee did not include any appropriated funds or bill language for the SLSDC for fiscal year 1998.

Mr. KOHL. I appreciate your fair and unbiased assessment of the PBO initiative, Mr. Chairman. We have every hope of moving the authorizing legislation this session. However, as you and I both know, Congress can be unpredictable. Sometimes we advance ideas quickly, and other times, our work is frustratingly slow. For this reason, I want to reiterate our understanding that if Congress does not enact PBO authorizing legislation for SLSDC by the beginning of fiscal year 1998, the Senate will ensure in conference with the House that SLSDC will be funded.

Mr. SHELBY. Yes, the Senate will ensure that the SLSDC is adequately funded and has the resources it needs to operate effectively and efficiently, whether or not the PBO legislation is enacted into law.

Mr. KOHL. I thank the Chairman.

INTERSTATE 4–R PROGRAM

Ms. MIKULSKI. Mr. President, I have a question for the distinguished Senator from Alabama and the distinguished Senator from New Jersey concerning discretionary funding for the Interstate 4–R Program. The report accompanying S. 1048 includes language recognizing certain projects that should receive priority attention when the Federal Highway Administration awards discretionary grants.

In Frederick, MD, there is a project to upgrade Interstate 70 at its conjunction with Interstate 270, U.S. 15, U.S. 40, and U.S. 340. The complicated interchanges of these two expressways and the other U.S. highways have numerous ramp movements which need to be reconstructed and upgraded in order to provide efficient and safe access. The current interchange forces traffic onto local streets jeopardizing safety for local residents.

I ask my colleagues whether they believe the upgrading of I–70 in Frederick would qualify as a project that might receive funds under the Interstate 4–R Program.

Mr. SHELBY. Yes, I believe that the project, as the Senator describes it, would be an excellent example of the type of work intended to be funded under this program.

Mr. LAUTENBERG. I agree, Mr. President. The I–70 interchange in Frederick, MD, is the type of project that is worthy of funding under the 4–R Program.

Mr. SARBANES. Mr. President, I want to join with my colleague, Senator MIKULSKI, in endorsing the inclusion of I–70/I–270 in Frederick, MD, on the priority list for discretionary highway funding. Anyone who drives on I–70 or I–270 in Frederick knows what a serious traffic and safety problem we have in this area. The highway narrows from 6 lanes to 4 lanes creating a bottleneck. There are missing interchanges with I–270 and U.S. 15, forcing cars and trucks onto city streets and adding to existing congestion; and the substandard condition of the highway and resulting congestion means accidents and delays for commuters, interstate truckers, tourists, businesses, and employers alike. With traffic volumes in the area projected to more than double in the next 20 years, there has been a clear need to address this problem. I want to thank the distinguished managers of the bill for their assurances.

Ms. MIKULSKI. I also want to thank the managers for the courtesy and their leadership on this legislation.

HARTSFIELD INTERNATIONAL AIRPORT

Mr. COVERDELL. Would the distinguished chairman of the Senate Appropriations Subcommittee on Transportation yield?

Mr. SHELBY. I would be happy to yield to the senior Senator from Georgia?

Mr. COVERDELL. The city of Atlanta and Hartsfield International Airport have requested a $150 million letter of intent, commonly referred to as an LOI, from the FAA in connection with the construction of a commuter runway. Atlanta's Hartsfield International Airport is the second busiest airport in the country and a critical link in our national air transportation system. A major airline headquarted in Atlanta alone has over 600 flights per day out of Atlanta. Over the past several years, there has been an increase in delays at the airport. When Atlanta has a problem with congested air traffic, the effects ripple throughout the national system. Delays at Hartsfield create waves of delay across the country. I strongly believe this project should receive priority consideration from the FAA for an LOI and would ask the chairman and the ranking member, the senior Senator from New Jersey, to support this request.

Mr. CLELAND. Would my colleague from Georgia yield?

Mr. COVERDELL. The distinguished chairman was gracious enough to yield me time. I would be happy to yield to my colleague from Georgia if it is acceptable to the chairman.

Mr. SHELBY. Certainly, it is my pleasure to yield to the junior Senator from Georgia.

Mr. CLELAND. I thank the chairman. I wholeheartedly agree with my colleague from Georgia. Hartsfield is operating beyond its capacity during peak departure and arrival times. This

produces excessive delays, inconveniences passengers, disrupts flight schedules, and increases operational cost for Hartsfield's carriers.

Commuter, typically turboprop, and other prop aircraft operations compose approximately 18 percent of the airport's activity. These aircraft weigh much less than air carrier jets. During final approach, additional intrail separation must be used when a turboprop is behind an air carrier jet due to wake turbulence. This additional separation imposes delay to aircraft behind the turboprop, delaying passengers and increasing costs resulting from the downwind portion of flight. By removing the vast majority of commuter aircraft from both the downwind and final approach segments of flight, delay is reduced for both air carrier and commuter aircraft. Thus, an additional runway to handle turboprops and light commuter jets would provide many benefits to all Hartsfield carriers.

I support priority consideration by the FAA and urge the FAA to issue an LOI for Atlanta. Would the chairman and the ranking member agree with me and the senior Senator from Georgia that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, on behalf of the subcommittee, I would agree that the efficiency of Atlanta's Hartsfield International Airport is important to the Nation and vital to the Southeast. The FAA should issue an LOI for construction of a commuter runway at Hartsfield.

Mr. LAUTENBERG. I concur with my colleague and support the request. This project is an important investment not only for Atlanta, but for the national air transportation system.

Mr. COVERDELL. I appreciate the chairman's and ranking member's support for this project, which is vital to the city of Atlanta and Hartsfield International Airport. Would you be willing to include language in the conference report to the fiscal year 1998 Transportation appropriations bill which indicates that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, I would be happy to work with both Senators from Georgia and try to include such language in the conference report.

Mr. LAUTENBERG. I also would be willing to work with the chairman and both Senators from Georgia.

Mr. COVERDELL. I would like to thank the chairman, the ranking member, and my colleague from Georgia for their help in this matter. I yield the floor.

Mr. CLELAND. I would also like to thank the chairman, the ranking member, and my colleague from Georgia for their help. I yield the floor.

STRUCTURE RESEARCH

Mr. LEVIN. Mr. President, I would like to engage the subcommittee chairman in a brief colloquy regarding a small, but important project underway in Michigan. As he may know, the State of Michigan and the Federal Highway Administration are working together in the use of advanced carbon and glass composites as reinforcements for concrete to replace steel in the manufacture of prestressed bridge beams and bridge decks. The House Appropriations Committee report encourages FHWA, through its structures research program, to assist the State in designing and deploying monitoring protocols and systems. I would hope that the Senator from Alabama would be able to support that language in conference.

Mr. SHELBY. I am aware of the structure research that the Senator from Michigan has described and will work with him to ensure that his interests are recognized during conference committee consideration of this matter.

Mr. LEVIN. I thank the chairman for his assistance.

Mr. BROWNBACK. First of all, I would like to thank the Senator from Alabama for his hard work on this bill and to commend him for his diligence in furthering this important legislation.

I would like to talk about a provision that is a part of the House counterpart to this bill and which addresses issues related to the impact in Wichita, KS, of the Union Pacific and Southern Pacific merger. At this time, I ask unanimous consent that the report language included in the House bill be inserted for the RECORD.

Mr. President, the impact of this merger is of great importance to the community of Wichita, KS. Since the railroad runs through the center of the city, the increased train traffic resulting from the merger may affect significantly the flow of traffic through the city. Various alternatives to mitigate this impact are currently being considered, including the building of grade separations through the city or the building of a bypass around the city. The Surface Transportation Board is currently evaluating the feasibility of each of the alternatives, and is expected to release its recommendations for easing the impact of the additional trains in early September. The language that I am requesting to be included in the RECORD would simply state that the STB should revisit its recommendations if any substantial changes are made in the assumptions used to complete this study. This would include assumptions in the number of trains that are expected to pass through the city or the speed at which the trains travel. I would also like to point out that not only will this provisions not have any current budgetary impact, it will help to ensure that the Federal Government will not finance costly bailout in the future because of faulty planning.

I would like to get assurances from the Senator from Alabama that he will pay close attention to the concerns of the community of Wichita during the Conference Committee consideration of this issue.

Mr. SHELBY. I thank the Senator from Kansas for his interest in this issue. I understand that the impact of the Union Pacific-Southern Pacific merger will continue to be a concern to the community of Wichita. I assure the Senator from Kansas that I will work with him during the House-Senate Conference Committee consideration of this issue.

Mr. BROWNBACK. I thank the Senator from Alabama.

Mr. McCAIN. Mr. President, the Senate has now completed action on 9 of the 13 annual appropriations bills that fund the Government and we are now nearing the close of debate on the Transportation appropriations bill. We have completed action on those bills in record time, for which I congratulate the managers of those measures.

These bills contain many good provisions and generally provide appropriate levels of funding to continue the necessary functions of the Federal Government.

But, Mr. President, by my reckoning, in the process of acting on these 10 measures, the Senate will have wasted almost $10 billion on wasteful, unnecessary, low priority, pork-barrel projects. This is an appalling waste of taxpayers dollars—almost a billion dollars for every appropriations bill we have considered so far, and we still have three more appropriations bills to go.

This bill is typical of the types of earmarks and set-asides that members add to the multi-billion-dollars bills.

This bill and report earmark billions of dollars for specific highways, railroads, bridges, boats, hangers, and even a covered bridge. Yes, a covered bridge. The report earmarks $2 million of Federal highway funds to restore a covered bridge in Vermont.

The report directs the Coast Guard to buy twice as many coastal patrol boats from the Bollinger Machine Shop and Shipyard in Louisiana as were requested by the Coast Guard—at a cost of $68.1 million for 15 boats.

Another $4 million is earmarked to renovate a hanger at the Kodiak, AK Coast Guard facility, a project which was not included in the budget request.

The bill earmarks $26 million to repair three bridges in Hawaii, Louisiana, and Georgia.

But these are ordinary earmarks of relatively small amounts of money. Let me take a moment to highlight some of the larger set-asides in this bill.

All of the $76.65 million provided for testing of intelligent transportation systems, none of which was requested, is earmarked; 24 projects in 18 States are listed in the report to receive a share of this $76 million.

A total of $300 million is earmarked for Appalachian development highway systems—$100 million more than requested by the administration.

All but $2 million of the $440 million for bus and bus facility discretionary grants is earmarked for specific projects in specific States; 35 States

will receive these grants, with Alabama, Missouri, New York, and West Virginia getting more than $25 million each.

All but $5.8 million of the $780 million for new mass transit facilities is earmarked; 26 of the 40 projects for which funds are specifically set-aside were not even requested by the administration. Of these unrequested projects, Washington State will receive $24 million for a commuter light-rail system; Orlando, FL, will receive another $31.8 million for its light-rail system, in addition to the $2 million provided last year; and New York City will get $50 million for an East Side access project.

Mr. President, I am pleased to note that the $23.45 million earmarked in this bill for the Pennsylvania Station redevelopment project in New York City will complete the Federal funding share of this project. I would certainly hope that $100 million would be enough to ask the Federal taxpayers to contribute to this $300-plus million project. I strongly suspect, however, that there will be unexpected costs and final details to be completed, and we will see another several million earmarked for this project in next year's bill.

Finally, the report contains language earmarking just $450,000 for a ''transportation emergency preparedness and response demonstration project on the threat of tornadoes in the Southern and Midwestern States.'' The report also establishes a requirement that $400,000 of this money is to be used to assist in the ''construction and establishment of an underground emergency transportation management center utilizing satellite communications.''

This sounds to me like a good idea in general, but I am concerned about two things. First, how can this center be established for just $450,000? And second, why did the Committee find it necessary to add a specification that the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level * * * and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time (but far enough away to be safe from disaster impacts).'' I wonder why the Committee felt it was necessary to be so specific about the location for the center. Why not just put in motion the process to establish a tornado emergency preparedness center, and allow it to be built at the best site to carry out its mission?

These are only a few of the earmarks and special projects contained in this measure, but I will not waste the time of the Senate going over each and every earmark.

Mr. President, it is difficult for me to see the logic of wasting $9.9 billion in these 10 appropriations bills, and then hastening to pass a Balanced Budget reconciliation bill to reduce Federal spending. If we could just avoid pork-barrel spending in the first place, we would not have to go through the painful process of eliminating it in later years.

I hope my colleagues on the Appropriations Committee will not bring appropriations bills back from conference with all of the earmarks and add-ons of both Houses, or we may well find ourselves negating any progress we have made in the reconciliation process toward a balanced Federal budget.

I ask unanimous consent that a list of objectionable provisions in this bill be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN FISCAL YEAR 1998 TRANSPORTATION APPROPRIATIONS BILL

U.S. COAST GUARD

Report earmarks $146,500 for the Marine Fire and Safety Association, a private association (Columbia River area in OR & WA).

Report provides $30.8 million more for acquisition of 7 more coastal patrol boats than requested, which are built by Bollinger Machine Shop & Shipyard in Louisiana.

Report earmarks $4 million to renovate a hanger at the Coast Guard Kodiak, Alaska facility, which was not included in the budget request.

Bill and report provide $26 million to repair 3 bridges under the Truman-Hobbs Act: $5.0 million for the Sand Island Road Tunnel in Honolulu, HI; $3.0 million for the Florida Avenue Bridge in New Orleans, LA; and $18.0 million for the Sidney Lanier Bridge in Brunswick, GA. These projects should be funded from the FHWA discretionary bridge program, not the Coast Guard.

FEDERAL AVIATION ADMINISTRATION

Directs the FAA Administrator to meet the authorized staffing levels for all air traffic control facilities in the New York/New Jersey region by the dates identified in the pending agreements with the pertinent employee organizations. Directs the Administrator to inform the Appropriations Committee immediately if it appears that those deadlines will not be met.

Directs the FAA to study air traffic at the airports in New Bern (NC), Hickory (NC) and Salisbury (MD). If those airports meet or are projected to meet FAA's benefit/cost criteria for contract tower operations within the next two years, or if tower operations could be justified under a cost-sharing arrangement, directs the FAA to open contract towers at those airports for service during FY98.

Earmarks $400,000 to provide a low-earth orbit (LEO) satellite communication system at Anchorage (AK), to augment present communications systems.

Earmarks $970,000 to demonstrate infrared heating for aircraft deicing at the Rhinelander/Oneida County Airport (WI).

Earmarks $1,700,000 to establish new remote communication outlets in five Alaska sites.

Earmarks $2 million for the Alaska Volcano Observatory for equipment and data transmission facilities on suspect volcanoes across the Alaska peninsula and the Aleutian Islands.

Earmarks $5 million for a new control tower at North Las Vegas (NV) and $3 million for a new control tower at Martin State Airport (MD).

Earmarks $875,000 to improve the Rutland (VT) State airport instrument approach by reducing the ceiling and visibility minima.

Earmarks $80,000 to install a standard omnidirectional approach lighting system (ODALS) under the approach to Runway 9 at Cordova Airport (AK).

Earmarks $10 million to procure 10 new tactical landing systems (TLS). Intends for the systems to be installed and tested at regional airports that exhibit requirements for improved economic development and safety of operation including, but not limited to, the Pullman-Moscow Regional Airport (WA), the Friedman Memorial Airport (ID), and at rural airports in Brigham City (UT), Logan (UT), Wendover (UT), and Tooele (UT).

Earmarks $5 million for the precision approach path indicator (PAPI) navigational aid systems, with 10 directed to be installed at remote Alaskan airport locations.

Earmarks $3.5 million for two wind profilers currently leased at the Juneau (AK) airport along with new computers and navigational aids, and to install anemometers, and for the costs to calibrate the new equipment.

Earmarks $4 million to accelerate replacement of existing, nonsupportable engine generators and to replace FAA's electrical distribution system at Cold Bay (AK) with an underground electrical distribution system.

Earmarks $18.9 million for FAA aircraft fleet modernization, and directs the FAA to exercise the option presently in place for the acquisition of one new modified Learjet 60 flight inspection and airways calibration aircraft under the contract presently in force between the FAA and E-Systems.

Earmarks $750,000 for additional training equipment for the Rocky Mountain Services Training Center (RMESTC).

Earmarks $1.25 million for the continued development of an alternative explosives detection technology that uses a neutron probe, which determines the number and ratio of atoms of hydrogen, carbon, nitrogen and oxygen in small volumes throughout a suitcase and uses that information to identify contraband substances such as explosives and drugs.

Priority consideration for AIP discretionary grants for 35 specified airports (report p. 73), and priority consideration for new Letters of Intent (LOI) that establish multi-year obligations of AIP funds for 5 specified airports (report p. 80).

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks $1.2 million for research into high performance materials and bridge systems and ''strongly recommends'' that FHWA conduct the research during the Interstate 15 reconstruction project and other transportation projects in the Salt Lake Valley, Utah.

Report directs FHWA to work with an unnamed academic and industry-led national consortium and fund with available money an advanced composite bridge project to demonstrate the applications of an all-composite bridge for civil infrastructure purposes.

Report earmarks $100,000 for FHWA's participation in an assessment of methodologies needed for estimating emissions of particulate matter, the sources and composition of particulate matter from roadway construction and heavy truck activity in the San Joaquin Valley of California.

Report directs DOT to continue a cooperative agreement with the National Center for Physical Acoustics to identify scientific issues which impede accurate noise prediction. (Last year the Committee earmarked $250,000 for the Center for this purpose.)

Report earmarks $2 million for an assessment of the Red River corridor transportation infrastructure of the five-State area.

Earmarks all of the $76.65 million appropriated for Intelligent Transportation Systems operational tests, none of which was requested, as follows:

$2.3 million for Southeast Michigan snow and ice management

$7 million for Intelligent transportation systems in Utah

$2 million for intermodal common communications technology in Kansas City, Missouri

$3.75 million for intelligent transportation systems in Reno, Nevada

$500,000 for intelligent transportation systems in Yosemite Valley, California

$1.5 million for the Western Transportation Institute in Bozeman, Montana

$10 million for traffic management in Barboursville-ONA, West Virginia

$600,000 for the advanced traffic analysis center at North Dakota State University

$800,000 for advanced transportation weather information systems in North Dakota

$1 million for an emergency weather system in Sullivan County, New York

$250,000 for the Urban Transportation Safety Systems Center in Philadelphia, Pennsylvania

$2.1 million for toll plaza scanners in New York City

$2 million for a computer integrated transit maintenance environment project in Cleveland, Ohio

$1.4 million for the intermodal technology demonstration project in Santa Teresa, New Mexico

$3 million for hazardous materials emergency response software for Operation Respond

$750,000 for radio communication emergency call boxes in Washington State

$2.5 million for statewide roadway weather information systems in Washington

$400,000 for Texas Department of Transportation Intelligent Transportation System (ITS) research

$9.2 million for Milwaukee, MONITOR, and Wisconsin rural ITS

$2.1 for the I–95 multistate corridor coalition

$12 million for truck safety improvements on I–25 in Colorado

$2.2 million for traffic integration and flow control in Tuscalousa, Alabama

$8 million for Pennsylvania Turnpike Commission ITS

$1.3 million for Alaska cold weather ITS sensing

Report directs FHWA to fund a study on the impact of establishing a road link from Wrangell, Alaska, to the Canadian border along a proposed Bradfield Road alignment.

Bill provides $300 million ($200 million was requested) for Appalachian development highway systems.

Report directs FHWA to give priority to funding for specific projects, including 5 bridge projects, 4 interstate rehabilitation projects, 3 federal lands highway projects, and 5 ferry projects.

Report earmarks $2 million for a covered bridge restoration program in Vermont.

Report earmarks $6.4 million of the $18 million provided for ferryboats and ferryboat facilities program for the Hollis-Craig-Ketchikan Ferry.

Reports directs FHWA to give priority consideration to the safety improvement program on Highway 101 around the Olympic Penisula in Washington State.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Report earmarks $300,000 for emergency medical personnel guidelines for treating severe head injuries and NHTSA is encouraged to work with the Aitken Neuroscience Institute on the guidelines.

FEDERAL RAILROAD ADMINISTRATION

Report earmarks $4 million for the first of four installments for a positive train control demonstration project on the Alaska Railroad.

Report earmarks $23.45 million to complete the Federal funding share for the Pennsylvania Station redevelopment project in New York City.

Report earmarks $5 million for New York State to use to leverage private financing of high-speed trainsets between New York City and Buffalo.

Report earmarks $4 million for improving grade crossings in the 92-mile Charlotte to Greensboro, North Carolina high-speed railcorridor.

Report earmarks $500,000 to a State department of transportation (unnamed) to establish a consortium of States and other participants to advance high-speed rail.

Bill provides $17 million for the Alaskan Railroad, which was not requested.

FEDERAL TRANSIT ADMINISTRATION

Report earmarks $1 million for continued development of low-speed magnetic levitation technology for a downtown urban area shuttle in Pittsburgh, Pennsylvania.

Report expresses support for Federal funding for a 2-year effort by the city and county of Honolulu to undertake an analysis to develop mobility alternatives for Honolulu's primary urban corrider from Ewa to east Honolulu.

Of the $440 million provided for bus and bus facility discretionary grants, all but approximately $2 million is earmarked for the following projects. Projects indicated by ** received FY 97 funds in the amount contains in brackets.

Alabama ($39 million): Birmingham/Jefferson County buses, $12 million; Huntsville Intermodal Center, phase I, $10 million; Mobile Southern Market historic intermodal center, $1 million; Mobile Municipal Pier intermodal waterfront access rehabilitation project, $2 million; Mobile bus replacement, $3 million; Birmingham downtown intermodal transportation facility, phase 2, $6 million; Montgomery bus replacement, $3 million; Tuscaloosa bus replacement, $2 million

California ($17.7 million): Riverside County transit vehicle ITS communications, $1 million; Rialto MetroLink depot, $2.2 million; Modesto bus maintenance facility, $3.5 million; Foothills bus maintenance facility $9 [$4.75 million], and ATTB bus project, $2 million. [$3.173 million]

Colorado: ($11 million): Colorado Association of Transit Agencies, buses and equipment

Connecticut ($7.5 million): Bridgeport intermodal center [$1 million]

District of Columbia ($4 million): Fuel cell bus facilities

Florida ($14 million): Lakeland transit buses $1 million; Volusia County buses $2 million [$1.5 million]; Palm Beach buses $2 million; Metro Dade Transit buses and facilities $5 million; LYNSX Central Florida Regional Transportation Authority buses and bus facilities $4 million [$4 million].

Georgia ($5 million): Atlanta MARTA compressed natural gas buses [$2 million]

Hawaii ($10 million): Honolulu buses and facilities

Indiana ($4 million): Indianapolis Public Transportation buses [$1 million]

Iowa ($8 million): Statewide bus and bus facility projects, $5.5 million [$3.72 million] and Sioux City park and ride facility, $2.5 million.

Kansas ($2 million): Johnson Co. Bus maintenance/operations facility [$2.2 million]

Louisiana ($8 million): Statewide bus and bus facility projects, $5 million [$16.5 million]; New Orleans TRA central maintenance facility, $3 million

Maryland ($10 million): Mass Transit Administration buses and facilities [$5 million]

Massachusetts ($4 million): Springfield intermodal center, $1 million; Worcester Union Station intermodal center $3 million [$3 million]

Minnesota ($3 million): St. Paul, Snelling bus garage

Mississippi ($4 million): Jackson bus facility [$3 million]

Missouri ($32 million): Kansas City buses and fare bus collection system, $7 million [$2.65 million]; Kansas City Union Station intermodal center, $9 million [$6.5 million]; OATS rural bus programs, $16 million

Nevada ($8 million): Las Vegas transit system vehicles [$3.3 million]

New Jersey ($12 million): NJ transit alternative fuel buses

New Mexico ($11.8 million): Sante Fe buses and facilities, $1 million; Demonstration of universal electric transportation subsystems [DUETS], $1.3 million; statewide bus and bus facilities, $7.5 million; Las Cruces and Albuquerque park and ride, $1 million [$1 million]; Albuquerque uptown transit center, $1 million [$1 million]

New York ($47.05 million): Poughkeepsie intermodal facility, $4 million; Suffolk County buses, $4.3 million; Rensselaer County Intermodal facility, $3.750 million; Westchester County buses, $10 million; Nassau Co. Natural gas buses, $10 million, New York City natural gas buses, $15 million [$10 million]

North Carolina ($8.6 million): Chapel Hill University buses, $1.6 million; statewide bus and bus facilities, $7 million [$27.5 million]

Ohio ($12.5 million): Statewide bus and bus facilities [$27 million]

Oregon ($2 million): Salem and Corvallis bus and bus facilities, $2 million; Lane Transit District bus system in Eugene, $1 million. [$2.55 million]

Pennsylvania ($15 million): Philadelphia Eastwick intermodal center ($2 million) [$1 million]; SEPTA small buses, $2 million; Wilkes-Barre intermodal facility, $3 million; statewide bus and bus facility projects, $8 million

South Carolina ($11 million): Columbia buses and facilities, $3 million; Pee Dee Regional Planning Authority buses and facility, $7 million; Virtual Transit Enterprise, integration of transit information processing systems, $1 million

South Dakota ($4.5 million): Sioux Falls maintenance facility

Tennessee ($15 million): Statewide bus and bus facilities projects, [$2.5 million]

Texas ($23.9 million): Galveston Transit alternatively fueled buses, $3 million; Corpus Christi Transit Authority facilities and dispatching system, $3.9 million [$1 million]; Brazos Transit Authority transit facilities and buses, $4 million [$1.35 million]; Austin Capital Metro buses, $6 million, rural Texas bus replacement program, $5 million, and Fort Worth buses, $2 million.

Utah ($13.4 million): Utah Transit Authority Olympic park and ride lots, $4 million; Park City transit buses, $.4 million; Salt Lake City Utah transit authority bus acquisition, $4 million [$5.6 million]; Salt Lake City, Utah Transit Authority Olympic intermodal transportation centers, $5 million [$5.5 million]

Vermont ($4.750 million): Burlington multimodal facility, $3 million [$1.5 million]; statewide bus and bus facilities projects, $1.750 million [$4 million]

Virginia ($2 million): Richmond multimodal center [$10 million]

Washington ($22 million): Chelan-Douglas multimodal center, $2 million; Community Transit, Kasch Park facility, $3 million; Olympic Penisula International Gateway Transportation Center, $1 million; Whatcom Transportation Authority facilities, $3 million, King County metro commuter intermodal connector, $3 million [$4 million]; King County park and ride lots, $10 million

West Virginia ($28 million): Huntington intermodal facility and buses, $9.5 million; statewide buses and bus facilities, communications and computer systems, $18.5 million

Wisconsin ($15 million): Milwaukee rail station rehabilitation, $2 million; Wisconsin transit system buses, $13 million [$11.9 million]

Of $780,000,000 provided for New Mass Transit Facilities Discretionary Assistance and all but $5.8 million is earmarked in the bill. The Administration requested $634,000,000, all of which was earmarked to fund the federal share of the 14 projects with regional transit operator systems having Full Funding Grant Agreements with the Federal Transit Administration. The 14 projects are in, or ready to begin, construction. The Committee increased the administration requests for four projects, providing:

$30 million for Denver's project instead of $21.3 million

$35 million for MARC commuter instead of $26.9 million

$64 million for Hudson-Bergen, NJ instead of $54.7 million, and

$84 million for Salt Lake City's South light rail transit project instead of the $42.7 requested.

The Committee earmarked funds for 26 projects for which NO funds were requested, as follows. Projects marked with ** received FY 97 funding in the amount shown in parentheses.

$1 million for Austin Capital Metro

$2 million for Boston urban ring

** $8 million for Burlington-Essex, Vermont commuter rail ($1 million)

$800,000 for Canton-Akron-Cleveland commuter rail

$3 million for Charleston, SC monobeam rail project

$500,000 for Cincinnati Northeast/Northern Kentucky rail line project

$5 million Clark County Nevada rapid transit commuter fixed guideway

** $14 million for DART north central light rail extension ($11 million)

$50 million for the East Side access project in New York

** $12 million for Florida tricounty commuter rail ($9 million)

$4 million for the Galveston rail trolley system

$2 million for the Griffin light rail project in Hartford, CT

$1.5 million for the Indianapolis northeast corridor

** $3 million for the Jackson, Mississippi intermodal corridor ($5.5 million)

** $1 million for the Memphis regional rail plan ($3.03 million)

$500,000 for the Nassau hub rail link environmental impact statement

** $4 million for the New Orleans Desire streetcar line reconstruction ($2 million)

** $14 million for North Carolina Research Triangle Park ($2 million)

** $6 million for Northern Indiana South Shore commuter rail ($500,000)

** $2 million for Oklahoma city MAPS corridor transit system ($2 million)

** $31.8 million for Orlando Lynx light rail project ($2 million)

** $8 million for the Pittsburgh busway projects ($10 million)

$2 million for Roaring Fork Aspen Valley rail

$8 million for Salt Lake City regional commuter systems

$24 million for Seattle-Tacoma light rail and commuter rail, and

$500,000 for Springfield-Branson, MO commuter rail

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

$450,000 is earmarked for a ''transportation emergency preparedness and response demonstration projects on the threat of tornadoes in the Southern and Midwestern States. Of the total, $400,000 is to be used to assist in ''the construction and establishment of an underground emergency transportation management center utilizing satellite communications.'' According to the report, the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level . . . and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time.''

The bill contains a general provision prohibiting any funds in the bill from being expended unless Buy American Act provisions are complied with.

TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM AT PAINE FIELD IN WASHINGTON STATE

Mr. GORTON. Mr. President, I commend the chairman of the Appropriations Subcommittee on Transportation for the excellent job he has done on this bill, and in particular for the priority he has given to airports. The chairman has been very accommodating in looking out for the interests of Washington State. There is one program, however, that we did not address in this bill, and I would like to seek the chairman's assistance in seeing that the issue can be raised in conference. Paine Field in Everett, WA, is currently the third busiest airport in the State. In addition to being the airport from which Boeing tests its 747, 767, and 777 aircraft, I understand that a commercial airline has indicated its interest in operating from Paine Field. Despite the growing traffic, Paine Field does not have a radar system, and air traffic controllers currently use binoculars and reports from pilots to determine the positions of aircraft relative to each other.

I understand that while most radar air traffic control systems can be quite expensive, there is a new system that is far less costly and could be appropriate for testing at airports like Paine Field. This technology, called the terminal automated radar display and information system, or TARDIS, essentially reproduces in the air traffic control tower, radar images generated elsewhere. In the case of Paine Field, the data may be obtained from nearby Fort Lawton.

While it remains to be seen whether this TARDIS system is, in fact, appropriate for Paine Field, I would appreciate the chairman's assistance in revisiting this issue in conference with an eye to including report language urging the FAA to give full consideration to installing a TARDIS system at Paine Field.

Mr. SHELBY. I thank the senior Senator from Washington for his kind words, and assure him that I look forward to working with him during conference on the issue of TARDIS at Paine Field, and other issues of interest to Washington State.

APPALACHIAN DEVELOPMENT HIGHWAY

Mr. MCCONNELL. Mr. President, I have come to the floor today to raise a matter that is of great concern to me and that is the inequitable repayment policy of the Appalachian Development Highway System [ADHD] Program. States like Kentucky, Tennessee, Georgia, Mississippi, and New York, which have prefinanced Appalachian road projects, are reimbursed at a 70-percent Federal match, while States expending funds for new mileage receive an 80-percent match.

Unfortunately, this error will cost Kentucky at least $7 million if it isn't corrected. Kentucky is one of five States to prefinance Appalachian development highway projects. According to the Appalachian Regional Commission, this error will cost those States up to $30 million.

It is my understanding that this inequity is due to clerical error that occurred during consideration of the Surface Transportation Assistance Act of 1978. Language amending subsection (f) regarding regular highway funding was included, but subsection (h) on prefinancing was inadvertently left out. Both the Carter and Reagan administrations attempted to fix this inequity, but not of the efforts have succeeded.

I have requested the assistance of both the bill managers in correcting the problem. I have also sought the advice of Senator JOHN WARNER, the chairman of the Subcommittee on Transportation, which has the responsibility of authorizing this program. I appreciate their willingness to assist me in finding a solution to this problem.

Mr. President, I would like to ask the chairman of the subcommittee, Senator SHELBY his views on this matter.

Mr. SHELBY. Mr. President, the committee is aware that States have prefinanced construction projects authorized under the Appalachian highway program are reimbursed at 70 percent Federal share, while those States expending funds for the new mileage receive an 80-percent Federal share. The committee recognizes that this provision treats those States that have taken the initiative to prefinance these needed road projects differently and urges the appropriate authorizing committee to consider correcting this funding inequity over the period during which funds are made available to complete the ADHS.

Mr. MCCONNELL. Mr. President, I would like to ask Senator WARNER if he agrees with my assessment of the problem and would help me correct this error in the reauthorization of the surface transportation bill, which is set to expire on September 30.

Mr. WARNER. Mr. President, I would like to thank the gentleman from Kentucky, Mr. MCCONNELL, for his leadership in raising this matter. I agree that this inequitable reimbursement rate for States who prefinance construction projects should be addressed. As the chairman of the Transportation and Infrastructure Subcommittee of the Committee on Environment and Public Works, I will bring this matter to the attention of my committee colleagues and work to correct this problem in the

surface transportation reauthorization bill.

Mr. INOUYE. Mr. President, I rise to expound upon a provision in the Transportation appropriations bill to forgive the State of Hawaii from its obligation to repay $30 million owed to the Airport Revenue Fund for ceded land payments to the Office of Hawaiian Affairs [OHA].

Current law states that airport revenues can only be used for airport purposes. The U.S. Department of Transportation's inspector general found in September of 1996, that the approximately $30 million in ceded land payments made from the Hawaii Airport Revenue Fund were not in compliance with the law. In April of this year, the U.S. Department of Transportation affirmed the decision, and is seeking the repayment of those moneys.

A continuation of the status quo—continued ceded land payments from the Airport Revenue Fund—was not possible. It was counter to the U.S. Department of Transportation's position and policy. I did not have the support of my colleagues to legislate its continuation. At this time, forgiveness of the $30 million debt was possible and achievable. I thank my colleagues for allowing for the congressional forgiveness of an airport revenue diversion in order to aid the State of Hawaii and the Office of Hawaiian Affairs.

However, I would like to make clear that as a result of the U.S. Department of Transportation ruling and the pending legislation, the removal of the Airport Revenue Fund for use by the State of Hawaii as a source of compensating the Office of Hawaiian Affairs for use of ceded lands upon which the airports sit, should not equate to a like reduction in the State's obligation to OHA under State law. This forgiveness provision should not be construed as a forgiveness of the State's obligation to OHA.

The airports continue to sit on ceded lands. The State's obligation to compensate OHA for the use of the land upon which the airports sit should also continue. The only difference would now be the source the State will draw upon to satisfy its obligation. I have viewed my role as aiding in alleviating the accumulated debt to reduce the pressure, and thereby allow the State and OHA to return to the negotiating table to work toward a mutually acceptable course of action that accepts as a premise, the existence of an obligation.

To ensure that my intent is clear in this regard, I have requested the inclusion of the following provision in section 335:

> Nothing in this Act shall be construed to affect any existing statutes of the several states that define the obligations of such states to Native Hawaiians, Native Americans or Alaskan Natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

Mr. President, in light of the unique history of Hawaii's ceded lands and the obligations that flow from these lands for the betterment of the native Hawaiian people, I believe that this is more than a fiscal matter, this is a fiduciary matter—one of trust and obligation. Section 335 ensures that the State of Hawaii and OHA would not be required to return funds already in their possession. It is my expectation that this will calm the waters and clear the way for reasoned negotiations as the State, in good faith, looks to satisfy its obligations from other sources.

Mr. SHELBY. Mr. President, I know of no further amendments to S. 1048 at this time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House companion bill.

The legislative clerk read as follows:

> A bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of S. 1048, as amended, is inserted.

Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill was read the third time.

Mr. SHELBY. I ask unanimous consent that the vote occur on passage of H.R. 2169 immediately following the vote with respect to S. 39, the tuna-dolphin bill, which will occur tomorrow morning.

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

Without objection, rule XII is waived as well.

MEASURE READ FOR FIRST TIME—S. 1085

Mr. LAUTENBERG. Mr. President, it is my understanding that S. 1085, introduced earlier by Senator WELLSTONE, is at the desk. I ask for its first reading under rule XIV.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1085) to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes.

Mr. LAUTENBERG. Mr. President, I now ask for a second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

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

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

PREGNANCY-BASED SEX DISCRIMINATION IN MEXICO'S MAQUILADORA INDUSTRY

Mr. LEAHY. Mr. President, I want to bring to the attention of the Senate that Human Rights Watch, the International Labor Rights Fund, and Mexico's National Association of Democratic Lawyers have asked the U.S. National Administrative Office [U.S. NAO] to investigate reports of widespread pregnancy-based sex discrimination in Mexico's maquiladora industry.

These organizations report that maquiladoras routinely administer pregnancy exams to prospective female employees in order to deny them work, in blatant violation of their privacy. Female employees face invasive questions about contraceptive use, sexual activity, and menses schedules. In some cases, women who become pregnant after being hired are forced to resign. Maquiladora owners fear that pregnant women will reduce production standards and that legally mandated maternity benefits will drain industry money. The report concludes that the Mexican Government has failed to investigate these discriminatory practices in violation of their own laws and NAFTA.

The request for an investigation is the first of its kind that has been brought before the U.S. NAO. The case represents an important opportunity to convey to our trading partners and United States corporations who have operations in Mexico that sex discrimination is intolerable, illegal, and in violation of NAFTA.

As we consider expanding NAFTA benefits to the Caribbean Basin and other South American countries, the United States should demonstrate to our trading partners that we take labor rights violations seriously. I hope the U.S. NAO will consider this case expeditiously and I look forward to its report. The priviledge of free trade and its economic benefits should be conditional upon the trading partners abiding by the same labor and environmental laws.

THE SHAW'S SUPERMARKET LABOR CONTROVERSY

Mr. KENNEDY. Mr. President, for the past 2 days, 6,500 workers have been on strike at the Shaw's Supermarket chain in southeastern Massachusetts and Rhode Island. These workers are members of the United Food and Commercial Workers Union. For months, they negotiated in good faith with their employer in an effort to reach a collective bargaining agreement fair to both sides.

But no agreement could be reached. The company insisted on cutting

health care benefits and requiring the employees to pay part of the premium. The company also proposed to reduce sick leave and cut back on job security protections. In addition, the company would not even consider the wage increase that the workers are seeking.

The company left workers no choice but to go on strike when their current contract expired—and at midnight last Sunday they did so.

Many of the affected employees earn less than $6 an hour. All of them count on health benefits for themselves and their families. These employees include Marilyn and Donnie Henderson, a husband and wife from Methuen, MA. They began working at Shaw's over 15 years ago, when the company was a family-owned business. Now it is owned by a corporation based in Britain. Donnie Henderson suffers from emphysema. He needs the health insurance. So do the couple's children, one of whom is disabled.

The Hendersons and thousands like them are hardworking, dedicated employees of Shaw's. They went on strike only as a last resort, because they can't afford to take the cuts the company demanded.

Today, it appears that the company and union have reached a tentative settlement of their dispute. Union members will vote tomorrow on whether to ratify the agreement. Employees could be back on the job by this weekend.

All of us agree that labor disputes are best resolved when the parties themselves can reach agreement. I am hopeful that this is what has happened between Shaw's and its employees.

But, if the matter is not resolved, and workers are forced to continue to walk picket lines, I am concerned that the company might again turn to the use of replacement workers. Shaw's used replacements from the beginning of this strike, and I regret that. This tactic is hostile to loyal workers like the Hendersons, and hostile to the collective bargaining process. In strikes where permanent replacements are used, workers lost the most, but studies show that everyone else loses as well. Employers suffer, too, because strikes are prolonged.

According to a study of the period from 1935 to 1973, the average duration of a strike was seven times longer in cases where permanent replacements were used.

Another study found that, where employers neither announced an intention to hire permanent replacements nor actually hired them, the average length of strikes was 27 days, but it soared to 84 days when permanent replacements were hired.

The ability to hire permanent replacements tilts the balance unfairly in favor of businesses in labor-management relations. Hiring permanent replacements encourages management intransigence in negotiating with labor. That practice encourages employers to replace current workers with new workers willing to settle for less—to accept smaller paychecks and other benefits.

This tradeoff is unacceptable for the 6,500 striking workers at Shaw's Supermarkets, and it is unacceptable for working men and women across the country. Therefore, if the tentative settlement between Shaw's and its employees breaks down, and Shaw's tries to hire replacement workers again, I intend to offer legislation to prohibit this practice. The Workplace Fairness Act will ensure that the right to join a union and bargain over wages and employment conditions remains a meaningful right, instead of a hollow promise. The bill reaffirms our commitment to the collective bargaining process, and to a fair balance between labor and management.

I am hopeful that employees and Shaw's management will resolve all their differences this week. But if they do not, and replacement workers appear at the supermarkets again, I intend to offer a bill to outlaw that tactic, and will urge my colleagues to approve it.

WILLIAM J. BRENNAN, JR., GUARDIAN OF THE CONSTITUTION

Mr. MOYNIHAN. Mr. President, current Supreme Court Justice David Souter captured the legacy of jurisprudence left behind by William J. Brennan Jr., when he said: "Justice Brennan is going to be remembered as one of the most fearlessly principled guardians of the American Constitution that it has ever had and ever will have."

In an era when no institution is more embattled than the U.S. Constitution, we must make special note of the passing of such ardent guardians. In a manner that endeared him equally to friend and foe, Justice Brennan matched the importance of his decisions with literary acumen. With language that could be compared to the authors of the Constitution, Justice Brennan guarded the constitutional principles—most especially the freedom to criticize one's government.

Madison's original version of the first amendment submitted on June 8, 1789, provided that: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable." Justice Brennan's identification of Madison's inviolable protection was crucial during the civil rights movement when members of the press were being figuratively gagged for their criticism of public officials. Thus, Brennan wrote in The New York Times versus Sullivan:

> We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. * * *
>
> A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions—and to do so on pain of libel judgments virtually unlimited in amount—leads to a comparable "self censorship." Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred. * * *
>
> Under such a rule, would-be critics of official conduct may be deterred from voicing their criticism, even though it is believed to be true and even though it is in fact true, because of doubt whether it can be proved in court or fear of the expense of having to do so. They tend to make only statements which "steer far wider of the unlawful zone." The rule thus dampens the vigor and limits the variety of public debate. It is inconsistent with the 1st and 14th Amendments.

In 1789, James Madison warned that, "If we advert to the nature of republican government, we shall find that the censorial power is in the people over the government, and not in the government over the people." Exactly 200 years later, Brennan expanded this underlying premise of constitutionally protected forms of free expression in the case, Texas versus Johnson, 1989:

> If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. * * *
>
> There is, moreover, no indication—either in the text of the Constitution or in our cases interpreting it—that a separate juridical category exists for the American flag alone. Indeed, we would not be surprised to learn that the persons who framed our Constitution and wrote the amendment that we now construe were not known for their reverence for the Union Jack.
>
> The first amendment does not guarantee that other concepts virtually sacred to our Nation as a whole—such as the principle that discrimination on the basis of race is odious and destructive—will go unquestioned in the marketplace of ideas.
>
> We decline, therefore, to create for the flag an exception to the joust of principles protected by the First Amendment. * * *
>
> The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong * * * We can imagine no more appropriate response to burning a flag than waving one's own. * * *

Justice Brennan came to embody the defense of a Madisonian concept of the first amendment. We shall not soon forget his legacy, nor the critical mantle he has left behind.

I ask unanimous consent that an Editoral from the New York Times of July 25, and an article by Anthony Lewis of July 28, be printed in the RECORD.

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

JUSTICE BRENNAN'S VISION

William J. Brennan Jr., who died yesterday at the age of 91, brought to his long and productive career on the United States Supreme Court a tenacious commitment to advancing individual rights and the Constitution's promise of fairness and equality. He served for 34 years, a tenure that spanned eight Presidents.

Named to the Court in 1956 by Dwight Eisenhower, Justice Brennan saw the law not as an abstraction but as an immensely powerful weapon to improve society and enlarge justice. As such, he was a crucial voice on

the Warren Court of the 1960's, a body that boldly expanded the role of the Federal courts and the Constitution itself to protect individual liberties.

Yet even when the Court shifted in a more conservative direction under Chief Justices Warren Burger and, later, William Rehnquist, Justice Brennan was not content to play a marginal role as an eloquent dissenter. Armed with a keen intellect, a forceful personality and a gift for building coalitions, he had surprising success in mustering narrow majorities to keep alive the legacy of the Warren Court and its core notion that the Constitution was a living document that could and should be interpreted aggressively.

''There is no individual in this country, on or off the Court, who has had a more profound and sustained impact upon public policy in the United States for the past 27 years,'' said an article in the conservative journal National Review in 1984, and it is hard to disagree with that assessment. Justice Brennan was the author of 1,350 opinions, many of them landmark rulings that altered the political and social landscape.

He left his mark on a wide range of issues. Banker v. Carr, in 1962, asserted the one-person-one-vote doctrine that transformed democracy and, through reapportionment, the composition of the nation's legislatures. His famous First Amendment ruling in New York Times v. Sullivan in 1964 reconfigured the law of libel to give ''breathing space'' for free expression and the robust debate of public issues. In Goldberg v. Kelly, a 1970 ruling of which he was particularly proud, Justice Brennan initiated what turned out to be a steady expansion of the 14th Amendment's guarantee of due process by ruling that a state could not terminate a welfare recipient's benefits without a hearing.

Over all, Justice Brennan's greatness was rooted in his vision of the law as a moral force and his understanding that the ''genius of the Constitution'' would be betrayed if the Court insisted on the narrow, static doctrine of original intent, the notion that the Constitution can best be interpreted through the eyes of the Framers. The unique feature of the Constitution, he argued instead, was ''the adaptability of its great principles to cope with current problems and needs.''

That vision and driving passion are not thriving in today's Court. Like Justice Brennan himself, they are sorely missed.

ABROAD AT HOME

(By Anthony Lewis)

REASON AND PASSION

MINNEAPOLIS.—William J. Brennan Jr. once said, in conversation, that every Supreme Court justice with whom he had served was as committed as he was to the Constitution. It was not just an idle remark. He meant that he respected his colleagues' faith in their differing understandings of what the Constitution requires.

Justice Brennan's extraordinary influence on the Court, his ability to shape majorities, was often ascribed to his personal charm and kindness. But those qualities would not have persuaded men and women of strong views. I think, rather, that his colleagues felt his respect for them—and felt in him an intellectual force that was the stronger because it was accompanied not by arrogance but by modesty.

Justice Brennan's character won him affection on the Court across ideological lines. Justice Antonin Scalia, calling him ''probably the most influential justice of the century,'' said. ''Even those who disagree with him the most love him.'' Justice David Souter, who was appointed to the Court on Justice Brennan's retirement in 1990, was pressed at his confirmation hearing to distance himself from the expansive Brennan view of human dignity and freedom. He said:

''Justice Brennan is going to be remembered as one of the most fearlessly principled guardians of the American Constitution that it has ever had and ever will have.''

Outside the Court, Justice Brennan's critics on the political right denounced him in extravagant terms, calling him an ''activist'' who invented constitutional protections of liberty. But even in their own terms those critics missed the point.

In the great decisions with which he is especially linked, Justice Brennan was passionately faithful to the principles that the Framers expressed in the spacious phrases of the Constitution: ''the freedom of speech,'' ''due process of law'' and the rest. What he did was to apply those principles to changed conditions.

Thus James Madison, drafter of the First Amendment, intended it to protect Americans' right to criticize their rulers—however harshly, even falsely. At the time, civil libel actions did not menace that freedom. But when Southern politicians began using libel, in the 1960's, as a way to threaten press reporting of the civil rights movement. Justice Brennan saw that libel suits, too, must conform to Madison's principle. That was the thrust of his majestic opinion in New York Times v. Sullivan.

Again, the courts over many years kept hands off the issue of legislative districting. But when state legislatures came to be controlled by small numbers of voters in rural districts, and the legislators in power refused to redistrict, Justice Brennan grasped the challenge to democracy. His remarkable opinion in Baker v. Carr in 1962—one that no other justice could have made the Court's—opened the way for a judicial scrutiny that is now universally accepted.

More broadly, Justice Brennan saw that the Constitution's guarantees must be applied to the reality of the vast expansion of government in modern times. In Goldberg v. Kelly in 1970, he wrote for the Court that government benefits—on which so many now depend—could not be withdrawn without notice and a hearing.

He ''translated from the level of principle to legal reality,'' Justice Stephen Breyer said, adding: ''That is an enormous contribution.''

We have a more conservative Supreme Court now, and it has overturned some of Justice Brennan's opinions. But the heart of his legacy remains. Part of that legacy is in the institution itself.

Here in Minneapolis the other day, at the Eighth Circuit Judicial Conference, Justice Clarence Thomas spoke movingly of the Court and Justice Brennan. ''I don't think there was a more decent or more brilliant human being,'' he said. He described how well the justices get along today despite their differences; he said he hoped Americans would get over ''the presumption that all is wrong with our institutions'' and realize that ''they are working and those in them deserve our respect.''

Justice Brennan left us his vision of American freedom. Just before his retirement he wrote the Court's opinion in the second flag-burning case. ''We are aware,'' he said, ''that desecration of the flag is deeply offensive to many.'' But ''punishing the desecration of the flag dilutes the very freedom that makes this emblem so revered, and worth revering.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''U.S. ARCTIC RESEARCH PLAN, BIENNIAL REVISION: 1998–2002''—MESSAGE FROM THE PRESIDENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the fifth biennial revision (1998–2002) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1997.*

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by 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. 103. An act to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

H.R. 1596. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

H.R. 1855. An act to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries.

H.R. 1953. An act to clarify State authority to tax compensation paid to certain employees.

H.R. 2005. An act to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents, and for other purposes.

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea.

H. Con. Res. 98. Concurrent resolution authorizing the use of the Capitol grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 430. An act to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

S. 670. An act to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The message also announced that pursuant to clause 6 of rule X, the Speaker announced the following modifications to the conference appointment to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

Mr. MCKEON is added to the panel for the Committee on National Security to follow Mr. BARTLETT.

The first proviso to the panel from the Committee on Resources is stricken.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon;

And appoints the following Members as the managers of the conference on the part of the Houses:

For the consideration of the House bills (except title XXI) and the Senate amendment, and modification committed to conference: Mr. GILMAN, Mr. LEACH, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, and Mr. BERMAN.

For the consideration of title XXI of the House bill, and modifications committed to conference: Mr. GILMAN, Mr. HYDE, Mr. SMITH of New Jersey, Mr. HAMILTON, and Mr. GEJDENSON.

At 5:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1348. An act to amend title 28, United States Code, relating to war crimes.

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1348. An act to amend title 18, United States Code, relating to war crimes; to the Committee on the Judiciary.

H.R. 1596. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

H.R. 1855. An act to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Commerce, Science, and Transportation.

H.R. 1953. An act to clarify State authority to tax compensation paid to certain employees; to the Committee on Governmental Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea, and for other purposes; to the Committee on Foreign Relations.

H. Con Res. 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals servicing abbreviated sentences; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H Con. Res. 98. Concurrent resolution authorizing the use of the Capitol Grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2617. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a rule regarding debt collection received on July 23, 1997; to the Committee on Finance.

EC–2618. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–31 received on July 22, 1997; to the Committee on Finance.

EC–2619. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Maquiladora Industry Coordinated Issue Revision'' received on July 23, 1997; to the Committee on Finance.

EC–2620. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on July 21, 1997; to the Committee on Finance.

EC–2621. A communication from the National Director, Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Procedure 97–32 received on July 22, 1997; to the Committee on Finance.

EC–2622. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to agricultural quarantine and inspection services (RIN0579–AA81), received on July 24, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2623. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to building grants program (RIN0524–AA03), received on July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2624. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to limited ports, received on July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2625. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Higher Education Challenge Grants Program (RIN0524–AA02), received July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2626. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to popcorn promotion, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2627. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Federal milk orders, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2628. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to sheep promotion, research, and information, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2629. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to brucellosis in cattle, received on July 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2630. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to onions grown in south Texas, received on July 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2631. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to almonds grown in California, received on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2632. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to amending the marketing order of almonds in California on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2633. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Farm Credit Administration's report for calendar year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2634. A communication from the Administrator, Farm Service Agency, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Inventory Property Management Provisions (RIN0560–AE88); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2635. A communication from the Secretary of Agriculture, transmitting, pursuant to law, framework for hiring welfare recipients; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2636. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to soybean promotion and research, received on July 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2637. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to farm labor housing loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2638. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of four rules including one relative to sodium salt of aciflourfen, received on July 24, 1997 to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY, and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. HAGEL):

S. 1082. A bill to authorize appropriations to pay for United States contributions to certain international financial institutions; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself and Mr. BREAUX):

S. 1084. A bill to establish a researh and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

By Mr. HELMS:

S. 1086. A bill to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GLENN:

S. Con. Res. 45. Concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly 3 years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive order. It was also populated by then American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for death; second, $7,000 for personal injury; and third, $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war, who made previous claims but have since died. The specific damage benefits would be as follows: First, $7,000 for personal injury; and second, $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This act would also establish a Guam trust fund from which disbursements will be made. Any amount left over in the Fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine-member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the

true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as shameful results.

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated over $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 2200, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1078

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 ''Guam War Restitution Act''.

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

''SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

''(a) DEFINITIONS.—For purposes of this section:

''(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

''(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

''(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

''(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

''(A) Death.

''(B) Personal injury (as defined by the Commission).

''(C) Forced labor, forced march, or internment.

''(5) GUAMANIAN.—The term 'Guamanian' means any person who—

''(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

''(B) was a United States citizen or national during such portion.

''(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

''(A) An affidavit by a witness to such compensable injury;

''(B) A statement, attesting to compensable injury, which is—

''(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

''(ii) made before a committee of the Guam legislature;

''(iii) made in support of a claim filed with the Guam War Reparations Commission;

''(iv) filed with a private Guam war claims advocate; or

''(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

''(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

''(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

''(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

''(A) the name and age of the claimant;

''(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

''(C) the approximate date or dates on which the compensable injury occurred;

''(D) a brief description of the compensable injury which is the basis for the claim;

''(E) the circumstances leading up to the compensable injury; and

''(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

''(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission

shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

''(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

''(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

''(c) ELIGIBILITY.—

''(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

''(A) The claimant is—

''(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

''(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

''(B) The claimant meets the requirements of paragraph (3).

''(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

''(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

''(B) The claimant meets the requirements of paragraph (3).

''(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

''(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

''(B) The claimant furnishes proof of the compensable injury.

''(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

''(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

''(A) AWARDS.—

''(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

''(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

''(B) BENEFITS.—

''(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

''(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

''(d) PAYMENTS.—

''(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

''(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

''(A) $20,000 if the claim is based on death.

''(B) $7,000 if the claim is based on personal injury.

''(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

''(A) $7,000 if the claim is based on personal injury.

''(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

''(5) FORM OF PAYMENT.—

''(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

''(B) BENEFITS.—In the case of a claim for a benefit—

''(i) IN GENERAL.—Payment under this subsection shall consist of—

''(I) provision of a scholarship;

''(II) payment of medical expenses; or

''(III) a grant for first-time home ownership.

''(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

''(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

''(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

''(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

''(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

''(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

''(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

''(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

''(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

''(9) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards paid to eligible claimants—

''(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

''(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

''(e) GUAM TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

''(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

''(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

''(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

''(A) the funds are invested as described in paragraph (2);

''(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

''(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

''(f) GUAM TRUST FUND COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

''(2) USE OF GUAM TRUST FUND.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

''(A) To make payments, under subsection (d), of awards and benefits.

''(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

''(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

''(3) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

''(B) TERMS.—

''(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a

length determined pursuant to subparagraph (F).

''(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

''(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

''(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

''(F) SUBSEQUENT APPOINTMENTS.—

''(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

''(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

''(4) STAFF AND SERVICES.—

''(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

''(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

''(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

''(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

''(6) TERMINATION.—The Commission shall terminate on the earlier of—

''(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

''(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

''(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

''(h) REPORTS.—

''(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

''(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

''(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

''(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

''(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

''(B) the status of the Trust Fund and the amount of any existing balance thereof.

''(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

''(B) the final status of the Trust Fund and the amount of any existing balance thereof.

''(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

OIL AND GAS DEVELOPMENT AT FORT BERTHOLD RESERVATION LEGISLATION

Mr. DORGAN. Mr. President, today I am introducing legislation, along with my good friend and colleague Mr. CONRAD. that will promote economic development on the Fort Berthold Indian Reservation in our State.

Economic development must be among our top priorities in Indian country, and our Federal policies should support, not hinder, the creation of new employment opportunities on our Nation's Indian reservations. This bill is aimed at addressing a provision in Federal law that is unnecessarily hampering the economic development efforts of Three Affiliated Tribes in North Dakota and has the support of the Tribes' Business Council.

The Fort Berthold Indian Reservation has been working for years to develop partnerships with the oil industry to explore the development of oil and gas resources on its tribally owned or allotted lands. The Fort Berthold Reservation covers about 1 million acres of land in the middle of the proven oil-rich Williston Basin. There has been active oil and gas exploration and

development on the lands surrounding the reservation, but Three Affiliated Tribes itself and its members have been able to participate in this activity in only a very limited way because of a Federal requirement that 100 percent of all tribal members with ownership in an allotment agree to the leasing of that allotment. Some of the allotted land tracts on this reservation are owned by up to 200 individuals, and if even one of these owners will not sign the lease, the exploration cannot proceed. This outmoded 100-percent requirement makes it virtually impossible for tribes and its members to pursue this kind of economic development, even if a vast majority of allottees are supportive.

This legislation, which is narrowly drawn and applies only to the Fort Berthold Reservation, would allow a leasing agreement to go forward if more than 50 percent of those with an interest in specific allotted lands agree. By keeping in place a majority requirement for the leasing of mineral rights, the rights of individual landowners would still be protected. The Secretary of the Interior would also still have to review and approve a proposed leasing agreement.

The economic implications of this legislation for Three Affiliated Tribes are enormous. The drilling of just 1 well would create 50 to 100 jobs, so clearly, this bill can help the Indian people on Fort Berthold Reservation to move away from welfare dependency to economic independence. I look forward to working with my colleagues to enact this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) and the regulations issued under that Act), the Secretary of the Interior or a designee of the Secretary may approve mineral leases of an allotment described in paragraph (2) in any case in which the Indian owners of that allotment have executed leases to more than 50 percent of the mineral estate of that allotment.

(B) BENEFITS OF LEASES.—At such time as mineral leases on an allotment have been approved for all Indian ownership interests pursuant to this section, all Indian owners of the allotment shall be entitled to the benefits of the leases.

(2) ALLOTMENTS.—An allotment described in this paragraph is an allotment that—

(A) is located in the Fort Berthold Indian Reservation, North Dakota; and

(B) is held in trust by the United States.

(b) RULES OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

Mr. CONRAD. Mr. President, I am pleased to introduce, along with my distinguished colleague from North Dakota, legislation to increase opportunities for oil and gas leasing on the Fort Berthold Indian Reservation in North Dakota.

Mr. President, as a member of the Senate Select Committee on Indian Affairs, I understand the importance of increasing economic development in Indian country, in particular, development that creates high-paying, skilled employment. Members of the Three Affiliated Tribes at Fort Berthold have been working on a plan to create jobs and increase revenue through oil and gas development on the Fort Berthold Reservation, which lies within the oil-rich Williston Basin.

At present, there are only seven oil producing wells on land owned by the Three Affiliated Tribes or tribal members. The Tribal Business Council is considering possibilities for development of oil and gas reserves of its tribally owned land and allotted lands of its members and is pursuing approval by the Bureau of Indian Affairs of an exploration and development agreement under the Mineral Development Act.

The fractionated ownership of allotted lands complicates the leasing and exploration process. The Bureau must approve tribal oil and gas leases, and in order for the Bureau to approve a lease of Indian lands, all who have an interest in the land must agree to the particular oil and gas lease. The number of people who have an undivided interest in various land allotments grows larger each year and now involves hundreds of people. Thus, for an oil and gas exploration to commence, hundreds of oil and gas leases for small allotments of land would have to be executed. If any one person with an interest—no matter how small—in the land objects, the lease agreement would fail. Present law creates a nearly insurmountable barrier to this type of oil and gas development, even in the face of overwhelming support by allotted landowners.

The legislation we are introducing today—which applies only to the Fort Berthold Indian Reservation—would allow an oil and gas lease to become effective if those individual owners of 50 percent or more of the interests in a particular tract of mineral acres agree to the lease. The bill also includes safeguards to ensure that all Indian owners of the allotments are entitled to the benefits of the leases.

This legislation is an important step for oil and gas development on the Fort Berthold Indian Reservation; it is supported by the Tribal Business Council of the Three Affiliated Tribes. I believe the bill can also serve as a model for addressing other problems in Indian country that have arisen as a result of fractionated heirship, and a first step toward a more comprehensive solution.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT, RESEARCH, AND PROMOTION ACT

Mr. AKAKA. Mr. President, today I am introducing the National Aquaculture Development, Research, and Promotion Act. Senators CRAIG, LEAHY, and DASCHLE have joined me in introducing the bill.

This legislation is not merely a reauthorization of an expiring law. It will help establish a coordinated national aquaculture policy. It will stimulate the fastest growing segment of U.S. agriculture.

The ever-growing demand for fish and fish products is a driving force behind the decline of our fisheries. Aquaculture can help satisfy demand for fishery products and, at the same time, reduce pressure on wild stocks. The bill will also provide a framework for sustainable aquaculture development by encouraging best management practices for aquaculture at the State level.

The National Aquaculture Development, Research, and Promotion Act addresses the most pressing needs of aquaculture farmers, such as research, aquacultural credit, and production and market data.

For too long aquaculture farmers have suffered from the absence of a consistent and unified Federal policy to aid the development of aquaculture. My bill promotes policies to allow our country to become more competitive in the expanding global market for aquaculture products.

The world market for aquaculture is vast, and the United States has the potential to lead future aquaculture production and technology. Efforts to expand the U.S. aquaculture industry will not go unrewarded. The United States imports 60 percent of its seafood, which results in a $3.5 billion annual trade deficit for fish products. Reducing our seafood trade deficit by one-third through expanded aquaculture production would create 25,000 new jobs.

World production of aquaculture in 1995 was 21,300,000 metric tons. The U.S. contributed less than 3 percent to world output, however.

With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture production will have to increase by 700 percent, a total of 77 million metric tons annually, to meet future demand. The important question is whether U.S. aquaculture will share in this explosive growth.

This bill is about creating jobs, expanding food production, and achieving sustainable aquaculture development. America has outstanding institutions for conducting aquaculture research. A coordinated effort, with appropriate Federal support, can advance aquaculture development and promote significant economic growth. Aquaculture has an important advantage because it can be conducted successfully on lands that are marginal for other forms of agriculture.

Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Yet the United States ranks 9th among nations in the value of its production. China, Japan, India, Indonesia, Norway, Thailand, and Korea all enjoy a larger share of the global aquaculture market. In addressing the problem of our balance of trade, aquaculture can be part of the solution.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, a climate that allows harvesting throughout the year, and a 1500-year tradition of aquaculture farming.

Aquaculture supports more jobs per acre than other forms of agriculture, so it can strengthen our employment base at a time when other areas of Hawaiian agriculture are declining. Our tradition of aquaculture that operates in harmony with the environment will help assure that its growth and development is sustainable.

However, the legislation I have introduced today was not designed merely to promote aquaculture in Hawaii. The bill was drafted with one basic principle in mind: to assist all segments of the aquaculture industry equally. It would be wrong to promote one segment of the industry, whether it is marine or freshwater aquaculture, or a particular species of fish or shellfish, over another.

The United States can be a world leader in aquaculture in the same way that it leads in agriculture. This bill is an important step in achieving that goal.

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. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aquaculture Development, Research, and Promotion Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. National aquaculture development plan.
Sec. 5. National Aquaculture Information Center.
Sec. 6. Coordination with the aquaculture industry.
Sec. 7. Aquaculture commercialization research.
Sec. 8. National policy for private aquaculture.
Sec. 9. Authorization of appropriations.
Sec. 10. Eligibility of aquaculture farmers for farm credit assistance.
Sec. 11. International aquaculture information and data collection.
Sec. 12. Aquaculture information network report.
Sec. 13. Implementation report.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2 of the National Aquaculture Act of 1980 (16 U.S.C. 2801) is amended by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds the following:

''(1)(A) The wild harvest or capture of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

''(B) The Food and Agriculture Organization of the United Nations has identified aquaculture as one of the world's fastest growing food production activities.

''(C) The world production of aquaculture doubled from 10,000,000 metric tons in 1984 to 21,300,000 metric tons in 1995, with a value of approximately $40,000,000,000.

''(D) The United States produced 666,000,000 pounds of aquaculture products in 1994, less than 3 percent of the world output.

''(E) The United States is a major importer of aquaculture products.

''(2)(A) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood.

''(B) This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

''(3)(A) Although aquaculture currently contributes approximately 17 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture.

''(B) As a result, domestic aquaculture production has the potential for significant growth.

''(4) Aquaculture production of aquatic animals and plants is a source of food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

''(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

''(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

''(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

''(A) inadequate credit;

''(B) limited research and development and demonstration programs;

''(C) diffused legal jurisdiction;

''(D) inconsistent interpretations between Federal agencies;

''(E) the lack of management information;

''(F) the lack of supportive policies of the Federal Government;

''(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants;

''(H) the lack of reliable supplies of seed stock; and

''(I) the availability of additional species for commercial production.

''(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

''(9) In 1994, the United States ranked only ninth in the world in aquaculture production based on total value of products.

''(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

''(11) The United States has a premier opportunity to expand existing aquaculture production and develop new aquaculture industries to serve national needs and the global marketplace.

''(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to employment opportunities and the quality of life in rural areas in the United States.

''(13)(A) Aquaculture is poised to become a major growth industry of the 21st century.

''(B) With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture will have to increase production by 700 percent, a total of 77 million metric tons annually, to meet that projection.

''(14)(A) In 1983, United States aquaculture production was 308,400,000 pounds with a farm gate value of $261,000,000.

''(B) In 1994, the industry produced 666,000,000 pounds with a farm gate value of $751,000,000.

''(C) Aquaculture accounted for approximately 6 percent of the total United States fish and shellfish harvest in 1994.

''(15)(A) In 1994, per capita consumption of aquatic foods in the United States was 15 pounds per person per year.

''(B) Demand is projected to double by 2025.''.

(b) PURPOSE.—Section 2(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2801(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) establishing private aquaculture as a form of agriculture for the purposes of programs of the Department;'';

(2) in paragraph (3), by striking ''and'' at the end; and

(3) by inserting after paragraph (4) the following:

''(5) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in commodity channels as agricultural livestock, crops, and commodities; and

''(6) authorizing the establishment of a National Aquaculture Information Center within the Department to support the United States aquaculture industry;''.

SEC. 3. DEFINITIONS.

Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking ''the propagation'' and all that follows through the period at the end and inserting ''the controlled cultivation of aquatic plants, animals, and microorganisms, except that the term does not include private, for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.'';

(2) in paragraph (3), by inserting before the period at the end the following: ''or microorganism'';

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following:

''(5) DEPARTMENT.—The term 'Department' means the United States Department of Agriculture.''; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following:

''(8) PRIVATE AQUACULTURE.—The term 'private aquaculture' means the controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government or any State or local government.''.

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (b)(3)(B), by adding at the end the following: ''including the development of best management practices for maintaining water quality,'';

(2) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the identification of efforts of States to improve water quality through the development of best management practices.''; and

(3) by adding at the end the following:

''(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1998, the Secretary, in collaboration with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.''.

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER.

Section 5 of the National Aquaculture Act of 1980 (16 U.S.C. 2804) is amended—

(1) in subsection (c)(1)(B)—

(A) by striking ''Secretary shall—'' and inserting ''Secretary—'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(C) by striking clause (i) and inserting the following:

''(i) may establish within the regional centers of aquaculture established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), or within the institutions affiliated with the regional centers, a means of electronically compiling and accessing information for the National Aquaculture Information Center;

''(ii) may establish, within the Department, a National Aquaculture Information Center that shall—

''(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

''(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

''(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));'';

(D) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting ''shall'' before ''arrange''; and

(ii) by striking the comma and inserting a semicolon; and

(E) in clause (iv) (as redesignated by subparagraph (B)), by inserting ''shall'' before ''conduct''; and

(2) in the first sentence of subsection (d), by striking ''Interior,,'' and inserting ''Interior,''.

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: '', including information on best management practices for maintaining water quality'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with national organizations, commodity associations, and professional societies representing aquaculture interests.''.

SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 9 through 13, respectively; and

(2) by inserting after section 6 the following:

''SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

''(a) ASSISTANCE AND COORDINATION.—

''(1) IN GENERAL.—The Secretary may make grants and enter into contracts with any person or governmental agency to support the market development and commercialization of aquaculture research and technology that—

''(A) demonstrates strong potential for accelerating the transfer to the marketplace of aquaculture products, processes, and technologies that can improve profitability, production, efficiency, and sustainability of existing and emerging aquaculture sectors;

''(B) will help the United States aquaculture industry to be more competitive in the global marketplace; and

''(C) will facilitate the commercialization of promising research and technologies deriving from existing aquaculture research programs.

''(2) COST SHARE.—

''(A) FEDERAL SHARE.—Except as provided in subparagraph (B), the Federal share of the cost of a grant or contract under this section shall be 80 percent.

''(B) REMAINING SHARE.—The remaining share of the cost of a grant or contract under this section may be—

''(i) in the form of cash or in-kind payments; and

''(ii) partially comprised of funds made available under other Federal programs, except that the non-Federal share may not be less than 10 percent of the cost of the grant or contract.

''(b) PRIORITIES.—In making grants or awarding contracts under subsection (a), the Secretary shall give a higher priority to—

''(1) highly focused, applied aquaculture research;

''(2) investigations of new aquaculture products or processes that demonstrate a high potential for commercialization;

''(3) market development programs for new or improved aquaculture products or processes;

''(4) activities that have a strong potential to create employment opportunities involving aquaculture;

''(5) other activities that accelerate the commercialization of promising aquaculture technologies;

''(6) the extent to which the proposal promotes sustainable aquaculture development; and

''(7) the extent to which the proposal includes participation with a private aquaculture farm or business that supplies products or services that are necessary for aquaculture farming.

''(c) COMPETITIVE REVIEW.—

''(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under subsection (a), a proposal shall be competitively reviewed under procedures established by the Secretary.

''(2) COMPETITIVE REVIEW PANELS.—A competitive review panel shall be composed of individuals appointed by the Secretary, at least 50 percent of whom work in private aquaculture or have a demonstrated competence to objectively evaluate the likelihood of a proposal being economically successful or promoting economic success within the aquaculture industry.

''(3) EVALUATION.—The competitive review shall be based on an evaluation of—

''(A) the quality of the proposal and the research methodology;

''(B) the capability of the participating organization to perform the proposed work;

''(C) the amount of matching funds provided by the participating organization or obtained from non-Federal sources;

''(D) in the case of a noncommercial entity, the existence of a cooperative arrangement with a commercial entity; and

''(E) such other factors as the Secretary determines to be appropriate.

''(d) LIMITATIONS.—

''(1) REGIONAL AQUACULTURE CENTERS.—Not less than 40 percent of the amounts made available to carry out this section for a fiscal year shall be used to carry out projects that will facilitate the commercialization of research or investigations funded or coordinated by regional aquaculture centers established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)).

''(2) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amounts made available to carry out this section for a fiscal year may be used by the Secretary to pay the expenses of administration and information collection and dissemination.

''(3) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

''(e) REPORTS.—An eligible entity that receives a grant or enters into a contract with respect to a project carried out under this section shall submit an annual progress report, and a final report, to the Secretary that describes project activities and commercial and economic accomplishments and impacts.

''(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this section.''.

SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7(2)) the following:

''SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

''(a) REQUIREMENT.—In collaboration with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for

private aquaculture in accordance with this section.

''(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department Plan') for a unified aquaculture program of the Department to support the development of private aquaculture.

''(2) ELEMENTS.—The Department Plan shall address—

''(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs applied to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

''(B) the treatment of commercially cultivated aquatic animals as livestock and commercially cultivated aquatic plants as agricultural crops; and

''(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

''(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

''(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

''(1) private aquaculture as agriculture for the purpose of programs of the Department; and

''(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities, respectively.

''(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

''(1) RESPONSIBILITY.—The Secretary shall coordinate, develop, and carry out policy and programs of the Department related to private aquaculture.

''(2) DUTIES.—The Secretary shall—

''(A) coordinate all intradepartmental functions and activities of the Department relating to private aquaculture; and

''(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the National Aquaculture Act of 1980 (as redesignated by section 7(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this Act (including the functions of the Joint Subcommittee on Aquaculture established under section 6(a)) $3,000,000 for each of fiscal years 1998 through 2002.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 10. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking ''fish farming'' both places it appears in paragraphs (1) and (2) and inserting ''aquaculture (as defined in section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802))''.

SEC. 11. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

(a) IN GENERAL.—Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following:

''(d) INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary is authorized to establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

''(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 12. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the Agricultural Research Service to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 13. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act with respect to policies and programs of the Department of Agriculture.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friend from Hawaii, Senator AKAKA, in the introduction of the National Aquaculture Development, Research, and Promotion Act of 1997.

This important piece of legislation is designed to help make the United States competitive in the expanding world market for aquaculture products. The United States is poised to become the world leader in aquaculture, yet it remains far beyond other nations, including many with fewer resources and less developed infrastructure.

Already there are more than 1,000 Idahoans whose jobs are either directly or indirectly connected to aquaculture. They represent a $92 million industry for my home State: An industry committed to a cleaner environment, a safer food supply, and community development.

However, much more lies ahead of us if the United States is to become a world leader in this growing industry. Despite recent growth, America's annual trade deficit in seafood remains stable at approximately $3 billion—a reduction of which could mean a stronger domestic industry, more jobs, and less dependency on others for our food supply.

Mr. President, it is for these reasons I am pleased to join my colleague in introducing this measure today.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

THE CRIME VICTIMS ASSISTANCE ACT

Mr. LEAHY. Madam President, during National Crime Victim Rights Week, I said that it was important to focus attention on the needs and rights of crime victims not just during that week of special ceremonies, but throughout the year. I am, therefore, pleased to have this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY. Our Crime Victims Assistance Act represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's attorney for Chittenden County, VT, and witnessed first hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past 15 years, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982; The Victims of Crime Act of 1984; The Victims' Bill of Rights of 1990; The 1994 Violent Crime Control and Law Enforcement Act; and The Justice for Victims of Terrorism Act of 1996.

Just this March, Congress passed the Victim Rights Clarification Act of 1997, which I cosponsored with Senators NICKLES, INHOFE and HATCH. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial.

As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial were able to do so.

Also, on the first day of this session, we introduced S.15, a youth crime bill. In that legislation, which we have identified as a legislative priority for the entire Democratic caucus, we included provisions for victims of juvenile crime

so that their rights to appear, to be heard, and to be informed would be protected. Those provisions have now been incorporated in the juvenile crime bill ordered reported by the Judiciary Committee last week along with added protections against witness intimidation.

The legislation that we introduce today, the Crime Victims Assistance Act, builds upon this progress. It provides for a wholesale reform of the Federal rules and Federal law to establish additional rights and protections for victims of federal crime. Particularly, the legislation would provide crime victims with an enhanced: right to be heard on the issue of pretrial detention; right to be heard on plea bargains; right to a speedy trial; right to be present in the courtroom throughout a trial; right to give a statement at sentencing; right to be heard on probation revocation; and

Right to be notified of a defendant's escape or release from prison.

The legislation goes further than other victims rights proposals that are currently before Congress by including: Enhanced penalties for witness intimidation; an increase in Federal victim assistance personnel; enhanced training for State and local law enforcement and officers of the court; the development of state-of-the-art systems for notifying victims of important dates and developments in their cases; and the establishment of ombudsman programs for crime victims.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I look forward to continuing to work with the administration, victims groups, prosecutors, judges, and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

In my State, Vermont, there are many individuals who have made a difference by dedicating themselves to serving the needs of crime victims. Individuals, such as Lori Hayes from the Vermont Center for Crime Victims Services, have joined in leading the Nation on issues pertaining to crime victims. I congratulate Lori on the results of the Justice Department's recent site visit of Vermont's Victims of Crime Act programs. The Justice Department concluded that

Vermont's programs are setting the standard for outreach to under served populations and service coordination among providers and allied professionals * * * Other States interested in improving their services and advocacy for crime victims would do well to study the model created by Lori Hayes, her staff, and other victims advocates in Vermont.

Without the commitment of people like Lori, we would not be making the progress that we are.

I would like to acknowledge several others who have been extremely helpful with regards to the legislation that we are introducing today: The Office for Victims of Crime at the Justice Department, the National Network to End Domestic Violence, the NOW Legal Defense Fund, the National Clearinghouse for the Defense of Battered Women, Professor Lynne Henderson from Indiana Law School, the National Organization for Victim Assistance, Roger Pilon, Director of the Center for Constitutional Studies at the Cato Institute, the National Victim Center, and many others.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue will join Senator KENNEDY and me in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

Sec. 101. Right to be notified of detention hearing and right to be heard on the issue of detention.
Sec. 102. Right to a speedy trial and prompt disposition free from unreasonable delay.
Sec. 103. Enhanced right to order of restitution.
Sec. 104. Enhanced right to be notified of escape or release from prison.
Sec. 105. Enhanced penalties for witness tampering.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

Sec. 121. Right to be notified of plea agreement and to be heard on merits of the plea agreement.
Sec. 122. Enhanced rights of notification and allocution at sentencing.
Sec. 123. Rights of notification and allocution at a probation revocation hearing.

Subtitle C—Amendment to Federal Rules of Evidence

Sec. 131. Enhanced right to be present at trial.

Subtitle D—Remedies for Noncompliance

Sec. 141. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Increase in victim assistance personnel.
Sec. 202. Increased training for State and local law enforcement, State court personnel, and officers of the court to respond effectively to the needs of victims of crime.
Sec. 203. Increased resources for State and local law enforcement agencies, courts, and prosecutors' offices to develop state-of-the-art systems for notifying victims of crime of important dates and developments.
Sec. 204. Pilot programs to establish ombudsman programs for crime victims.
Sec. 205. Amendments to Victims of Crime Act of 1984.
Sec. 206. Technical correction.
Sec. 207. Services for victims of crime and domestic violence.
Sec. 208. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Attorney General'' means the Attorney General of the United States;

(2) the term ''bodily injury'' has the meaning given that term in section 1365(g) of title 18, United States Code;

(3) the term ''Commission'' means the Commission on Victims' Rights established under section 204;

(4) the term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(5) the term ''Judicial Conference'' means the Judicial Conference of the United States established under section 331 of title 28, United States Code;

(6) the term ''law enforcement officer'' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers;

(7) the term ''Office of Victims of Crime'' means the Office of Victims of Crime of the Department of Justice;

(8) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(9) the term ''unit of local government'' means any—

(A) city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; or

(B) Indian tribe;

(10) the term ''victim''—

(A) means an individual harmed as a result of a commission of an offense; and

(B) in the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased—

(i) the legal guardian of the victim;

(ii) a representative of the estate of the victim;

(iii) a member of the family of the victim; or

(iv) any other person appointed by the court to represent the victim, except that in no event shall a defendant be appointed as the representative or guardian of the victim; and

(11) the term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General may establish.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

SEC. 101. RIGHT TO BE NOTIFIED OF DETENTION HEARING AND RIGHT TO BE HEARD ON THE ISSUE OF DETENTION.

Section 3142 of title 18, United States Code, is amended by adding at the end the following:

''(k) NOTIFICATION OF RIGHT TO BE HEARD.—

''(1) IN GENERAL.—In any case involving a defendant who is arrested for an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, in which a detention hearing is scheduled pursuant to subsection (f)—

''(A) the Government shall make a reasonable effort to notify the victim of the hearing, and of the right of the victim to be heard on the issue of detention; and

''(B) at the hearing under subsection (f), the court shall inquire of the Government as to whether the efforts at notification of the victim under subparagraph (A) were successful and, if so, whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) LIMITATION.—Upon motion of either party that identification of the defendant by the victim is a fact in dispute, and that no means of verification has been attempted, the Court shall use appropriate measures to protect integrity of the identification process.

''(3) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(4) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL AND PROMPT DISPOSITION FREE FROM UNREASONABLE DELAY.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. ENHANCED RIGHT TO ORDER OF RESTITUTION.

Section 3664(d)(2)(A)(iv) of title 18, United States Code, is amended by inserting '', and the right of the victim (or the family of a victim who is deceased or incapacitated) to attend the sentencing hearing and to make a statement to the court at the sentencing hearing'' before the semicolon.

SEC. 104. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE OR RELEASE FROM PRISON.

Section 503(c)(5)(B) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is amended by inserting after ''offender'' the following: '', including escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental health services to offenders''.

SEC. 105. ENHANCED PENALTIES FOR WITNESS TAMPERING.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) Whoever uses physical force or the threat of physical force, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; and

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3)(B), as redesignated, by striking ''in the case of'' and all that follows before the period and inserting ''an attempt to murder, the use of physical force, the threat of physical force, or an attempt to do so, imprisonment for not more than 20 years''; and

(2) in subsection (b), by striking ''or physical force''.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

SEC. 121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT AND TO BE HEARD ON MERITS OF THE PLEA AGREEMENT.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(i) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—In any case involving a defendant who is charged with an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault—

''(A) the Government, prior to a hearing at which a plea of guilty or nolo contendere is entered, shall make a reasonable effort to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to attend the hearing and to address the court; and

''(B) if the victim attends a hearing described in subparagraph (A), the court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard on the proposed plea agreement.

''(2) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(3) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.

''(4) MASS VICTIM CASES.—In any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to serve as representatives of the victims' interests.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 122. ENHANCED RIGHTS OF NOTIFICATION AND ALLOCUTION AT SENTENCING.

(a) IN GENERAL.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking subparagraph (D) and inserting the following:

''(D) a victim impact statement, identifying, to the maximum extent practicable—

''(i) each victim of the offense (except that such identification shall not include information relating to any telephone number, place of employment, or residential address of any victim);

''(ii) an itemized account of any economic loss suffered by each victim as a result of the offense;

''(iii) any physical injury suffered by each victim as a result of the offense, along with its seriousness and permanence;

''(iv) a description of any change in the personal welfare or familial relationships of each victim as a result of the offense; and

''(v) a description of the impact of the offense upon each victim and the recommendation of each victim regarding an appropriate sanction for the defendant;''; and

(B) by adding at the end the following:

''(7) VICTIM IMPACT STATEMENTS.—

''(A) IN GENERAL.—Any probation officer preparing a presentence report shall—

''(i) make a reasonable effort to notify each victim of the offense that such a report is being prepared and the purpose of such report; and

''(ii) provide the victim with an opportunity to submit an oral or written statement, or a statement on audio or videotape outlining the impact of the offense upon the victim.

''(B) USE OF STATEMENTS.—Any written statement submitted by a victim under subparagraph (A) shall be attached to the presentence report and shall be provided to the sentencing court and to the parties.'';

(2) in subsection (c)(1), by adding at the end the following: ''Before sentencing in any case in which a defendant has been charged with or found guilty of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make a reasonable effort to notify the victim (or the family of a victim who is deceased) of the time and place of sentencing and of their right to attend and to be heard.''; and

(3) in subsection (f), by inserting ''the right to notification and to submit a statement under subdivision (b)(7), the right to notification and to be heard under subdivision (c)(1), and'' before ''the right of allocution''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to participate during the presentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A PROBATION REVOCATION HEARING.

(a) IN GENERAL.—Rule 32.1 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—At any hearing pursuant to subsection (a)(2) involving one or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable effort to notify the victim of the offense (and the victim of any new charges giving rise to the hearings), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.

''(2) DUTIES OF COURT AT HEARING.—At any hearing described in paragraph (1) at which a victim is present, the court shall—

''(A) address each victim personally; and

''(B) afford the victim an opportunity to be heard on the proposed terms or conditions of probation or supervised release.

''(3) ADDRESS.—In any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this paragraph may be sent.

''(4) DEFINITION OF VICTIM.—In this rule, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and a hearing pursuant to subsection (a)(2) is conducted, including—

''(A) a parent or legal guardian of the victim, if the victim is less than 18 years of age or is incompetent; or

''(B) 1 or more family members or relatives of the victim designated by the court, if the victim is deceased or incapacitated.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, of any revocation hearing held pursuant to rule 32.1(a)(2) of the Federal Rules of Criminal Procedure.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle C—Amendment to Federal Rules of Evidence

SEC. 131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.

(a) IN GENERAL.—Rule 615 of the Federal Rules of Evidence is amended—

(1) by striking ''At the request'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), at the request'';

(2) by striking ''This rule'' and inserting the following:

''(b) EXCEPTIONS.—Subsection (a)'';

(3) by striking ''exclusion of (1) a party'' and inserting the following: ''exclusion of—

''(1) a party'';

(4) by striking ''person, or (2) an officer'' and inserting the following: ''person;

''(2) an officer'';

(5) by striking ''attorney, or (3) a person'' and inserting the following: ''attorney;

''(3) a person'';

(6) by striking the period at the end and inserting ''; or''; and

(7) by adding at the end the following:

''(4) a person who is a victim (or a member of the immediate family of a victim who is deceased or incapacitated) of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, for which a defendant is being tried in a criminal trial, unless the court concludes that—

''(A) the testimony of the person will be materially affected by hearing the testimony of other witnesses, and the material effect of hearing the testimony of other witnesses on the testimony of that person will result in unfair prejudice to any party; or

''(B) due to the large number of victims or family members of victims who may be called as witnesses, permitting attendance in the courtroom itself when testimony is being heard is not feasible.

''(c) DISCRETION OF COURT; EFFECT ON OTHER LAW.—Nothing in subsection (b)(4) shall be construed—

''(1) to limit the ability of a court to exclude a witness, if the court determines that such action is necessary to maintain order during a court proceeding; or

''(2) to limit or otherwise affect the ability of a witness to be present during court proceedings pursuant to section 3510 of title 18, United States Code.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Evidence to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, to attend judicial proceedings, even if they may testify as a witness at the proceeding.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle D—Remedies for Noncompliance

SEC. 141. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this Act shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall the ultimate arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.

There are authorized to be appropriated such sums as may be necessary to enable the Attorney General to—

(1) hire 50 full-time or full-time equivalent employees to serve victim-witness advocates to provide assistance to victims of any criminal offense investigated by any department or agency of the Federal Government; and

(2) provide grants through the Office of Victims of Crime to qualified private entities to fund 50 victim-witness advocate positions within those organizations.

SEC. 202. INCREASED TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT, STATE COURT PERSONNEL, AND OFFICERS OF THE COURT TO RESPOND EFFECTIVELY TO THE NEEDS OF VICTIMS OF CRIME.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 203. INCREASED RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES, COURTS, AND PROSECUTORS' OFFICES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

''SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Victims of Crime of the Department of Justice such sums as may be necessary for grants to State and local prosecutors' offices, State courts, county jails, State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term ''Federal law enforcement program''), by striking ''and'' at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office of Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''qualified unit of State or local government'' means a unit or a State or local government that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Ohio.

(D) Tennessee.

(E) Utah.

(F) Vermont.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office; and

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) participates in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 205. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, and donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) All unobligated balances transferred to the judicial branch for administrative costs to carry out functions under sections 3611 and 3612 of title 18, United States Code, shall be returned to the Crime Victims Fund and may be used by the Director to improve services for crime victims in the Federal criminal justice system.''; and

(B) in paragraph (4), by adding at the end the following:

''(C) States that receive supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3), by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)(7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the comma after ''Director'';

(ii) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(iii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iv) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) tribal organization;

''(D) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(E) other entity that the Director determines to be appropriate.''.

(d) COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OF MASS VIOLENCE.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended—

(1) in subsection (a), by striking ''1404(a)'' and inserting ''1402(d)(4)(B)''; and

(2) in subsection (b), by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(4)(B)''.

SEC. 206. TECHNICAL CORRECTION.

Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

SEC. 207. SERVICES FOR VICTIMS OF CRIME AND DOMESTIC VIOLENCE.

Section 504 of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prohibit a recipient (as that term is used in that section) from using funds derived from a source other than the Legal Services Corporation to provide related legal assistance to any person with whom an alien (as that term is used in subsection (a)(11) of that section) has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incidence of violence occurred.

SEC. 208. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected

pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(A) protect the community served by the system and agencies; and

(B) ensure accountability of the offender and the system.

Mr. KENNEDY. Madam President, It is a privilege to join in introducing the Crime Victims Empowerment Act. I commend Senator LEAHY and Congresswoman MCCARTHY for their effective leadership on this important issue, and the many organizations who share our concern, especially the National Network to End Domestic Violence, the National Clearinghouse for the Defense of Battered Women, and the NOW Legal Defense Fund.

Too often in the past, the victims of crime have been the forgotten citizens in the criminal justice system. The legislation we are introducing today is an attempt to redress the balance and to guarantee that victims of crime are not victimized a second time by the criminal justice system.

First, the bill establishes new statutory rights for victims of Federal crimes, including expanded rights to participate in all phases of the criminal justice process, from trial through sentencing. Expanded rights are created for victims during trial proceedings.

Second, the bill includes a number of important measures to assist victims of crimes under State laws. A key step here is to provide additional training and resources to State officials. Although most State judges and prosecutors are conscientious, there are too many cases in which the rights and needs of victims are ignored.

Too often, for example, victims of assaults or other violent crimes learn about developments in their case by reading the newspaper, or watching the news on television. Victims should not have to learn about the release of their assailants in these ways. Our bill offers resources to local authorities to take this step and other basic steps to ensure that victims are not left out of the criminal justice provisions in obvious ways like this.

To take another example, there is a critical shortage of victim advocates to provide services and support to crime victims. Our bill addresses this shortage by authorizing the hiring of additional personnel.

These initiatives will not raise the deficit. They are financed by civil penalties paid under the False Claims Act.

There is no need to amend the Constitution to protect the rights of victims of crime. We can accomplish our goal by statute, and ensure that victims are treated with the dignity and respect they deserve. I look forward to early action on this legislation, and to taking the long overdue steps to improve the quality of justice in our society by protecting the rights of victims.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

THE UNITED STATES-PEOPLE'S REPUBLIC OF CHINA NATIONAL SECURITY AND FREEDOM PROTECTION ACT

Mr. MACK. Mr. President, just over 1 week ago, Congressman CHRIS COX, together with many other Members of the House of Representatives, including BEN GILMAN, GERALD SOLOMON, DUNCAN HUNTER, TILLIE FOWLER, CHRIS SMITH, ED ROYCE, BILL MCCOLLUM, HENRY HYDE, and ILEANA ROS-LEHTINEN introduced an 11-point legislative plan to address our Nation's failure to truly engage the People's Republic of China. Senator TIM HUTCHINSON and I joined in the unveiling of the House proposals to show our support for the good work done by our House colleagues and endorse the leadership of Congressman COX. I also promised at that time to introduce companion legislation in the Senate.

Mr. President, I rise today to offer that bill, the United States-People's Republic of China National Security and Freedom Protection Act. I am proud to say that Senator HUTCHINSON and Senator ASHCROFT are joining me in introducing this bill today.

Mr. President, I also want to congratulate Senator ABRAHAM for his interest and work on developing a China policy. He has played an instrumental role in advancing the debate on this important issue.

Mr. President, I come to this discussion of China policy following my 7 years of involvement with the people of Hong Kong and their commitment to freedom and democratic reforms. As Senate cochair of the congressional caucus on Hong Kong, I traveled to Hong Kong and China in late March of this year with the Democratic cochair, Senator JOE LIEBERMAN.

I must confess that on this recent trip, my concerns for the people of China and the future United States-People's Republic of China relationship increased. I was struck by the dichotomy between the people and the leadership in China. People's Republic of China officials expressed the view that people made governing difficult, as if the people exist for the benefit of the government. This fundamentally opposes my belief that people know what is best for themselves, and that government is for the benefit of the people. The official People's Republic of China view puts people at odds with government.

Mr. President, in China, I attended church and visited with people at the Forbidden City, and saw in the eyes of children and parents throughout China the same thing I see here in America. I saw children full of hope and wonder, and parents full of pride and ambition for their children.

I fear that these differences between the United States and China will lead us toward conflict unless we have a sound policy for which we can actively work toward improving relations. The administration calls their policy ''strategic engagement.'' I call it appeasement. Any policy which does not allow Americans to address their concerns with the People's Republic of China will prove irresponsible. I am introducing this bill today so that the children of China and the United States can grow up in peace, benefiting from each others' freedom and prosperity.

Mr. President, this bill takes root in a belief that our China policy must contain five essential elements.

First, United States policy should seek liberalization of the People's Republic of China Government, responsible behavior by the People's Republic of China, and integration of the People's Republic of China into the community of nations. United States interests are best served in China, as they are everywhere, when they are defined by the United States national security strategy: in the proliferation of democracy and the liberalization of authoritarian forms of government.

Second, United States policy should continue to maintain a strong presence and commitment to leadership and involvement in the Asian Pacific region. The policy should be regionally and globally integrated. The United States shares a stake in China's future with the people of China, the region, and the world.

Third, United States policy should encourage friendship between our nations while protecting national interests and acting on national values. The People's Republic of China does not today, and will not for the foreseeable future, pose a direct military threat to the United States. The People's Republic of China is not an enemy of the United States and should not be made out as such.

Fourth, United States policy toward China should contain resolute and straight-forward toughness. United States policy toward China must not paper over issues which make China feel uncomfortable, but these issues should not dominate the relationship either. United States policy should seek to overcome these differences with the People's Republic of China. The People's Republic of China expects the United States to act honestly and directly, and the American people require a foreign policy which is honest and direct.

And finally, United States policy should be a policy of meaningful engagement which includes the mechanisms of this act. In order to fulfill a meaningful policy with respect to the People's Republic of China, more tools are needed to address American interests beyond those available in the current policy.

Mr. President, this bill provides a broad and positive context for dealing with the People's Republic of China and encouraging China's democratic development.

It is divided into three main sections: national security, human rights, and trade. It uses targeted sanctions and increased diplomacy as its primary tools. Economic sanctions are imposed against the People's Liberation Army, which is banned from operating commercially in the United States. Political sanctions are imposed against human rights violators by denying entry into the United States to those responsible for religious persecution, coercive family planning practices, and political oppression. The act also calls for military sanctions as provided for in the Gore-McCain Nonproliferation Act.

The sanctions are complemented by additional advocacy and reporting requirements placed upon United States diplomatic and customs officers in the People's Republic of China. The act provides for additional authorizations to meet these requirements, as well as to improve the broadcasting effectiveness of Radio Free Asia. To demonstrate support for Taiwan and clarity in our Taiwan policy, the Act requires a bilateral study assessing the need for and feasibility of providing TMD to Taiwan.

The bill concludes with a title calling for review of the mechanisms called for in this act based upon China's behavior.

Mr. President, perhaps within our lifetimes, and almost certainly in the lives of our children, China will become a premier Asian power. Whether that is a threat or a promise depends in large part on whether we rise to the occasion by asserting our values and interests while at the same time helping China meet its new responsibilities. Continuing down a policy track which offers choices only between inadequate engagement or quixotic containment is a journey that will end as it began, in frustration without alternatives. We cannot allow that to be our legacy.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

THE BOUNDARY WATERS CANOE AREA WILDERNESS EXPANSION, PROTECTION, AND ACCESS ACT OF 1997

Mr. WELLSTONE. Mr. President, I ask unanimous consent that S. 1085, be printed in the RECORD.

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

S. 1085

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 ''Boundary Waters Canoe Area Wilderness Expansion, Protection, and Access Act of 1997''.

SEC. 2. MOTORIZED PORTAGES.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking subsection (g) and inserting the following:

''(g) MOTORIZED PORTAGES.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act shall prevent the operation of a motorized vehicle and associated equipment that is necessary to assist in the transport of a boat across Prairie Portage from the Moose Lake chain to Basswood Lake, and from Lake Vermilion to Trout Lake across the Trout Lake Portage.

''(2) CLEAN AND EFFICIENT VEHICLES.—A vehicle operated as permitted under paragraph (1)—

''(A) may not exceed the dimensions of a ¾ ton pickup truck; and

''(B) shall be a clean-emission and energy-efficient vehicle, as determined by the Secretary.

''(3) NEW TECHNOLOGY.—The Secretary may require the use of vehicles under paragraph (1) that utilize appropriate cost-effective new technology allowing for a cleaner and quieter motorized vehicle as soon as practicable, as determined by the Secretary.

''(4) REMOVAL OF TOW BOATS.—Not later than 30 days after the date on which the operation of motorized vehicles begins under paragraph (1), the Secretary shall terminate any special use permit for a tow boat in Basswood Lake or South Farm Lake.

''(5) INCREASE IN MOTORBOAT PERMITS.—The Secretary shall allow an appropriate increase in the number of motorboat permits for September on Basswood Lake to take into account the removal of commercial tow boats on Basswood Lake.

''(6) NO ADDITIONAL FACILITIES.—Nothing in this subsection permits the building of an overnight facility, building, road, or amenity at a portage site.

''(7) NO SUBSIDY.—The costs of operating a motorized vehicle under this subsection shall be borne by a concessionaire without subsidy from any government.

''(8) CONTINUED OPERATION.—If there is no operation of a motorized vehicle under this subsection by a concessionaire for a significant portion of the ice-free season for 3 consecutive years, this subsection shall cease to have effect.''.

SEC. 3. LAND ADDITIONS TO THE WILDERNESS.

Section 3 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1649) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) ADDITIONAL LAND.—

''(1) IN GENERAL.—The wilderness shall include the land designated on the map entitled 'Boundary Waters Canoe Area—Expansion Proposal', dated July 29, 1997, comprising approximately 21,700 acres.

''(2) ON FILE.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the Chief of the Forest Service and the Supervisor of the Superior National Forest.

''(3) DETAILED LEGAL DESCRIPTION AND MAP.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed legal description and map showing the new boundaries of the wilderness.

''(B) FILING WITH CONGRESS.—The Secretary shall file the legal description and map described in subparagraph (A) with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources of the House of Representatives.

''(C) FORCE OF LAW.—The legal description and map described in subparagraph (A) shall have the same force and effect as if included in this Act.

''(D) CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in the legal description and map described in subparagraph (A) at any time.

''(4) TIMBER ACCESS ROADS.—Any timber access road in the land described in paragraph (1) that is in existence on the date of enactment of this subsection that is needed for operations under a timber sale contract in existence on that date shall remain open only until such time as the operations are completed and the timber sale contract expires.

''(5) LAND EXCHANGES.—Not later that 2 years after the date of enactment of this subsection, the Secretary shall identify and convey to the State or a county, in exchange for land owned by the State or county in the wilderness area described in paragraph (1), Federal land of approximately comparable value, taking into consideration factors such as the timber species, the volume of timber, and the accessibility of timber on the land.''.

SEC. 4. MOTORBOATS ON CANOE LAKE.

Section 4(c)(2) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking ''; Canoe, Cook County''.

SEC. 5. USE OF PISTON BULLY.

Section 4(i) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following: ''The Secretary shall allow the use of a piston bully or similar device to groom the portion of the maintained ski trail on the east end of Flour Lake.''.

SEC. 6. PERMIT RESERVATION SYSTEM.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following:

''(j) PERMIT RESERVATION SYSTEM.—It is the sense of Congress that the Secretary should take steps, if feasible, to move the permit reservation system for the wilderness to northeastern Minnesota. In taking such steps, the Secretary should give preference to a contractor located in a county in which part of the wilderness lies.''.

SEC. 7. ANNUAL GRANTS.

Section 16 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1658) is amended by adding at the end the following:

''(c) ANNUAL GRANTS.—Of the amounts made available under section 21, the Secretary shall make a portion available each year to the State of Minnesota to be used by the Department of Natural Resources to be used to pay the costs of providing employees and equipment in the wilderness (in addition to the employees and equipment being provided before the date of enactment of this subsection) for activities such as—

''(1) campsite restoration;

''(2) trail and campsite maintenance;

''(3) law enforcement;

''(4) monitoring of the management plan described in section 20;

''(5) user education; and

''(6) other appropriate activities, as determined by the Secretary.''.

SEC. 8. AIRSPACE RESERVATION.

The provisions of Executive Order No. 10092 (14 Fed. Reg. 7637) shall be applicable to the areas depicted as wilderness on the map referred to in the amendments made by section 3.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 21 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1659) is amended to read as follows:

"SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

''In addition to any other funds authorized to be appropriated for the wilderness, there are authorized to be appropriated to carry out this Act—

''(1) $3,500,000 for fiscal year 1998; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 489

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 507

At the request of Mr. HATCH, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 953

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 953, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 1002

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1002, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Ohio [Mr. DEWINE], the Senator from Rhode Island [Mr. REED], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 102, a resolution designating August 15, 1997, as ''Indian Independence Day: A National Day of Celebration of Indian and American Democracy.''

SENATE CONCURRENT RESOLUTION 45—TRIBUTE TO HANS BLIX

Mr. GLENN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Whereas Dr. Hans Blix is nearing the completion of 16 years of distinguished service as Director General of the International Atomic Energy Agency is retiring from that position;

Whereas Director General Blix has pursued the fundamental safeguards and nuclear cooperation objectives of the International Atomic Energy Agency with admirable skill and professional dedication; and

Whereas Director General Blix has earned international acclaim for his contributions to world peace and security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the people of the United States—

(1) commends Dr. Hans Blix for his untiring efforts on behalf of world peace and development as the Director General of the International Atomic Energy Agency; and

(2) wishes Dr. Blix a happy and fulfilling future.

Mr. GLENN. Mr. President, I rise today to submit and speak on behalf of my proposed concurrent resolution to honor Dr. Hans Blix, who will soon be retiring after 16 years of service as the Director General of the International Atomic Energy Agency [IAEA].

Unfortunately, it is probably true that many Members of Congress do not fully understand what the IAEA is, what it does, and how it serves our national security interests. I think it is appropriate, therefore, to take just a few minutes to describe the agency that Dr. Blix has directed over these many years of distinguished service.

I would like to begin by discussing what the IAEA is not. The agency is not an organization that specializes in public relations or advertising to herald its achievements. Its officials tend not to be flamboyant. It is not any appendage or puppet of the U.S. Government, though it surely does serve the national security and foreign policy interests of the American people. It is not a police force. It has no army. It has no clandestine intelligence service. It has no ability to finance its operations by raising tax revenues. Indeed,

it has absolutely no guarantee that adequate funds will be available to pay for the agency's complex and ever-growing responsibilities. And like many other international organizations composed of diverse members—including some countries that do not even exchange diplomatic relations—it is not an agency that is immune to political conflict or controversy.

So what then is the IAEA?

The IAEA is a highly specialized agency in the United Nations system. It was created back in 1957, largely as a result of the Atoms for Peace initiative launched by President Dwight Eisenhower. Since its establishment, the IAEA has performed two basic tasks. First, it implements a system of safeguards over the peaceful uses of nuclear energy around the world. These safeguards consist of inspections, accounting measures, and material verification controls intended to ensure—in the words of the IAEA statute—''* * * that special fissionable and other materials, services, equipment, facilities, and information made available by the agency or at its request or under its supervision or control are not used in such a way as to further any military purpose''.

After the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] entered into force a quarter of a century ago, the parties to that treaty established a system of nuclear safeguards whose objectives were ''* * * the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection'' (IAEA, INFCIRC 153, para. 28).

After the war in 1991 to expel Iraq from Kuwait, the UN Security Council gave the IAEA the responsibility of ensuring that Iraq was complying with the Council's resolutions concerning the dismantling of Iraq's nuclear weapons capability, a mission that the agency continues to perform today.

But the agency does not just implement safeguards. Its second key mission is to promote the peaceful uses of nuclear energy in such fields as agriculture, medicine, nuclear safety, and the generation of electricity. Today, more than 90 countries receive nuclear technical assistance from the IAEA. This assistance typically comes in the form of equipment, expert services, and training activities. Funding for these activities comes primarily from member states' voluntary contributions. The United States, which played such an essential role in the creation of this agency, contributes about a quarter of the IAEA's regular budget, which in 1996 came to $63 million of the agency's $219 million budget.

Now having just described what the Agency is not, and having reviewed briefly what the agency is, it should be quite apparent that any individual who can lead such an organization for 16 years, win numerous reelections, inspire the confidence of members of the world community—some of whom are not even talking to each other—enhance the technical competence of the agency, and accomplish all of the above on a limited budget, is no ordinary individual indeed. And that describes Dr. Blix about as best as I can describe him. He is a remarkable public servant.

I would like to add on a personal note that I have had the privilege of meeting with Dr. Blix many times during his frequent trips to this country. I know the kinds of political, organizational, and funding problems he has had to handle over his long tenure of office. I appreciated both his candor and his extensive knowledge about the workings of the agency that has done more than any other to protect the world community against the nightmare of loose nukes. I will miss both his good humor and his wise counsel about the challenges facing the agency as it grapples with some of the world's most difficult international security problems.

Though I wish Dr. Blix well in his retirement, I also look forward to working with his successor as Director General, Dr. Mohamed El Baradei. And as I prepare for my own retirement next year, I hope that all of my colleagues with responsibilities in the field of international nuclear affairs will miss no opportunity to educate themselves about this important international agency and the vital contributions it makes to the security of all Americans and, indeed, to the security of the world community as a whole.

It is important for us all to understand not just where this agency has been but where it may be heading in the years ahead.

We must recognize that safeguards do not implement themselves and will never suffice as a permanent guarantee against the illicit uses of nuclear materials. We must face the fact that some nuclear activities—such as large-scale reprocessing of plutonium or commercial uses of highly-enriched uranium—are probably unsafeguardable in the strict sense of the term and should therefore be discouraged internationally or, if economic reason and security considerations are allowed to prevail, phased out all together.

We must acknowledge that nuclear power offers no panacea for either the Greenhouse Effect or the world's ever-growing demand for electricity.

We must beware of efforts in the world community to expand the missions of this agency without also giving it the resources it needs to perform those responsibilities.

We must understand that IAEA member countries that comply with their safeguards agreements and international nonproliferation treaty obligations are entitled to receive technical assistance from the agency—and that the United States has ample foreign policy tools available to influence its adversaries rather than turning the IAEA into a diplomatic playing card, a punching bag, or an arena for gladiatorial combat.

If we recognize the strengths and limitations of the agency, I believe it will continue to serve the positive roles it has played over many decades in the service of world peace, security, and prosperity. And if the legacy of Dr. Blix continues to inspire the leadership of that agency in the years ahead, as I have every reason to believe it will, then the future of the IAEA will be bright indeed.

I ask all my colleagues to join me today in congratulating Dr. Blix for his long and dedicated service in the pursuit of a safer world. Let us salute him and his agency for a job well done.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

GREGG (AND HOLLINGS) AMENDMENT NO. 1024

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1022) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 77, line 16, strike ''$1,995,252,000'' and insert ''$1,999,052,000''.

On page 77, line 16, after ''expended'', insert the following: '', of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery''.

On page 77, line 26, strike ''$1,992,252,000'' and insert ''$1,996,052,000''.

On page 100, line 24, strike ''75,000,000'' and insert ''105,000,000.''

GREGG AMENDMENT NO. 1025

Mr. GREGG proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) Subsection 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach programs in Durham, New Hampshire.

COVERDELL AMENDMENT NO. 1026

Mr. GREGG (for Mr. COVERDELL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the terms ''criminal offense against a victim who is a minor'', ''sexually violent offense'', and ''sexually violent predator'' have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)));

(2) the term ''DNA'' means deoxyribonucleic acid; and

(3) the term ''sex offender'' means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

DORGAN (AND OTHERS) AMENDMENT NO. 1027

Mr. GREGG (for Mr. DORGAN, for himself, Mr. HOLLINGS, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. BURNS, Mr. KERREY, Mr. KERRY, Mr. JOHNSON, and Mr. WELLSTONE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.—

The Congress finds that:

(A) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(B) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(1) Quality services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(3) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably compared to rates charged for similar services;

(4) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; and

(6) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

(C) Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

(D) the Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002; and

(E) the Withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, it is the sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

MCCAIN (AND KYL) AMENDMENT NO. 1028

Mr. GREGG (for Mr. MCCAIN, for himself and Mr. KYL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the end of the section in title I regarding the ''WAIVER OF CERTAIN VACCINATION REQUIREMENTS'', insert the following new subsection:

''(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.''

BIDEN AMENDMENT NO. 1029

Mr. GREGG (for Mr. BIDEN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.''

Beginning on the date of enactment of this legislation, the discretionary spending limits contained in Section 201 of H. Con. Res. 84 (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

KERRY AMENDMENT NO. 1030

Mr. GREGG (for Mr. KERRY) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, $10,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*,'' after ''*Provided*,''.

GREGG (AND HOLLINGS) AMENDMENT NO. 1031

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 65, on line 25 after ''expenses'' insert the following: ''*Provided further*, That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.''

WELLSTONE (AND OTHERS) AMENDMENT NO. 1032

Mr. WELLSTONE (for himself, Mr. TORRICELLI, Ms. LANDRIEU, Mr. AKAKA, and Mr. DASCHLE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . For fiscal year 1998 and subsequent fiscal years, in establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

WELLSTONE (AND KENNEDY) AMENDMENT NO. 1033

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as

a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134:110 State. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

GREGG AMENDMENT NO. 1034

Mr. GREGG proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert:

Notwithstanding any other provision in this act the amount for the Department of State ''Capital Investment Fund'' shall be $105,000,000.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

KERREY (AND HAGEL) AMENDMENT NO. 1035

Mr. SHELBY (for Mr. KERREY, for himself and Mr. HAGEL) proposed an amendment to the bill, S. 1048, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 52, at line 1, insert the following:

SEC. 339. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking ''September 30, 1997'' and inserting ''February 28, 1998''.

SHELBY (AND LAUTENBERG) AMENDMENT NO. 1036

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 12, line 19, strike ''$286,000,000'' and insert: ''$190,000,000''.

On page 23, line 10, strike ''$90,000,000'' and insert: ''$190,000,000''.

On page 24, line 8, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 10, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 19, strike ''$2,000,000,000'' and insert: ''$2,008,000,000''.

On page 25, line 5, strike ''$780,000,000'' and insert: ''$788,000,000''.

On page 46, line 16, strike the word ''persons'' and insert: ''passengers''.

On page 46, line 18, strike ''363,000'' and insert: ''300,000''.

On page 26, before line 20, insert the following: ''$4,645,000 for the Little Rock, Arkansas Junction Bridge project;''.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1037

Mr. SHELBY (for Mr. ABRAHAM, for himself, Mr. LEVIN, Ms. MOSELEY-BRAUN, and Mr. DURBIN) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 340. Of funds made available under this Act for discretionary grants for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, up to $20,000,000 may be provided to the State of Michigan and $12,000,000 to the State of Illinois.

CAMPBELL (AND ALLARD) AMENDMENT NO. 1038

Mr. SHELBY (for Mr. CAMPBELL, for himself, and Mr. ALLARD) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 24, line 3, strike the period at the end of the line and insert the following: '': *Provided*, That within the funds made available under this head, $500,000 may be made available to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to be Douglas County (on behalf of selected Denver regional county governments and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. Within 24 months of enactment of this Act, the recommendations of this study will be transmitted to the Senate and House Committees on Appropriations.''

SHELBY (AND LAUTENBERG) AMENDMENT NO. 1039

Mr. SHELBY (for himself, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 15, line 4, after the word ''loans'' insert: ''to be repaid with other than Federal funds''.

INOUYE AMENDMENT NO. 1040

Mr. SHELBY (for Mr. INOUYE) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 50, line 11, insert the following:

(D) Nothing in this Act shall be construed to affect any existing statutes of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

HOLLINGS AMENDMENT NO. 1041

Mr. SHELBY (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . PILOT RECORD SHARING.

The Administrator of the Federal Aviation Administration shall—

(1) work with air carriers conducting nonscheduled operations under part 135 of the Federal Aviation Administration's regulations (14 C.F.R. 135.1 et seq.) to implement the requirements of section 44936(f) of title 49, United States Code, effectively and expeditiously; and

(2) implement those requirements with respect to such air carriers not later than February 1, 1998, or sooner if, in working with such air carriers, the Administrator determines that the provisions of that section can be effectively implemented for such air carriers.

FRIST AMENDMENT NO. 1042

Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''.

LEVIN (AND GRAHAM) AMENDMENT NO. 1043

Mr. SHELBY (for Mr. LEVIN, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 51, after line 25, add the following:

SEC. . SENSE OF THE SENATE CONCERNING REAUTHORIZATION OF HIGHWAY AND MASS TRANSIT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) on October 1, 1997, authorization for most of the programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), including mass transit programs, will expire;

(2) States, local governments, and the national economy depend on Federal investment in the transportation infrastructure of the United States;

(3) it is the duty of Congress to reauthorize the programs to ensure that the investment continues to flow and that there is no interruption of critical transportation services or construction; and

(4) the public and Congress should have a substantial opportunity to review, comment on, and comprehensively debate committee-reported proposals to reauthorize the programs well in advance of their expiration to ensure that the programs adequately reflect the needs of the United States and the contributions of the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Act should not be considered to be a substitute for a comprehensive measure reauthorizing highway and mass transit spending programs and should not be interpreted to authorize or otherwise direct the distribution of funds to the States under expiring formulas under title 23 or 49, United States Code, in fiscal year 1998.

JOHNSON (AND DASCHLE) AMENDMENT NO. 1044

Mr. SHELBY (for Mr. JOHNSON, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 4, line 11, strike the numeral and insert ''$2,435,400,000''.

At the appropriate place in title III, insert the following:

SEC. 3. (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred

to in this section as ''GWEN'') as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the ''Nationwide Differential Global Positioning System'' (referred to in this section as ''NDGPS'').

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as ''CORS'') system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee markup of the Agriculture Research bill as well as the nominations of:

Mr. August Schumacher to be Under Secretary of Agriculture for Farm and Foreign Agriculture Services and a Member of the Board of Directors for the Commodity Credit Corporation;

Dr. Catherine E. Woteki to be Under Secretary of Agriculture for Food Safety;

Dr. I. Miley Gonzalez to be Under Secretary of Agriculture for Research, Education, and Economics; and

Ms. Shirley Watkins to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services and a Member of the Commodity Credit Corporation.

The business meeting will take place in SR–328A, at 9 a.m., on Wednesday, July 30, 1997.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. president, I wish to announce that the Committee on Rules and Administration will hold a business meeting, at 2:30 p.m., on Wednesday, July 30, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting, at 9:30 a.m., on Thursday, July 31, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting at 9:30 a.m. on Friday, August 1, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 29, 1997, at 9:30 a.m. In SR–328A to examine price volatility issues in the post farm bill setting.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, to conduct an oversight hearing on automated teller machine networks.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 29, 1997, at 10:30 a.m. on global settlement of tobacco litigation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 29, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1015, a bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 10:30 a.m., to hold a House/Senate Conference.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, July 29, at 10 a.m., for a business meeting on campaign financing issues.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on improving educational opportunities for low-income children during the session of the Senate on Tuesday, July 29, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 2 p.m., to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 2 p.m., to hold a hearing in room 226, Senate Dirksen Building, on: ''Judicial Activism: Potential Responses.''

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

ADDITIONAL STATEMENTS

PLANT PATENT AMENDMENTS ACT OF 1997

• Mr. SMITH of Oregon. Mr. President, yesterday I introduced a bill, S. 1072, that corrects an unintended loophole in the Plant Patent Act of 1930 dealing with the coverage of plant parts. The 1930 act covers the whole plant but did not address plant parts, resulting in a loophole whereby some growers, particularly in foreign nations that do not have plant breeders' rights laws, are reproducing U.S. patent-protected varieties without authorization. They then export the harvested materials—plant parts—such as flowers and fruits, to the United States. The loophole has been created by new production and transportation capabilities unforeseen 67 years ago.

As a result, American plant breeders are losing royalty income that supports continued research and breeding of new and improved varieties. Domestic growers who are paying legitimate royalties are also finding themselves at an unfair disadvantage to foreign growers producing patented varieties illegally.

The Plant Patent Act of 1930 has historically offered a strong incentive for research and breeding activities, which is the foundation for a progressive and growing U.S. horticultural industry.

This legislation amends the Plant Patent Act to expressly cover plants and plant parts by inserting at the end of 35 U.S.C. 163, the words ''or any parts thereof.'' This solution provides relief to U.S. breeders and growers, and would help ensure that the United States remains an international leader in the development of new and useful plant varieties. It will enable plant and patent holders the opportunity to protect their patent rights and continue investing in research and development. S. 1072 is also consistent with the 1991 International Union for the Production of New Varieties of Plants, which extends plant breeders' rights protection to harvested material.

Mr. President, I ask that the text of the legislation be printed in the RECORD.

The text of the bill follows:

S. 1072

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 ''Plant Patent Amendment Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The protection provided by plant patents under title 35, United States Code, dating back to 1930, has historically benefited American agriculture and horticulture and the public by providing an incentive for breeders to develop new plant varieties.

(2) Domestic and foreign agricultural trade is rapidly expanding and is very different from the trade of the past. An unforeseen ambiguity in the provisions of title 35, United States Code, is undermining the orderly collection of royalties due breeders holding United States plant patents.

(3) Plant parts produced from plants protected by United States plant patents are being taken from illegally reproduced plants and traded in United States markets to the detriment of plant patent holders.

(4) Resulting lost royalty income inhibits investment in domestic research and breeding activities associated with a wide variety of crops—an ares where the United States has historically enjoyed a strong international position. Such research is the foundation of a strong horticultural industry.

(5) Infringers producing such plant parts from unauthorized plants enjoy an unfair competitive advantage over producers who pay royalties on varieties protected by United States plant patents.

(b) PURPOSES.—The purposes of this Act are—

(1) to clearly and explicitly provide that title 35, United States Code, protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced;

(2) to make the protections provided under such title more consistent with those provided breeders of sexually reproduced plants under the Plant Variety Protection Act (7 U.S.C. 2321 et. seq.), as amended by the plant Variety Protection Act Amendments of 1994 (Public Law 103–349); and

(3) to strengthen the ability of United States plant patent holders to enforce their patent rights with regard to importation of plant parts produced from plants protected by United States plant patents, which are propagated without the authorization of the patent holder.

SEC. 3. AMENDMENT TO TITLE 35, UNITED STATES CODE.

(a) RIGHTS IN PLANT PATENTS.—Section 163 of title 35, United States Code, is amended to read as follows:

''§ 163. Grant

''In the case of a plant patent, the grant shall include the right to exclude others from asexually reproducing the plant, and from using, offering for sale, or selling the plant so reproduced, or any of its parts, throughout the United States, or from importing the plant so reproduced, or any parts thereof, into the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any plant patent issued on or after the date of the enactment of this Act.•

WIPO IMPLEMENTING LEGISLATION

• Mr. LEAHY. Mr. President, yesterday, the administration transmitted its legislative proposal for implementing the two new treaties adopted in December 1996 by the World Intellectual Property Organization [WIPO]. Over the past few months, I have spoken and written to Secretary Daley of the Department of Commerce urging him to transmit this proposal without delay. The legislative package we received yesterday is an excellent start for moving forward. I commend the administration, Secretary Daley and, in particular, Assistant Secretary Bruce Lehman of the Patent and Trademark Office for their hard work on this proposal.

I understand that the administration's proposal will be introduced in the House of Representatives today. Along with Senator HATCH, I am reviewing the proposal. I hope we will be able to introduce the legislation this week so that we can take this matter up for hearings and further deliberation and action promptly when we return in September.•

JIM GAUPP

• Mr. FAIRCLOTH. Mr. President, Jim Gaupp was a fine American whose life touched many people. He was devoted to his family, and committed to his community. The following is an excerpt from the program at Jim's funeral, held at the Pinecrest Presbyterian Church in Hendersonville, NC:

PSALM 121

I will lift up mine eyes unto the hills, from whence cometh my help.
My help cometh from the Lord, which made heaven and earth.
He will not suffer thy foot to be moved; he that keepeth thee will not slumber.
Behold, he that keepeth Israel shall neither slumber nor sleep.
The Lord is thy keeper: the Lord is thy shade upon thy right hand.
The sun shall not smite thee by day nor the moon by night.
The Lord shall preserve thee from all evil; he shall preserve thy soul.
The Lord shall preserve thy going out and thy coming in from this time forth, and even for evermore.

James Louis Gaupp was born in Elk City, OK. In time, Jim moved to Columbus, OH, where he worked for Williams & Co., the metals warehouse. During his 47 years with Williams, Jim worked his way through the ranks and retired as a district manager and vice president. Jim Gaupp's commitment was to be a ''Christian businessman and father.''

In Columbus, OH, Jim Gaupp was very active in community service. He was very active in his church, in the chamber of commerce, and in the Kiwanis Club.

Jim and Betty Gaupp moved to Hendersonville in 1982, and quickly became vital parts of the Pinecrest Church. At Pinecrest, Jim served as an elder, Sunday school teacher, and faithful member.

In the Kiwanis Club of Hendersonville, Jim Gaupp was faithful; 51 years of perfect attendance at various Kiwanis Clubs was a record attained by Jim.

Jim Gaupp was an outstanding Christian gentleman. Jim was an ardent student of the Bible—entrusting large portions of Scripture to memory. Jim was a great man of prayer. As much as anything else, Jim Gaupp was a great example and model for the sake of Christ

in our midst. In many ways, Jim Gaupp will be missed.

Jim Gaupp is survived by his devoted wife, Betty, two daughters, one son, and several grandchildren.

Jim's life was an example to all, and he deserves a great deal of recognition. He has enriched our lives with his many contributions to our community. Jim will certainly be missed. ●

A TRIBUTE TO JERI WARE

● Mrs. MURRAY. Mr. President, Washington State lost a visionary leader, a passionate advocate, and a remarkable woman with the passing of Jerline Ware. As a citizen activist and as a public servant, Jeri Ware worked tirelessly for social justice and to ensure a brighter future for our community's children.

Jeri Ware may best be remembered as the chairwoman of the Seattle Human Rights Commission. This position gave her the opportunity to do in an official capacity what she had done her entire life: fight against discrimination and for equality and human rights. She never gave up believing in a just society and never shied away from speaking out for those who had been wronged. Just last December, the Seattle Human Rights Commission honored Jeri for her tireless commitment and dedication.

Jeri's other passion was our community's young people. She recognized that the future well-being of our community depended on our having a shared sense of responsibility for all our children and giving them the best possible start in life. She put this conviction into action by working in the tutorial program at the University of Washington and as a parent coordinator at Seattle's Leschi School.

We will miss not only Jeri Ware the activist and community leader, but also Jeri Ware the friend. She was a woman who was always willing to open her heart and home.

Jeri leaves her husband of 49 years, John, sons Anthony Muhammed and John Ware, daughters Joan Ware and Falicia Green, six grandchildren and two great-grandchildren; to whom our thoughts go out.

Jeri Ware's passing at the all-too-young age of 73 leaves a great void. However, her courage, commitment and unending faith in a just society will continue to be an inspiration to all those who share her vision.●

GLOBAL CLIMATE CHANGE

● Mr. DORGAN. Mr President, our Nation has an obligation to its citizens and to the world community to be a leader in working toward improvement of the global environment. Coming from an agricultural State, I am particularly concerned about the potential impacts of global climate changes on our ability to produce the food that is so vitally needed, both at home and abroad. However, if we are going to be effective in achieving our goals for a better global environment, we not only have to do what is necessary to reduce emissions here in our own country, we must also take the lead in negotiating agreements that will require the reduction of greenhouse gases in other countries around the world.

Frankly, I am deeply concerned over the negotiations related to the United Nations Framework Convention on Climate Change in which the United States and other countries are discussing the reduction of the emission of greenhouse gases. These negotiations are currently headed in a direction that will ask those who have already made great progress in reducing emissions to reduce them even further, while at the same time allowing those who have made no serious attempt to reduce the emission of greenhouse gases to do virtually nothing to comply.

I'm proud to say that my State, North Dakota, was the first State in America to comply with the Clean Air Act. We have taken the responsibility of reducing emissions in my home State and throughout these United States very seriously. Even though we have doubled our use of energy in the past 20 years in this country, we now have cleaner air. Have we done all we could? No, we can do more and we will. But, everybody needs to do their fair share.

The question in these negotiations is an issue of fairness. Is it fair to our economy to impose stringent controls that will cost substantial money to get a small margin of additional environmental benefit, when other have not even really started? Is it fair when we have already made significant strides in reducing emissions to exempt other countries, whose economies are competing with ours, from any meaningful compliance?

In recent trips to China, I have observed the degradation of that country's air shed because of the lack of meaningful laws or enforcement restricting the emissions of greenhouse gases. Yet, these negotiations would effectively allow China, India and other countries in similar situations a free ride. They would have virtually no significant requirements to clean up their act in any reasonable time period.

I refuse to accept negotiations that impose a burden on ourselves that we are unwilling to require of others, particularly when we have made progress and others have not. This reminds me of our negotiations on international trade in which we unilaterally have opened our markets to foreign goods, while allowing foreign markets to remain closed to our goods. While we bear the burden, others reap the profits. Unfortunately, we have not been willing to require other countries to take the reciprocal actions to achieve fair trade.

I see exactly the same mentality in these negotiations on the reduction of air emissions. Our country once again appears willing to impose burdens on our own economy that we will not require of others. Even if we were not competing with these other economies, this would not make good sense.

I want to make it clear that I think our country has done the right thing by insisting that part of the costs of producing a product includes the costs associated with reducing pollution and preventing the degradation of our air or water. I am proud that our country has been a leader on these environmental issues.

As we move forward in establishing and developing compliance with global environmental standards that will protect the Earth's environment, we must do so in a fair and evenhanded way that does not put America at a significant disadvantage with its trading partners.

For example, if we are competing with the Chinese in the production of goods and we are required to assume a burden in compliance with emissions standards that the Chinese are not required to follow, then we are imposing a penalty of fewer jobs and slower economic growth on our own economy. I think that's unfair to this country.

The administration should not mistake the concern that we have in Congress about this issue as one of weakness on environmental issues. That is simply not the case. In fact, the Congress has demonstrated its strong support for environmental cleanup for more than two decades.

If the administration intends to negotiate global requirements for environmental compliance, then this Congress will insist that these requirements are fair. We will insist that the negotiations do not impose burdens on our own country, while other countries are exempted from their enforcement responsibilities. This is a matter of fairness and doing what is right for our Nation and our planet.●

THE 85TH ANNIVERSARY OF CHESTER HOSE COMPANY

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Chester Hose Company on their 85th anniversary. On September 7 they will be honored by the town of Chester and the Chester Historical Society with a Chester Hose Company Day celebration.

For the past 85 years this dedicated group of men and women have strived to ensure the safety of the community of Chester, CT. Their dedication is evident in their unshakable commitment to self-sacrifice for the security of their friends, families, and neighbors. Indeed, some have given the ultimate sacrifice, giving their lives while trying to protect their fellow citizens.

This organization's dedication and commitment to the town of Chester can be seen not only through the company's actions, but also in the great confidence and respect the residents of Chester place in these men and women. These are ordinary citizens asked to

perform extraordinary tasks, and never asking what was in it for them. The community's faith in their company has not wavered in its first 85 years and will undoubtedly continue through the next century.

The Chester Hose Company has been an important stone in the foundation of the town of Chester. The people of Connecticut thank them for their service, dedication, and contribution to their community.●

URGING APPOINTMENT OF SPECIAL PROSECUTOR FOR CAMPAIGN FINANCE ABUSES

● Mr. ALLARD. Mr. President, I rise today to offer my support to the request for a special prosecutor to look into the campaign finance abuses of the last election.

It comes as a shock to me that I even have to give this speech. It is so clearly necessary to have a nonpartisan, noncoercible investigator looking into these issues that the failure to appoint one in itself looks suspicious. The current troubles over election funding are just the sort of situation the special prosecutor idea was created for. The problem is a far reaching, bi-partisan scandal involving two branches of Government. It is also a scandal where those being investigated have the ability and possibly the desire to curb or even block efforts to fully unearth all the relevant facts.

And let me make this clear—it is not a potential scandal, Mr. President, it is a scandal. It is a scandal we see unfolding on TV, in the papers, and in the Hart Committee room with Senator THOMPSON's hearings.

And by the word scandal, I don't mean it's a little bit of gossip the media can pick over, but a scandal in that the situation is an illegal, unethical, and glaringly blatant violation of what the American people expect from their elected officials. There needs to be a full scale investigation into the entire finance problem, and a special prosecutor is the best way to accomplish this.

I admire Senator THOMPSON. I admire what he is doing. I have the utmost respect for his investigatory powers, and I truly believe he can do what he says he is going to do. His committee is fairly and bravely shining the public light of inquiry into the darker corners of election funding, and for that he deserves all the kudos he can be given. But the fact remains that a special prosecutor is needed.

Senator THOMPSON's hearings should serve as the springboard from which a special prosecutor's investigation is launched. He has called attention to the problem, he has let our colleagues from both sides of the aisle have a chance to look into the abuses of fundraising and soft money, and he has helped greatly to awaken the American people to the travesties done in an attempt to win their votes. Now, from this solid base, a solid legal case can be built against those who have abused our—admittedly—easily abusable system.

A special prosecutor investigation has more mobility, more leeway and more time than a Senate committee. It also is not troubled with partisan bickering and posturing. I know that Senator THOMPSON has done his best to curtail any partisanship, and he has done an excellent job, but the special prosecutor was created for just this reason—to avoid the clash between parties in a wide ranging investigation.

Honestly, how can there be any doubt that we need a special prosecutor in this case?

Not only the chairman, but also the ranking member of the committee looking into campaign finance abuses, Senator GLENN, admits that the evidence before the committee supports the conclusion that attempts were made by foreign powers to buy our elections.

There are those who say that the Justice Department could handle any illegalities associated with campaign abuse, if indeed any are found. Well, the Justice Department faces a conflict of interest trying to investigate up its chain of command. Anyone who thinks differently is kidding themselves. The Justice Department lawyers looking into this are careerist, and they report to political appointees.

For instance—the FBI claims they have not been able to find Charlie Trie, but Tom Brokaw was not only able to find him, he was able to interview him. I know that the American media are good, but better than the combined powers of our Federal police forces? More likely, there is a restraining force on the Justice Department. They are not to blame. Nobody should have to investigate their boss, and nobody should have to investigate the people who find them.

A special prosecutor has not been appointed because the Attorney General says that there is not enough proof to warrant one. I am not sure, exactly, where to begin to refute that idea. The abuses we have been made aware of are so glaring and so blatant and so widespread that I am almost thinking that the Attorney General is kidding. She herself, according to the press, has created a tax force inside the Justice Department and convened a grand jury to look into allegations.

Now, the special prosecutor's system has taken some hits lately. But we can insure that any prosecutor appointed is given a clear, specialized and fixed mandate to investigate the election funding issue. We can set guidelines that do not curb the power of the prosecutor, but insure a very narrow and specific investigation.

I urge the appointment of a special prosecutor. I urge the investigation of the election fundraising abuses. I urge a fair and just conclusion to this stain on our democratic election system.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–16 AND TREATY DOCUMENT NO. 105–17

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 28, 1997, by the President of the United States:

Extradition Treaty with Cyprus, Treaty Document No. 105–16, and WIPO Performances and Phonograms Treaty (WPPT) (1996) and WIPO Copyright Treaty (WCT) (1996), Treaty Document No. 105–17.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus (''the Treaty''), signed at Washington on June 17, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997. Also transmitted is the report of the Department of State with respect to the Treaties.

These Treaties are in the best interests of the United States. They ensure that international copyright rules will keep pace with technological change,

thus affording important protection against piracy for U.S. rightsholders in the areas of music, film, computer software, and information products. The terms of the Treaties are thus consistent with the United States policy of encouraging other countries to provide adequate and effective intellectual property protection.

Legislation is required to implement certain provisions of the Treaties. Legislation is also required to ensure that parties to the Treaties are granted, under U.S. copyright law, the rights to which they are entitled under the Treaties. That legislation is being prepared and is expected to be submitted shortly.

I recommend, therefore, that the Senate give early and favorable consideration to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and give its advice and consent to ratification, subject to a declaration under Article 15(3) of the WIPO Performances and Phonograms Treaty described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997*.

ORDERS FOR WEDNESDAY, JULY 30, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., Wednesday, July 30. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period for the transaction of morning business until the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator GRASSLEY, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

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

PROGRAM

Mr. GORTON. Mr. President, tomorrow, following morning business, it will be the intention of the majority leader to consider S. 39, the tuna-dolphin bill. Following the 30 minutes for debate on that measure, the Senate will proceed to a vote on passage of S. 39, to be followed by a vote on passage of the Department of Transportation appropriations bill. Senators can, therefore, expect at least two rollcall votes tomorrow morning, hopefully around 11 a.m.

At noon on Wednesday the Senate will begin debate on the conference report to accompanying the Balanced Budget Act of 1997. Under the statute, there are 10 hours on debate on that conference report. And as always, Members will be notified as to when that rollcall can be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, July 30, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1997:

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152:

To be general

GEN. HENRY H. SHELTON, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

FRANKLIN D. MC KINNEY, JR., 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be lieutenant colonel

RICHARD W. ALDRICH, 0000
STEVEN E. BARRETT, 0000
LAURA E. BATTLE, 0000
AMY M. BECHTOLD, 0000
BONNIE J. BLAIR, 0000
RAY T. BLANK, 0000
GARY D. BOMBERGER, 0000
WILFRED R. BRISTOL, 0000
REGINALD T. CLEVELAND, 0000
CARL P. DENNIS, 0000
ARIANE L. DESAUSSURE, 0000
JEFFRY A. DULL, 0000
THEODORE R. ESSEX, 0000
DAVID M. FILLMAN, 0000
MICHAEL A. FLEMING, 0000
GARY R. GARVEY, 0000
TERRIE M. GENT, 0000
MICHAEL PAUL HARTZHEIM, 0000
THOMAS J. HASTY, III, 0000
ROBERT S. HOCHREITER, 0000
THOMAS C. JASTER, 0000
EUGENE J. KIRSCHBAUM, 0000
JOSEPH S. KUAN, 0000
MARK R. LAND, 0000
RITA A. LEMONS, 0000
DENNIS R. LOCKARD, 0000
BYRON E. LUCKETT, JR., 0000
WILLIAM J. MARSHALL, 0000
PAUL D. MC HUGH, 0000
GERALD H. MEADER, 0000
HILARION A. MIKALOFSKY, 0000
JOSEPH L. MILLER, 0000
THOMAS J. MINOR, 0000
ROBERTA MORO, 0000
JEROME D. MUELLER, 0000
KATHLEEN L. NESSER, 0000
STEWART L. NOEL, 0000
RICHARD D. OBERHEIDE, 0000
GREGORY E. PAVLIK, 0000
MARY V. PERRY, 0000
GORDON W. PIPPIN, 0000
VINCENT J. RAFFERTY, JR., 0000
RONALD M. REED, 0000
JEFFREY L. ROBB, 0000
WARREN R. ROBNETT, 0000
DANIEL E. ROGERS, 0000
LEON E. SAVAGE, JR., 0000
KLAUS W. J. SIRIANNI, 0000
KEN J. STAVREVSKY, 0000
PAMELA D. STEVENSON, 0000
PAUL C. STEWART, 0000
LAWRENCE W. STUNKEL, 0000
STEPHEN D. SUETTERLEIN, 0000
ROBERT B. TAUCHEN, 0000
RONALD E. TODD, 0000
MALDEGHEM PAUL E. VAN, 0000
WALLY G. VAUGHN, 0000
CURTIS D. WALLACE, 0000
BRIAN J. WELSH, 0000
GEORGE A. WOLUSKY, 0000

To be major

WENDELL L. BRENNEMAN, 0000
PAUL L. CANNON, 0000
GREGORY B. CUNNINGHAM, 0000
DAVID F. CZARTORYNSKI, 0000
NORMAN DESROSIERS, JR., 0000
*IRA M. FLAX, 0000
ROBERT A. GALLAGHER, 0000
DANA E. GROVER, 0000
RICHARD M. HALL, 0000
DENNIS P. HANLEY, 0000
MARK S. HOBBS, 0000
JEFFREY A. JAMES, 0000
RAYMOND J. LAMY, 0000
MICHAEL J. LOVETT, 0000
FREDERICK MC FARLAND, 0000
ANTONIO O. MORENO, 0000
JOHN H. NOLAN, JR., 0000
STEVEN A. SCHAICK, 0000
STEVEN C. SIEFKES, 0000
MICHAEL J. STACY, 0000
DENNIS G. VOLMI, 0000
EDDIE L. WALTERS, 0000
CHERRI S. WHEELER, 0000
*ANTHONY C. WILLIAMS, 0000
*FRANK A. YERKES, JR., 0000

EXTENSIONS OF REMARKS

IN HONOR OF THE PERUVIAN COMMUNITY CELEBRATING 176 YEARS OF INDEPENDENCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Peruvian community as they celebrate their 13th Annual State Parade. This event, which recognizes Peruvian independence from Spain, was celebrated on Sunday, July 27, 1997, in the cities of Passaic, Clifton, and Paterson, NJ.

Peru's independence began 176 years ago on July 28, 1821. The State Parade is the biggest celebration of Peruvian immigrants in my home State of New Jersey. They have made many contributions to this country. They have distinguished themselves at every level of American society. Their dedication to family and community demonstrates what can be accomplished when people work together.

The Peruvian community is honored to have Carlos Noriega Jimenez and Roberto Chale as the grand marshals of the parade. Carlos Noriega Jimenez is the first Peruvian-American in space. He is a major for the USMC who was on the May 15, 1997, NASA mission STS–84 aboard the space shuttle Atlantis. Mr. Noriega Jimenez is loved by the Peruvian community and serves as an inspiration for the entire Hispanic population.

Roberto Chale is the former star soccer player of the Peruvian national team. Mr. Chale, along with other Peruvian soccer players, remain as role models for the younger generation.

I commend the 1997 Peruvian Parade Committee led by parade president Jose Falen who is currently in his third year as the parade president, and vice-president Lusi Ona for their work in making this event possible. On this momentous occasion, a number of people will be recognized for their outstanding work: Ambassador Carlos Gamarra Mujica, Florencio Guerrero, Lucila Campos, Daisy Cuellar, Dr. Carlos Neyra Estens, Roberto Bustamante, and Jose Cabada. Each of these exceptional individuals has made a unique contribution to enhancing the image of Hispanics in our community.

It is gratifying to know that the Peruvian Day Parade brings our community together, reflecting on the cities of Passaic, Clifton, Paterson, and the State of New Jersey. I am certain my colleagues will rise with me and recognize this wonderful celebration of culture and diversity.

A NEW NATIONAL AIRPORT IS LAUNCHED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. WOLF. Mr. Speaker, Sunday morning, July 27, 1997, was a historic occasion in the Nation's Capital. The New National Airport was unveiled. The new terminal and facility boasts stunning architecture and artwork, sweeping panoramic views of Washington, DC, restaurants, and retail outlets for the 19 major airlines and shuttles which annually serve over 15 million passengers.

The new airport can also be called more user-friendly, with some 5,000 parking spaces and with Metrorail almost to the new terminal's front door. It is truly a magnificent gateway to the Nation's Capital.

National Airport has come a long way since its opening in June 1941, when the Federal Government was in charge of operating the airport. Over the years, National has had its share of growing pains, and as a ward of the Federal Government which had to compete for its share of a dwindling Federal pie, it became what one Transportation Secretary in 1979 called a dump.

Today, though, National is being called a showplace. For that, we salute the yeoman efforts of Transportation Secretary Elizabeth Hanford Dole who 13 years ago set in motion a commission headed by former Virginia Governor Linwood Holton, on which I was honored to serve with other area Members of Congress and Governors, and the D.C. Major, to come up with a plan to get the Federal Government out of the airports business.

After several years of fits and starts, the persuasive Mrs. Dole finally achieved her goal. Congress approved legislation to transfer Washington National and Washington Dulles International Airports from Federal ownership to a local authority.

In 1987 the Metropolitan Washington Airports Authority was created, putting the wheels in motion to improve both National and Dulles Airports. Soon after, with the ability to sell bonds to finance improvements, the airports authority began an almost $2 billion construction program for the two airports. We see today the result of the airports authority's vision at the new National Airport. Dulles is also progressing, with the new Midfield Concourse on schedule and set to open later this fall.

We offer congratulations to the airports authority and the many, many people in northern Virginia and the entire Metropolitan Washington Area who have worked so hard over the past 10 years to launch National Airport into a new century of aviation.

HONORING JOSEPH R. COPPOLA, PH.D.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. QUINN. Mr. Speaker, I rise today to pay tribute to Dr. Joseph Coppola. This past May, Dr. Coppola was honored by Canisius College for his exceptional service to both the college and our community. A member of the Canisius graduating class of 1940, Dr. Coppola has established himself a true leader in the accounting profession. He has served the college both as an educator and as an active alumna, and is a devoted husband, father of 10, and grandfather of 30. In recognition of that commitment, Canisius College has conferred upon Dr. Joseph R. Coppola the prestigious LaSalle Medal.

Mr. Speaker, I would like to join with Dr. Coppola's family in expressing my enthusiastic commendation for this high honor, and would ask that the following article noting this tremendous achievement be submitted into the CONGRESSIONAL RECORD:

THE CONFERRAL OF THE LASALLE MEDAL

The integrity and success of Canisius-educated accountants have earned the college a national reputation for the quality of its accounting program. No one has had a greater impact in that program than Dr. Joseph R. Coppola '40.

Joe Coppola had earned a B.B.A. in accounting from Canisius and an M.B.A. from the prestigious Wharton School of the University of Pennsylvania (1941) by the time America entered World War II. Thus it was not in the boardroom but on the field of battle that he first answered the call to leadership. He served in both the Army and Air Force, winning six battle stars and the Presidential Unit Citation before returning stateside.

Dr. Coppola returned to Alma Mater to join the faculty in 1946. His affirmity for the subject he taught, combined with humor and an unaffected concern for his students, brought accounting principles and practices to life for those who took his classes, including many who went on to distinguished careers in business, industry, and education.

Dr. Coppola earned a Ph.D. from the University of Ottawa in 1967. While teaching, raising a family, and pursuing that degree, he also worked with public accounting firms, private industry, and government agencies to open new employment opportunities for Canisius accounting graduates.

He took on weighty administrative responsibilities during his Canisius years as well, serving as chairman of the Accounting Department, as moderator of the college's Accounting Society, as director of the Senior Accounting Internship Program, and as coordinator of the IRS Work Co-Op Program. In each of these capacities he helped lay the foundation for the exceptional accounting program that continues to thrive at Canisius—one reason he is known as ''Papa Joe'' in that department.

Dr. Coppola also provided lasting financial support to future generations of accounting students by establishing the Dr. Joseph R. Coppola Scholarship Award in 1988—a fund that provides five annual scholarships. In 1982 he created the Dr. Joseph R. Coppola Award, given to recognize an exceptional Canisius accounting graduate.

Dr. Coppola's devotion to Canisius College has always extended beyond academic matters. Over the years, he and his wife, Angie, their children and grandchildren have been faithful participants in many college events. Thus, in another important way, the Coppolas have illustrated for our students the beauty of a lasting marriage, the joy of a loving family, and the strength of a profound religious faith.

Today we add to his many accolades the highest honor the college can accord and alumnus for service. For the impact of his teaching on the lives of hundreds of our students and for his role in developing one of the finest accounting programs in the nation, we are proud to present the LaSalle Medal to Joseph R. Coppola, Ph.D., '40, professor emeritus of accounting.

TRIBUTE TO COL. FRED MILLS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. SKELTON. Mr. Speaker, today I pay tribute to a distinguished Missourian. Col. Fred Mills, a 30-year veteran of the highway patrol, is retiring on September 1, 1997. Colonel Mills has been the superintendent of the Missouri State Highway Patrol since September 1993.

The focus of his administration as superintendent was "Working Together." He worked to forge partnerships between the highway patrol and other law enforcement agencies as well as between the highway patrol and the citizens of Missouri.

Colonel Mills was a driving force behind the partnership formed between highway patrol and the Kansas City and St. Louis Police Departments which put highway patrol officers on the streets with city officers in 1994 and 1995. The joint operation lowered the violent crime rate in both cities.

Colonel Mills also encouraged a process which moved uniformed officers from office jobs back into field positions by training civilian personnel to perform office functions. Nearly 70 officers were put back on the highways during Colonel Mills' tenure.

Colonel Mills' dedication to the highway patrol and the citizens of Missouri exemplify the highest tradition of service. His experience will be sorely missed. I know that the other Members of this body join me in expressing our deepest gratitude to Colonel Mills and our best wishes for his retirement.

"FORTY ACRES AND A MULE"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to an "Editorial Notebook" commentary by Brent Staples in the July 21 issue of the New York Times.

In 1989 I first proposed that a commission be created to study the institution of slavery in this country from 1619 to 1865, and subsequent de jure and de facto racial and economic discrimination against African-Americans, as well as the impact of these forces on living African-Americans, and to make recommendations to the Congress on appropriate remedies.

One of the remedies in this Congress is H.R. 40, with the number of the resolution selected for the "Forty Acres and a Mule" rallying cry of 1865 when Civil War Gen. Tecumseh Sherman issued Special Field Order 15, declaring the Georgia Sea Islands and a strip of South Carolina rice country as black settlements. Each family of freed slaves was to be given 40 acres and the loan of an Army mule to work the land.

Mr. Staples' article describes that historical fact from the personal viewpoint of his own family's experience. I commend him for his contribution to the dialog on race in America. The article and the bill with its 21 cosponsors follow.

[From the New York Times, July 21, 1997]

FORTY ACRES AND A MULE

(By Brent Staples)

Bill Clinton has earned a boat-load of scorn since suggesting that he might apologize for slavery, as some in Congress have suggested. Critics from both left and right argue that such an apology would be trivializing, empty, arrogant and racially divisive. The dominant view, typified by the columnist Charles Krauthammer, is that there is essentially nothing to discuss, since the Civil War closed the issue and the slavers and the enslaved are long since dead. But all the noise suggests the issue is very much alive. The terms of Emancipation are nearly as explosive today as during the 1860's, when they dominated public consciousness and nearly tore the Government apart.

The facts of the period have been papered over in myth. These days, every school child thinks that Abraham Lincoln freed the slaves at one fell swoop—and for moral reasons. In fact, the Emancipation Proclamation freed only the slaves in rebellious states. Lincoln himself called it a military tactic, acknowledging that moral issues were in no way involved.

The slavers and the enslaved are certainly gone from the scene. But African-American families that have shown even a casual interest in history can give chapter and verse on relatives who were born in slavery or just afterward and the costs they paid. In the Staples family, for example, mine is the first generation to come of age without a flesh and blood former slave somewhere at the extended family table. That people in their 40's have this experience makes the issue a current one indeed.

My maternal great-grandmother, Luella Holmes Patterson, was born of a former slave and her master—and shipped off the plantation when the wife got wind of her. As a grade schooler, I visited Luella often in Hollins, Va. A few towns away lay the farm of my paternal great-grandfather, John Wesley Staples, who was conceived in slavery as well and born July 4, 1865, at the dawn of Emancipation. He died 10 years before my birth but was remembered to me in stories and pictures. As recently as 10 years ago, he and his wife, Eliza, were the subject of a pamphlet, written for a family reunion.

John Wesley met Emancipation with his whole life still in front of him. But among his neighbors and in-laws were ex-slaves who came to freedom landless and old or simply broken by the experience. My uncle Mack, who will be 80 in December, remembers them well. When I asked him about the apology brewing in Congress, Uncle Mack could barely contain himself: "They can keep the apology. What good is it? They promised us 40 acres and the mule. None of our people ever got that."

"Forty acres and a mule," of course, is a rallying cry from 1865. It originated during Sherman's March to the Sea. Overwhelmed by black families that abandoned the plantations to follow him, Sherman issued Special Field Order 15, declaring the Georgia Sea Islands and a strip of South Carolina rice country as black settlements. Each family was to get 40 acres and the loan of an Army mule to work it. Other generals and Federal officials followed Sherman's lead, realizing that land was the only hedge against starvation and renewed bondage.

The confiscations were in accordance with Federal law. If sustained and accelerated, the land grants would have created black capital and independence almost immediately and precluded much of the corrosive poverty that still grips the black South. President Andrew Johnson was nearly impeached, in part for obstructing Congress on Reconstruction. Meanwhile, he canceled Special Field Order 15, returning land to white owners and condemning blacks to de facto slavery.

In many places, the eviction process was long and bloody. As the ex-slave Sarah Debro said of the period: "Slavery was a bad thing, and freedom, of the kind we got with nothing to live on, was bad. Two snakes full of poison. One lying with his head pointed north, the other with his head pointing south. . . . Both bit the nigger and they was both bad." My father and uncles grew up steeped in accountings like this one.

For 250 years African-Americans were deprived of freedom, basic education and the right to accumulate wealth, which they could have passed on to their descendants. This history would have left a wound in any case. But the wound is open and running because the country refused to atone materially when it had the chance. In that sense, at least, my Uncle Mack is right about the apology. No amount of talk can alter the past.

H.R. 40

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 "Commission to Study Reparation Proposals for African-Americans Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) approximately 4,000,000 Africans and their descendants were enslaved in the United States and the colonies that became the United States from 1619 to 1865;

(2) the institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1769 through 1865;

(3) the slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor; and

(4) sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States.

(b) PURPOSE.—The purpose of this Act is to establish a commission to—

(1) examine the institution of slavery which existed from 1619 through 1865 within the United States and the colonies that became the United States, including the extent to which the Federal and State Governments constitutionally and statutorily supported the institution of slavery;

(2) examine de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, and social discrimination;

(3) examine the lingering negative effects of the institution of slavery and the discrimination described in paragraph (2) on living African-Americans and on society in the United States;

(4) recommend appropriate ways to educate the American public of the Commission's findings;

(5) recommend appropriate remedies in consideration of the Commission's findings on the matters described in paragraphs (1) and (2); and

(6) submit to the Congress the results of such examination, together with such recommendations.

SEC. 3. ESTABLISHMENT AND DUTIES.

(a) ESTABLISHMENT.—There is established the Commission to Study Reparation Proposals for African Americans (hereinafter in this Act referred to as the ''Commission'').

(b) DUTIES.—The Commission shall perform the following duties:

(1) Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865. The Commission's examination shall include an examination of—

(A) the capture and procurement of Africans;

(B) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport;

(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

(2) Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their home land.

(3) Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present.

(4) Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present.

(5) Examine the lingering negative effects of the institution of slavery and the matters described in paragraphs (1), (2), (3), and (4) on living African-Americans and on society in the United States.

(6) Recommend appropriate ways to educate the American public of the Commission's findings.

(7) Recommended appropriate remedies in consideration of the Commission's findings on the matters described in paragraphs (1), (2), (3), and (4). In making such recommendations, the Commission shall address, among other issues, the following questions:

(A) Whether the Government of the United States should offer a formal apology on behalf of the people of the United States for the perpetration of gross human rights violations on African slaves and their descendants.

(B) Whether African-Americans still suffer from the lingering affects of the matters described in paragraphs (1), (2), (3), and (4).

(C) Whether, in consideration of the Commission's findings, any form of compensation to the descendants of African slaves is warranted.

(D) If the Commission finds that such compensation is warranted, what should be the amount of compensation, what form of compensation should be awarded, and who should be eligible for such compensation.

(c) REPORT TO CONGRESS.—The Commission shall submit a written report of its findings and recommendations to the Congress not later than the date which is one year after the date of the first meeting of the Commission held pursuant to section 4(c).

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—(1) The Commission shall be composed of 7 members, who shall be appointed, within 90 days after the date of enactment of this Act, as follows:

(A) Three members shall be appointed by the President.

(B) Three members shall be appointed by the Speaker of the House of Representatives.

(C) One member shall be appointed by the President pro tempore of the Senate.

(2) All members of the Commission shall be persons who are especially qualified to serve on the Commission by virtue of their education, training, or experience, particularly in the field of African-American studies.

(b) TERMS.—The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect the powers of the Commission, and shall be filled in the same manner in which the original appointment was made.

(c) FIRST MEETING.—The President shall call the first meeting of the Commission within 120 days after the date of the enactment of this Act, or within 30 days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

(d) QUORUM.—Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members. The term of office of each shall be for the life of the Commission.

(f) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission shall receive compensation at the daily equivalent of the annual rate of basic pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including travel time, during which he or she is engaged in the actual performance of duties vested in the Commission.

(2) A member of the Commission who is a full-time officer or employee of the United States or a Member of Congress shall receive no additional pay, allowances, or benefits by reason of his or her service on the Commission.

(3) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties to the extent authorized by chapter 57 of title 5, United States Code.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and at such places in the United States, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission considers appropriate. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) POWERS OF SUBCOMMITTEES AND MEMBERS.—Any subcommittee or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may acquire directly from the head of any department, agency, or instrumentality of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and instrumentalities of the executive branch of the Government shall cooperate with the Commission with respect to such information and shall furnish all information requested by the Commission to the extent permitted by law.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—The Commission may, without regard to section 5311(b) of title 5, United States Code, appoint and fix the compensation of such personnel as the Commission considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equal to the annual rate of basic pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure the services of experts and consultants in accordance with the provisions of section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of such title.

(d) ADMINISTRATIVE SUPPORT SERVICES.—The Commission may enter into agreements with the Administrator of General Services for procurement of financial and administrative services necessary for the discharge of the duties of the Commission. Payment for such services shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator.

(c) CONTRACTS.—The Commission may—

(1) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriations Act; and

(2) enter into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private firms, institutions, and agencies, for the conduct of research or surveys, the preparation of reports, and other activities necessary for the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriations Acts.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to the Congress under section 3(c).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $8,000,000.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. FORBES. Mr. Speaker, I rise today in support of H.R. 1855, placing a moratorium on large fishing vessels in the Atlantic mackerel and herring fisheries.

Mackerel is a world-wide fishery. European countries have mismanaged and over-fished

their mackerel fishery, and are now turning to the United States mackerel fishery for production. As a result, market prices have increased substantially, and there is new market pressure to fish for mackerel. This has created opportunity and incentive for U.S. companies to develop our fishery.

Congress must prevent the unregulated expansion of fishing capacity with this temporary, emergency measure, until the National Marine Fisheries Service can do a stock assessment on Atlantic herring and mackerel; and the Mid-Atlantic Fishery management councils time to set sound fishery management plans. As the east coast fishery industry responds and develops under these new pressures, we must prevent over-capitalization of this unknown fishery. The alternative is to invite possible long-term economic and environmental harm.

Mr. Speaker, permitting the introduction of large factory trawlers into our fishery could mean repeating the mistakes of the past. Codfish and haddock were over-fished by U.S. vessels after the implementation of the Magnuson Act in 1976. Now large fishing vessels, with capacities exceeding 50 metric tons per year, are ready to enter these fisheries to pursue new high prices. Some of them plan to begin harvesting as early as this fall.

Mr. Speaker, I urge my colleagues to support H.R. 1855, and temporarily prevent large fishing vessels from entering the Atlantic mackerel and herring fisheries, until policies that will prevent them from exhausting our resources can be developed.

PERSONAL PRIVACY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to address the growing concerns that our constituents have about the invasion of their personal privacy.

The latest to take up the cause is Money magazine. In its August issue, Money recounts a poll it took. It found that nearly 75 percent of those surveyed were somewhat, or very concerned, about threats to their privacy. Those concerns have increased—about 66 percent are more worried now than they were 5 years ago. And more women than men are feeling threatened: 80 percent versus 68 percent

People's biggest fear is the sale of their Social Security numbers and other personal identifiers, such as unlisted telephone numbers. Why? Because this information can unlock the door to medical records, school records, you name it. Under current Federal law, it is not a crime to sell this information. Some 88 percent want Government to change that.

The Money article, entitled ''Protect Your Privacy,'' talks about legislation that I introduced to protect personal privacy. H.R. 1813, the Personal Information Privacy Act, would prevent the sale of Social Security numbers, unlisted phone numbers, home addresses, dates of birth, and other private information by credit bureaus, departments of motor vehicles and Internet vendors.

Money says, ''Washington and private businesses need to work hard to minimize the biggest threats you face.'' It says that Congress and the President should enact this piece of legislation into law. I urge my colleagues to heed the concerns of their constituents and become cosponsors of H.R. 1813.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I want to commend Chairman WOLF, Mr. SABO and the members of the Appropriations Committee for the yeoman's job of meeting the numerous funding priorities in this tough fiscal environment.

Many of us do not recognize the arduous task the committee faces each time it is asked to balance economic development with fiscal responsibility. Transportation provides substantial economic benefits to our country. According to the Department of Transportation, 42,000 jobs are created for every $1 billion we invest in roads, highways, transit, bridges, and airports.

The committee has drafted a solid bill that while not perfect meets most of the Nation's transportation needs. I am pleased with the bill's funding for the Airport Improvement Program and many of the local transit projects in my State, and further commend the appropriators for not presupposing the authorizers as we attempt to reauthorize ISTEA.

This bill further reflects the chairman's commitment to both airline and highway safety—issues of tantamount concern to me and my constituents.

To compete in today's global economy we need world-class highways, airports, and transit systems—this bill goes a long way toward providing adequate funding to meet those needs.

I am pleased to support this bill.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. LoBIONDO. Mr. Speaker, I would also like to thank my colleague from New Jersey, Mr. SAXTON, for his efforts on the behalf of fishermen in New Jersey.

Make no mistake, Mr. Chairman, the appearance of factory trawlers in Atlantic waters is one of the most serious issues fishermen on the eastern seaboard have ever faced. These vessels, which are built only to haul large amounts of fish in a short amount of time, are nothing more than seagoing vacuum cleaners.

Factory trawlers represent a threat to the job of American fishermen. Many of these hard-working people have generational ties to the waters in which they fish.

Equally as important is the damage these vessels can do to fisheries. Regional fishery councils are working hard to strike a balance between conservation and the needs of fishermen. The entry of factory trawlers in Atlantic waters will only serve to disrupt that balance, and ultimately deplete fishery stocks.

Mr. Chairman, let me conclude by saying that H.R. 1855 is a commonsense solution to this problem, and I am proud to join the environmentalists, commercial fishermen, and recreational anglers who have thrown their support behind this legislation.

ADM. RICHARD E. BYRD HONORED IN WINCHESTER, VA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. WOLF. Mr. Speaker, I had the pleasure, on July 14, 1997, to attend a ceremony in Winchester, VA, where a statue of Adm. Richard Evelyn Byrd was dedicated to his memory. Born in Winchester, Admiral Byrd was a legendary naval officer, aviation pioneer, adventurer and explorer of both polar icecaps and winner of the Congressional Medal of Honor. Admiral Byrd was a lion of a man who captured the heart of America and the imagination of the world.

In attendance were members of the Byrd family including the Admiral's daughter, Mrs. Bolling Byrd Clarke, former U.S. Senator Harry F. Byrd, Jr., and Mr. Thomas T. Byrd, Representing the region were U.S. Senator CHARLES ROBB, State senator H. Russel Potts, State delegate Beverly Sherwood, former delegate Alson H. Smith, county board of supervisors member Mr. Harrington Smith, county board of supervisors chairman Mr. James Longerbeam, Winchester city councilman Mr. Harry S. Smith and Shenandoah University president Dr. James Davis, along with many men, women, and children from the community.

Principal addresses were given by Secretary of the Navy John H. Dalton and Mrs. Bolling Byrd Clarke. Dr. Jay Morton, who sculpted the statue, was also in attendance and spoke briefly.

The statue of Admiral Byrd was funded entirely by contributions, large and small, from members of the community, friends, neighbors, and admirers. I would like to share with my colleagues the remarks by Navy Secretary Dalton and Mrs. Bolling Byrd Clarke.

WHAT WOULD ADMIRAL BYRD EXPLORE TODAY?

(By the Honorable John H. Dalton)

Distinguished guests, ladies and gentlemen . . . what an honor and a pleasure it is for me to be here today, to unveil this proud monument to one of the most distinguished maritime explorers in our Nation's history.

One of the great pleasures I have as Secretary of the Navy is to help honor the life and work of those who have come before us those brave men and women . . . Sailors, Marines and civilians who have made our Naval Service the best in the world.

Let me say first of all, thank you, to those who had a part in making this memorial a

reality. You honor our Nation by your commitment to the preservation of our past triumphs.

Pioneer, explorer, fearless adventurer, and scientist . . . active pursuits that describe the life and personality of Admiral Richard Evelyn Byrd.

He was a man who loved a challenge. He was a man of firsts. The first to fly over the North Pole. The first to fly over the South Pole. The first to explore and map the vast continent of Antarctica. Amazing feats . . . and especially so, given our reliance today on the wonders of navigation now available to us, like the global positioning system.

Admiral Byrd had no such tools available . . . he called upon his courage almost exclusively, to achieve the firsts that began out search for those marvelous tools we use today. His was a special breed of courage.

He was a man who did not believe that the science establishment of his time held definitive answers to questions about our vast planet. He sought to discover for himself—and for his Nation—the answers that might be hidden at the very ends of the earth, under the forbidding ice and snow of the poles.

As I prepared my remarks for today, I pondered Admiral Byrd's quest for knowledge, and his thirst for discovery. I wondered what facet of the unknown he would champion if he were with us today. Would he seek to continue exploration of the Poles? Would he investigate the ocean's depths? Or would he look further, and seek the stars?

If I had to speculate, I believe that Richard Byrd would have been very excited by the images of Mars, transmitted by NASA's Pathfinder and its remote probing vehicle, Sojourner—that we have all seen this past week. I think he would have been very excited by the computer microchip and its myriad of applications in today's world. And, I think that he would have been saddened by the recent death of the great undersea explorer, Jacques Cousteau.

It is a far more knowledgeable world today, than it was back in 1926, when Richard Byrd rolled down a runway enroute to his historic mission of discovery over the North Pole. But, regardless of the advances and breakthroughs, Admiral Byrd, if he were with us today, would still seek the answers to questions beyond our current boundaries. He would push the envelope and challenge conventional wisdom.

If he were alive today, I know that he would be proud of his Navy and Marine Corps. He would be proud of the technology of today's newest aircraft carriers, like the USS HARRY S. TRUMAN, and the F/A–18 E/F Super Hornet strike fighters that will soon fill her decks. He would be proud of our SEAWOLF submarine, and the Tomahawk launch system aboard our Aegis cruisers and destroyers. But, most of all, he would be proud of our people—the Sailors and Marines who man the deckplates.

Following Admiral Byrd's proud example, today's Sailors, Marines and civilians of the Navy Department continue to challenge the established technology available to them. They still strive to discover and explore.

Just two weeks ago, I was at Rice University in Houston, Texas, to honor one of our finest shipmates, who is setting that example. Professor Richard Smalley, funded by the Office of Naval Research, is a Nobel Prize-winner who is pushing the bounds of Nanoscale science, to eventually produce wonders of carbon that will make our future weapons systems more powerful, lighter, stronger, and safer for the Sailors and Marines who use them.

Admiral Richard Byrd may not be with us today, but his spirit of exploration and discovery is alive and well. It will be that spirit which will serve as his legacy.

It was Albert Einstein who said, ''We don't know one-millionth of one percent about anything . . .'' Your great city of Winchester has not just erected a monument to the past . . . it has erected a challenge for our future. It has erected a symbol that represents Einstein's challenge, and Admiral Byrd's challenge—to all of us—to embrace our future, through continued courage to discover new frontiers.

Thank you, Admiral Byrd, for your contributions to our proud naval heritage. Thank you for a remarkable life and legacy. Thank you, Mr. Jay Morton, for your artistic flair and sculpting talents. And thank you, Winchester, Virginia, for your undying devotion to a great native son.

God bless you . . . God bless our Navy-Marine Corps team . . . and God bless America.

WHAT A WONDERFUL OCCASSION THIS IS!

(By Mrs. Bolling Byrd Clarke)

I wish my father could be here with us—and I think he is in spirit! If he were he would be tremendously appreciative of this great honor and Dr. Morton's wonderful statue. He might say as he sometimes did at receiving a special honor: ''You know, I really don't deserve this (and he would have meant it!), but I'm human enough to like it just the same!''

Of all the many statues of him world wide, I think he would feel this one to be special. He would be delighted that it is placed here outside the Judicial Center close to the Winchester Star and in his beloved home town of Winchester where he was born and raised. Although his home after marriage was Boston, he always came back here between trips to spend time with his Virginia family and friends. I must confess to some secret jealousy as a small child: What was he doing in Winchester, or any other place, when he SHOULD have been in Boston with ME, my brother Dick and my two sisters, Katharine and Helen!

The problem was that we saw so little of him growing up. He was busy on Navy assignments when I was born in 1922, his own ventures to the North Pole in 1926 and the Transatlantic flight in 1927. By the time he got home to Boston from each of his first two Antarctic expeditions almost two and a half years had gone by. And when he was home he had very little time to spare. Because those first two Antarctic trips were privately sponsored there were debts to pay, books to write, and nine month country-wide lecture tours, voluminous correspondance and preparations for the next expedition.

But he fitted us in to his hectic schedule as best as he could: For instance, he would call us to join him when he shaved in the morning. I remember sitting on the edge of the bathtub answering questions and discussing important childhood issues while he went through the routine which was quite a procedure in the days before the electric razor! And often he would call us to join him for a walk which was one of his favorite forms of exercise and during which time he did a lot of his thinking, planning, working out problems and, as we got older, sharing his philosophy.

Those walks remind me of another reason this statue would be special to Dad. It includes his beloved dog Igloo, Iggie for short, his dear friend and close companion who went everywhere with him.

Igloo was found in 1926 by a Miss Boggs in Washington, DC as a young, lost and homeless stray. Taking pity on him, she took him home to her apartment. Finding that Igloo was a very bright, inquisitive, explorer/adventurer type of dog, she felt that he should belong to an explorer/adventurer type of human being. Right about that time Miss Boggs had heard about a crazy man by the name of Byrd who said he was going to fly the North Pole. ''Those two are made for each other.'' she thought and packed Iggie in a crate and mailed him express to Lt. Commander Richard Byrd, N. Pole. The Express Company was a bit dumbfounded, never having delivered anything to the North Pole before. But hearing that the vessel ''Chantier'' was docked in N.Y. preparing to leave for Spitzburgen they shipped him there. That was the first meeting of dog and man and the start of their many adventures together.

Igloo witnessed that historic flight over the North Pole in 1926, and was present with Dad's brother Tom at the take off of the Transatlantic flight in 1927. I understand that Iggie was so upset at seeing his master board the America and start off without him, that he broke loose and raced down the runway after it going, at first, almost as fast as the plane. He also sailed on the Ship Larson to Antarctica and spent the winter night underground.

How well I remember him when he and Dad were home. One summer being used to only penguins, seals and huskies, he investigated two relatively small and seemingly harmless animals with dire consequences. One was a skunk and later a porcupine. I remember Dad having a difficult time pulling quills out of his nose with the help of a magnifying glass and tweezers. Of course he accompanied us into the dining room for meals where mother had a strict rule, ''No feeding dogs at the table.'' My father's response was, ''Of course, Dear. You are absolutely right.'' Then I would notice him giving a sidelong glance to see if Mom was looking the other way, and sneak a bit to Iggie under the table.

Igloo became very sick and died in '32. when Dad heard how ill he was he interrupted a lecture tour to be by his side.

From the beginning Dad taught us all a love of animals and that to kill unnecessarily was wrong. My brother Dick took this so seriously that, for a while, he refused to kill mosquitoes.

But it wasn't just animals my father loved. It was all life. On the many walks we took and in his book ''Alone'', he expounded on his philosophy that this planet and all life on it is interrelated and an integral part of the universe, that if we are to survive we must care for our environment, live in harmony with each other and achieve lasting, universal peace.

This was his vision as a pioneer aviator and explorer. It was behind his work improving the plane; the Transatlantic flight to ''shrink the world'' brining continents and people closer together in understanding; behind his explorations and scientific work in Antarctica and his great desire that Antarctica become, as he called it, the ''Great White Continent of Peace''.

How vividly I remember him on our walks together in his later years expounding on his dream. ''Bolling, can you imagine Antarctica, the one continent in the world where nations will work together side by side in peace and harmony sharing the results of their work for the betterment of mankind? Now wouldn't that be a wondrous thing?''

He worked very hard on the Peace Treaty and would be relieved, overjoyed, to know that it was ratified 2 years ago after his death.

Not so very long before he died, I asked him ''now that most of this planet has been explored, where would you like to go next?'' Without any hesitation whatsoever he replied, ''Space''. My cousin, Helen Byrd, told me yesterday that in a conversation with Dad he said ''The future is in the Cosmos.''

I have a fantasy of him and Igloo kicking up dust investigating Mars or taking off in a space ship traveling between the stars and

planets to the outer limits, searching for answers to the mysteries of the universe.

AN INDEPENDENT JUDICIARY AND FEDERAL JUDICIAL PAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. CONYERS. Mr. Speaker, I am attaching a copy of two important resolutions adopted by the United Conference of Mayors, at their meeting in San Francisco last month. These resolutions reflect strong support across the country for protecting a cornerstone of our democracy—an independent judiciary. The Conference also recognizes that to preserve an independent judiciary Federal judges must be adequately and fairly compensated. I encourage Members to take a moment to review these resolutions. Federal judges have not received a pay increase since 1993, therefore, I also urge Members to support a salary increase for Federal judges which will help ensure an effective and independent judiciary; and reject legislation that seeks to undermine the judiciary's integrity:

RESOLUTION NO. 43: AN INDEPENDENT JUDICIARY

Submitted by: The Honorable Dennis Archer, Mayor of Detroit

Whereas, an independent judiciary is a fundamental part of our system of democracy; and

Whereas, in recognition of the need to preserve judicial independence, Article III of the United States Constitution provides for lifetime tenure for federal judges and indicates that they can only be removed from office for ''Treason, Bribery, or other high Crimes and Misdemeanors''; and

Whereas, judges are required to decide cases based upon the evidence presented and the applicable law, regardless of the political popularity of those decisions; and

Whereas, this doctrine of judicial independence enshrined in our Constitution and laws has made the courts of this country the protectors of the politically weak and unpopular; and

Whereas, in August 1993 the National Commission on Judicial Discipline and Removal which was created by the United States Congress reported that while from time to time various federal judges have been removed from office for specific acts of official or personal misconduct, Congress has never removed a federal judge from office simply because it disagreed with his or her judicial decisions; and

Whereas, it appears that certain members of Congress who disagree with the judicial decisions rendered by various federal judges are threatening to use the congressional impeachment power to remove those judges from the bench; and

Whereas, such threats chill the independence of the judiciary and violate the separation of powers doctrine contained in the United States Construction by substituting congressional use of the impeachment power for the constitutional process of appellate review of judicial decisions; and

Whereas, the threat by certain members of Congress to institute impeachment proceedings against federal judges whose decisions they find politically unpopular is an attempt to undermine the separation of powers doctrine contained in the United States Constitution by subordinating objective and rational legal decision making to popular political whims; and

Whereas, it further appears that certain members of the Senate are attempting to prevent action by that body on the confirmation of various judicial nominations which have been submitted to the Senate; and

Whereas, it appears that this refusal to act on judicial nominations is based on concerns regarding the nominees' political ideology rather than concerns regarding the nominees' legal qualifications or ability to perform the duties of the office to which they were appointed; and

Now, Therefore, Be It Resolved that The United States Conference of Mayors affirms its support for a strong and independent federal judiciary; and

Be it further *Resolved* that The United States Conference of Mayors calls upon the Senate and in particular the Senate Judiciary Committee to handle judicial confirmation proceedings in an objective and expeditious matter.

Projected Cost: None

RESOLUTION NO. 42: JUDICIAL PAY

Submitted by: The Honorable Dennis Archer, Mayor of Detroit

Whereas a strong and independent federal judiciary is important to our nation's system of democracy; and

Whereas, as indicated by Senator Orrin G. Hatch: ''If we are to attract and retain the most capable lawyers to serve as federal judges, it is vitally important that we ensure that those responsible for the effective functioning of the judicial branch receive fair compensation, including reasonable adjustments, which allow judicial salaries to keep pace with increases in the cost of living;'' and

Whereas, adequate compensation for federal judges helps to insure that our judiciary is reflective of the whole of our society. As indicated by Judge Barefoot Sanders: ''We enjoy a pluralism in the judiciary that is enriched by diverse backgrounds in race, gender, and religion, as well as prior careers and expertise. If judicial salaries are frozen, our judiciary would face a different future if we desire to continue the pluralism and competence we presently enjoy;'' and

Whereas, federal judges have not received a pay increase or adjustment since 1993; and

Whereas, salary increases and adjustments for federal judges are statutorily linked to those for members of the United States Congress and the President of the United States; and

Whereas, unlike those elected officials, members of the federal judiciary are appointed to a lifetime term of office; and

Whereas, in his 1996 Year End Report on the Judiciary, Chief Justice Rehnquist said: ''The significance of Congress' failing both to repeal Section 140 and to grant an ECI adjustment to judges' salaries cannot be overstated in terms of its effect on the morale and quality of the federal judiciary. Section 140 jeopardizes the ability to retain and recruit to the Judiciary the most capable lawyers from all socio-economic classes and geographic areas, including high cost-of-living urban areas. We must insure that judges, who make a lifetime commitment to public service, are able to plan their financial futures based on reasonable expectations;'' and

Whereas, both the House and Senate have before them bills sponsored by the Chairman of the House and Senate Judiciary Committees and co-sponsored by the Ranking Members that, if adopted, would:

Give federal judges a ''catch-up'' pay adjustment;

Sever the linkage between judicial, congressional and executive schedule compensation and substitute a provision linking adjustments to the pay of federal judges to the mechanism for adjusting the general schedule pay rates of other career government employees; and

Repeal Section 140 of Public Law No. 97–92 that makes judicial cost-of-living pay increases subject to Congressional approval.

Now, therefore, be it *Resolved* that The United States Conference of Mayors supports the legislation that will adjust, and provide a procedure for the future adjustment of, the salaries of federal judges and urges its speedy adoption.

Projected Cost: Unknown

DEATH ON THE HIGH SEAS ACT

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. FORBES. Mr. Speaker, I rise in support of H.R. 2005, the Airline Disaster Relief Act, which updates the Death on the High Seas Act. Along with Congressman MCDADE, I introduced this act to prevent the injustices visited upon constituents from both of our districts who suffered great losses aboard TWA 800. The act revises an outdated Federal law, and allows full compensation for families of victims of aviation disasters like TWA 800, which occurred in my home district in eastern Long Island.

Because of the outdated provisions of a law adopted 77 years ago, the families of victims of crashes like TWA flight 800 do not have the same legal recourse that the survivors of other incidents have. Adopted in 1920, the Death on the High Seas Act was designed to allow the surviving family of sailors lost at sea to sue for lost wages. In subsequent court rulings, it has been determined that the act applies to all maritime and aviation disasters that occur more than 1 marine league, or 3 miles from American shoreline.

Because it crashed 9 miles off Long Island's South Shore, the Supreme Court has ruled that TWO flight 800 is not covered by the act. In previous cases, the courts have also ruled that plaintiffs in high seas cases are not entitled to damages for pain and suffering or loss of companionship. These changes amend the Death on the High Seas Act, so that it covers all aviation disasters since January 1, 1995, and grants families the right to file suit for a jury trial in State court, rather than present their claim to a judge under maritime law.

Mr. Speaker, I urge my colleagues to support these changes to the Death on the High Seas Act, so that tragedies like TWA 800 are not compounded by the injustices of outdated laws pertaining to these situations.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. WEYGAND. Mr. Speaker, as an original cosponsor of this legislation, I rise in strong

support of H.R. 1855 and would like to thank Mr. SAXTON and the members of the Resources Committee for bringing this bill to the floor. This legislation will help protect the herring and mackerel fishery and the small fishermen in Rhode Island and along the Atlantic coast.

Rhode Island has long been dependent upon the fishing industry as a major source of its economy and we must do all we can to ensure that the fishing industry remains viable. Therefore, we need to formulate a management plan to protect the long-term sustainability of our fisheries.

Already, there is a Federal management plan for several types of fish. In fact, just recently, the House passed a bill authorizing $400,000 to continue studying the Atlantic striped bass stocks. However, there is no management strategy for herring and mackerel and the current data used for evaluating the fishery is debatable.

With demand increasing for herring and mackerel we must proceed cautiously to avoid having the fishery collapse, as we saw in the 1970's. The herring fishery has recovered and we must ensure its viability for generations to come.

Herring and mackerel are also important for ecological reasons. Herring and mackerel are forage fish, supporting whales, dolphins, tuna, cod, flounder, and haddock. Clearly, the herring and mackerel fishery is important not only to those fishing for herring but also those fishing for other stocks. Obviously, we need to conduct a study and formulate a management plan for herring and mackerel.

Of particular concern is the use of large factory trawlers to fish for herring and mackerel. These large trawlers could have a potentially enormous impact on our herring and mackerel stocks by catching a huge amount of available fish in a very short period of time. This will undoubtedly put a strain on small, local fishermen as well as the fishery.

This bill will prohibit the use of large factory trawlers when fishing for herring and mackerel until the National Marine Fisheries Service can complete a survey on the abundance of herring and mackerel and devise a management plan to preserve the long-term sustainability of the fishery.

This measure is supported by commercial and recreational fishermen from North Carolina to Maine. This bill will protect the fishery and small fishermen and I urge my colleagues to support it.

IMPROVING OPERATIONS OF FISH AND WILDLIFE SERVICE'S NATIONAL REPOSITORIES

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. SKAGGS. Mr. Speaker, today I'm introducing a bill to improve the efficiency of already excellent work being done by the U.S. Fish and Wildlife Service in Colorado and around the country.

The Service is responsible for storage and disposal of fish and wildlife and parts thereof and many other items that have come into Federal ownership under a variety of laws related to activities involving fish, wildlife, or plants. Hundreds of thousands of these items are collected at two facilities in Commerce City, CO. Most are in the National Wildlife Property Repository, while dead eagles and eagle parts, including feathers, go to the National Eagle Repository.

From the repositories, the Service makes many items available to museums, zoos, schools and colleges, and Federal agencies for scientific, educational, and official uses. In addition, eagles and eagle parts are made available to Native Americans for religious purposes. These distributions meet a real need: last year alone, the eagle repository filled more than 1,300 requests while between July 1995 and February 1997 more than 5,706 items were shipped from the other repository to organizations around the Nation.

While the Service has to retain some of the items that aren't distributed in these ways, still others can be sold—and that's where my new bill comes in.

Under the current law, proceeds from sales of these items can be used for rewards and for some storage costs, but can't be used to defray the costs of the sales themselves. My bill would expand the list so that money the Service takes in from these sales could be used to cover the appraisals, auction expenses, and other costs of carrying out the sales themselves, as well as for processing and shipping of items. The result will be to make this program more self-supporting, cutting redtape and making it easier for the Service to carry out these very valuable activities.

I think it's just good sense as well as good government, and is a bill that should receive prompt consideration and approval.

TRIBUTE TO THE ARGENTINE AMBASSADOR RAÚL E. GRANILLO OCAMPO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. TORRES. Mr. Speaker, I would like to call to your attention Dr. Raúl Granillo Ocampo, the Ambassador of the Argentine Republic to the United States of America. He has been appointed as Minister of Justice, one of the key positions in the Argentine Cabinet. I am sure that in his new position he will greatly contribute to the advancement of justice in Argentina. We look forward to working with him to enhance international cooperation in legal affairs.

I would like to point out that he has spent with us almost 4 years and during this period he has managed to develop an excellent relationship with the U.S. Congress. The links between Argentina and United States Congressmen have never been better.

Ambassador Granillo Ocampo has had a strong presence in Washington's daily activities. He has been one of the leaders of the Hispanic diplomatic community and a keynote speaker in many events.

His diplomatic skills have helped to build a very deep relationship between our two countries and to manage or avoid conflicts whenever they appeared in the horizon.

He and his wife, Chini, have made a lot of friends, not only among diplomats but also among members of the U.S. political and business community.

Ambassador Granillo Ocampo was born on January 18, 1948, and earned his law degree at the University of La Plata, Argentina, in 1968. Then, he earned a master in comparative international law at the Southern Methodist University, Dallas, TX, United States of America, in 1988, and he got his Ph.D. in legal and social sciences at the University of Buenos Aires, Argentina, in 1989.

During his career as a lawyer, he has served his country many times, mainly as a Supreme Court Justice and as a legal and technical secretary of the Presidency of Argentina. His new appointment, Minister of Justice, constitutes a tremendous undertaking in any country.

Mr. Speaker, I would like for you to join me, and our colleagues, along with Ambassador Granillo Ocampo's family and friends, and the political, business, and diplomatic community in recognizing the outstanding and invaluable lifelong contributions Ambassador Granillo Ocampo has made to his country and to the good relations between Argentina and the United States of America.

NASA LEWIS RESEARCH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to commend the leadership, scientists, engineers, and other dedicated employees of the NASA Lewis Research Center, which is located in my district on the west side of Cleveland, OH. The Lewis Research Center plays an important role in many NASA-wide programs, including microgravity research and the international space station power systems. In order to keep the citizens of Cleveland informed about the status and future of the Lewis Research Center, I asked the Congressional Research Service [CRS] to prepare a special report. The report, by CRS Analyst in Aerospace Policy David Radzanowski, describes how the Lewis Research Center fits into the overall strategic direction of NASA. I request that this report be published in the CONGRESSIONAL RECORD over the next 4 days, starting with the Summary and an Appendix on the Lewis DC–9.

NASA LEWIS RESEARCH CENTER

SUMMARY

This report examines the National Aeronautics and Space Administration's (NASA's) Lewis Research Center (LeRC). Changes in the center during the 1990s are examined as well as how NASA's future plans compare with Lewis' current roles and missions.

Lewis is one of ten NASA field centers. The center is located 20 miles southwest of Cleveland, Ohio, occupying 350 acres of land adjacent to Cleveland Hopkins International Airport. Lewis comprises more than 140 buildings that include 24 major facilities and over 500 specialized research and test facilities. Additional facilities are located at Plum Brook Station, a 6,400-acre facility about 50 miles west of Cleveland and 3 miles south of Sandusky, Ohio. The center currently has approximately 2,150 civil servant employees, along with approximately 1,600 on-site contractors.

Work at Lewis is directed toward research and development of new propulsion, power,

and communications technologies for application to aeronautics and space. Microgravity research in fluids and combustion also is an area of focus. NASA has designated LeRC as its Lead Center for Aeropropulsion and its Center of Excellence in Turbomachinery.

Due to declining budgets in the 1990s, Lewis, as well as all NASA centers, has experienced significant changes in its roles and missions as well as its workforce. Several of these changes, such as workforce reductions, are ongoing. The majority of these changes were the result of recommendations made in NASA's 1995 Zero Base Review. In FY 1993, Lewis' funding peaked at $1,002.6 million and its personnel level peaked at 2,823 full-time equivalent (FTEs). For FY 1998, the request for Lewis is $671.5 million with an FTE level of 2,085.

Many Lewis employees assert that the center has accounted for a greater share of total NASA reductions than over NASA centers. Lewis has had the highest percentage reduction in funding of all field centers; however, Kennedy Space Center (KSC) has experienced a relatively greater FTE percentage reduction than Lewis. In addition, KSC and Marshall Space Flight Center (MSFC) both have a total planned FTE percentage reduction through FY 2000 that is higher than Lewis. Lewis has had a larger share of the reductions than many other NASA centers.

When the potential for closing NASA centers is discussed within the space community, some mention Lewis as a likely candidate. The reductions at Lewis over the past four years may further convey the impression that the center is a candidate for closure. This report finds that although Lewis has been downsized at a greater rate in the 1990s than most of NASA's centers, the center does not appear to be in danger of being closed in the near-term if currently planned budgets are funded. Current plans indicate that Lewis is expected to have a significant role in NASA's future in fulfilling the goals set forth in the agency's strategic plan through 2025 and beyond.

APPENDIX: LEWIS RESEARCH CENTER'S DC–9—MAY 19, 1997

This Appendix discusses the National Aeronautics and Space Administration (NASA) decision not to renew the lease on a DC–9 that is used for parabolic microgravity research flights at Lewis Research Center (LeRC). You specifically asked whether this decision is an attempt by NASA Headquarters to eventually terminate microgravity research at Lewis. My analysis suggests that this is not the case. There may be a question of whether the decision is cost-effective, however, it does not appear that there is an underlying motive to terminate microgravity research at Lewis.

Microgravity investigators often need to conduct reduced gravity experiments in ground-based facilities during the experiment definition and technology development phases of their research. The NASA ground-based reduced gravity research facilities include two drop towers at LeRC, a DC–9 aircraft based at Lewis, and a KC–135 aircraft based at Johnson Space Center (JSC). The DC–9 is the newest microgravity facility. It is a leased aircraft that began operations in 1995. The decision to add the DC–9 to the microgravity program was due to a perceived need for additional flight hours for research.

In 1995 NASA's Zero Base Review recommended that all program aircraft be consolidated at Dryden Flight Research Center (DFRC) in California. The cost effectiveness of such a move was immediately questioned, particularly moving the DC–9. In the summer of 1996 NASA assessed three options regarding the disposition of the DC–9. These were: transferring the DC–9 to DFRC; privatizing the operation; and utilizing instead the KC–135 based at JSC. In August 1996, NASA determined that the KC–135 could meet NASA requirements for parabolic microgravity research flights; that the DC–9 lease and options would not be continued past July 1997; and that the possibility existed that the program may need an additional KC–135 based at JSC to meet requirements. Meanwhile, legislative language inserted into the FY 1997 VA–HUD–IA Appropriations Act prohibited NASA from moving aircraft to DFRC that were east of the Mississippi River. In early December 1996, LeRC was notified of the decision to terminate the DC–9 lease.

The decision may or may not be cost-effective, but the question has been raised whether it is an attempt by NASA Headquarters to eventually terminate the microgravity program at Lewis. Such a motive appears unlikely for the following reasons.

Consolidation of aircraft at the fewest number of NASA sites is part of an overall new agency management philosophy to reduce redundancy across NASA. It is not motivated by efforts to terminate programs. NASA Headquarters asserts that the decision will actually save the agency money over the years.

Although Marshall Space Flight Center (MSFC) is the Lead Center for NASA's microgravity program, Lewis maintains program responsibility for fluid and combustion microgravity research. This research is a critical component of the research program plans for the International Space Station. Any severe disruption to the program, such as moving it to another NASA center, would be very detrimental to the space station research program.

Lewis still maintains the 2 drop towers for ground-based microgravity research. Before researchers use aircraft for their experiments they must first prove that the drop towers will not fulfill their requirements. Similar drop towers are not located at any other NASA centers.

Even though the KC–135 would be based at JSC it is likely that the aircraft will fly research campaigns at the sites where the experimenters are based. Experiments developed at Lewis will most likely still be flown from Lewis.

In March of this year, NASA created a National Center for Microgravity Research on Fluids and Combustion. This institution is a partnership of Lewis, Case Western Research, and the Universities Space Research Association and it is based at Case Western. It is unlikely that NASA Headquarters would terminate the microgravity program at Lewis having just created the National Center in Cleveland.

Based on these reasons, it appears that the decision to terminate the DC–9 lease was not motivated by a desire to terminate Lewis' microgravity research program.

100TH ANNIVERSARY OF PEAT MARWICK LLP

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mrs. ROUKEMA. Mr. Speaker, I am pleased to have the opportunity to call attention to historic American success story. On August 2, 1997, KPMG Peat Marwick LLP, the accounting and consulting firm, headquartered in Woodcliff Lake, NJ, celebrates 100 years in business in the United States. Founded by two Scotsmen who became naturalized citizens of this country, KPMG Peat Marwick is a private enterprise that has grown from two employees to 20,000 during a century of tremendous change. The firm's expansion on U.S. soil and around the world is a testament to the pioneering spirit and vision of James Marwick and Roger Mitchell, who identified the need for independent accounting review of companies big and small, and who meet that need by conducting certified, independent audits.

These two accountants saw the extent to which participants in an open and free market rely on accurate financial information to make important business decision—decisions that affect thousands of employees, investors, and consumers. They took seriously their charge as independent auditors, acknowledging the public trust they held when rendering audit opinions for clients that include some of the corporate giants in our Nation's history. When the needs of their clients expanded or varied, so did the services and capabilities of this firm. As the United States and the world embark on the frontier of the information age, this now-worldwide firm stands as a proud reminder of past accomplishment and a beacon of future advancement.

KPMG Peat Marwick has preserved and enhanced another great tradition during its first 100 years—that of community involvement. Indeed, the centerpiece of the firm's 100th anniversary celebration is its World of Spirit Day—a full day of giving back to the communities that have helped it to prosper. On September 22, 1997, KPMG will close the doors of every U.S. office for the day as 20,000 partners and employees band together to volunteer time and talents. From Minneapolis to Miami, from New York to San Francisco, KPMG people will collectively spend 160,000 hours in service to their communities and those in need. At the end of the day, various offices will have done the following: Built at least two residential homes; refurbished and painted public schools in multiple cities; taught and interacted with children in schools and child development centers; fed the hungry and homeless; landscaped youth camps; and cleaned local parks, rivers, and zoos. What a difference this day will make.

KPMG's mammoth commitment to community service was one reason it was the only professional services firm chosen to participate in the Presidents' Summit for America's Future. It is my hope that their fine example proves to be a catalyst for other companies to make similar commitments.

Mr. Speaker, we are proud to have such a corporate good neighbor in our community. Let me congratulate the partners and employees of KPMG Peat Marwick on their firm's achievement of 100 years in business.

Over the course of a century, this company has advanced by verifying basic financial information in thick ledgers to providing complex assurance and consulting services at the dawn of a knowledge revolution. KPMG has proven it can evolve and thrive as time marches on. May its endurance and prosperity serve as positive lessons to future generations of enterprising Americans.

TRIBUTE TO THE TUSKEGEE AIRMEN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. BROWN of California. Mr. Speaker, it is with the greatest sense of pride that I rise today, on the floor of the U.S. House of Representatives, to honor the Tuskegee Airmen who earned a glorious place in history through their heroic actions during World War II.

Due to the rigid pattern of racial segregation that prevailed in the United States during World War II, the War Department began an isolated program in 1941 to train black Americans as military pilots. Primary flight training was conducted by the Division of Aeronautics of Tuskegee Institute located near the town of Tuskegee, AL. The Tuskegee Airmen were the first African-American aviators to serve in the U.S. Armed Forces.

The first class of Tuskegee Airmen was trained to be fighter pilots for the famous 99th Fighter Squadron, slated for combat duty in North Africa. Additional pilots were assigned to the 322d Fighter Group which flew combat along with the 99th Squadron from bases in Italy. By the end of the war, 992 men had graduated from pilot training at Tuskegee, 450 of whom were sent overseas for combat assignment. During the same period, approximately 150 lost their lives while in training or on combat flights.

The Tuskegee Airmen were revered because of their reputation for not losing bombers to enemy fighters. During the course of World War II, they flew more than 1,500 combat missions, and downed a remarkable 261 enemy aircraft. In addition, this fearless squadron flew over 140 flying missions without relief. Led by Gen. Benjamin O. Davis, Jr., the first black general in the Air Force, these unsung heroes flew every mission as if it were their personal task to demonstrate the equality of all people, regardless of color or creed.

Mr. Speaker, on July 31, 1997, the Arrowhead Credit Union, Inland Empire African-American Chamber of Commerce, Phenix Information Center, and Westside Action Group will form a partnership to honor the Tuskegee Airmen in San Bernardino, CA. On this special occasion, I ask my colleagues to join me and local civic organizations in my congressional district in saluting these men for their unsurpassed bravery and patriotism in putting their lives on the line overseas while confronting racial injustice at home. We recognize their sacrifice and honor them for their service to our country.

IN SUPPORT OF EDUCATION TAX BENEFITS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to highlight provisions of the pending tax bill that would affect higher education. Some of the proposals are long overdue, whereas others should never even have been considered.

On July 16, I was joined by my colleagues from the Massachusetts delegation and representatives of higher education from Massachusetts at a press conference on these very issues. I was joined by Grace Carolyn Brown, the president of Roxbury Community College, and Jon Westling, the president of Boston University, both of whom do a great job running schools in my district. BU and RCC are just 2 of the 60 colleges and universities in my district. Their students are among the 190,000 I represent—more students in 1 district than in 26 States.

I also was joined by Sam Liu, an MIT graduate student who organized a petition signed by 500 students opposing the elimination of section 117(d). There was also Roger Sullivan from the Association of Independent Colleges and Universities of Massachusetts and Harvard University staffer and student Annie Burton Byrd.

Here in the Congress, no one has done a better job of making sure the Tax Code works to the benefit of the education needs of our Nation than my colleague from Massachusetts who sits on the Ways and Means Committee, RICHARD NEAL. And in the short time they have been in office, the Members from the 3d and 10th Districts of Massachusetts, JIM MCGOVERN and BILL DELAHUNT, have been strong and forceful advocates for expanding access to higher education. I also want to thank our delegation's resident chemistry professor, JOHN OLVER, who now watches out for education on the Appropriations Committee.

When we talk about education what we're really talking about is the future prosperity and security of our country. Nothing is more fundamental to hopes of getting a good job and pursuing a rewarding career than education. It's the tool that enables people to get the high-wage jobs of the future and grow within their current careers.

There once was a time when higher education was a luxury that few could afford. Increased Federal support for loans, grants, and scholarships has helped open up the Ivory Tower to Americans from all walks of life, but today we've reached a point when the cost of this critical investment in the future is becoming out of reach.

The cost of getting a college, graduate, or professional degree has skyrocketed just at a time when higher education is more important than ever to obtaining fulfilling employment. Some experts predict that early in the next century, 75 percent of all jobs will require some level of higher education.

People of all ages understand the value of education. The fastest growing student population in the United States consists of people over 40 who are returning to school to gain new skills, who understand that what you earn depends on what you learn.

That being the case, why are we looking at a tax package that pretends to boost educational achievement but really only works for the wealthy? The Republican tax measure does little or nothing for the millions of working people who are going to school part-time while holding down a job and raising a family.

The education-friendly tax provisions described in our letter to the conferees is designed with working people in mind. It has been endorsed by over 25 college and university presidents and represents real help for the educational ambitions of our people. We urge the tax conferees to include them in the final conference report.

Here are the six provisions:

While the Republican House and Senate bills allow a tax credit equal to 50 percent of tuition costs for the first 2 years of college, our proposal covers 100 percent of costs. And while the GOP measures offer no credits for tuition costs beyond the first 2 years, we support a credit equal to 20 percent of tuition costs in the outlying years. Our provision is particularly important to students at schools like Roxbury Community College, where 1,500 dollars' worth of additional tax benefits can make the difference between getting a degree and going without one.

The current House bill includes no deduction for student loan interest while ours does.

The Senate bill permanently extends tax exclusion for employer-provided tuition assistance and does include graduate students but the House bill only extends section 127 through the year 1997 and does not include graduate students. The Member from the 2d Congressional District of Massachusetts, Mr. NEAL, has worked very hard to get permanent extension of this crucial benefit passed, because he knows that if employees have to pay taxes on expensive tuition assistance, many will decide to go without the additional education.

My colleague from Massachusetts, Mr. NEAL, has also shown great leadership on trying to retain the tax exclusion of tuition benefits for graduate students, which the House bill repeals. This provision would also hurt other employees of educational institutions who get tuition benefits. From lay teachers at Catholic schools to grounds keepers at Boston University, these people would be forced to pay taxes on the tuition benefits they and their families receive.

Our measure exempts from taxation any interest accrued on prepaid tuition accounts. It makes no sense to levy taxes on education accounts established with the aim of bringing tuition costs within the reach of working families.

Finally, our alternative eliminates the cap on tax-exempt bonds issued by private nonprofit educational institutions and other charitable organizations. This provision is crucial to the needs of colleges and universities to expand their facilities for the 21st century.

Mr. Speaker, I have the cover letter for the petition that Sam Liu organized and his statement from the press conference which I would like printed in the CONGRESSIONAL RECORD along with my statement.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Massachusetts, June 30, 1997.

Hon. JOSEPH KENNEDY,
U.S. House of Representatives,
Washington DC.

DEAR CONGRESSMAN KENNEDY: We, 500 MIT graduate students, write to express our great shock and disappointment regarding the proposed elimination of Subsection 117(d) of the internal revenue code which excludes tuition from taxable income.

A graduate teaching or research assistant who receives a stipend of $1300/month and tuition waiver of $22,000/year (excluding summer tuition) will expect to pay $650/month in State and Federal taxes under the proposed new legislation. For many students this is a 3.5 times increase in tax!

The tuition waiver granted by MIT for graduate teaching and research assistants makes graduate school a financially viable opportunity for us. If tuition is now redefined as taxable income, many of us will no

doubt be driven out of graduate school and away from careers in research and teaching.

The proposed changes in tax code will force universities to dramatically increase teaching and research assistant salaries to maintain a reasonable standard of living for graduate students. In turn, this could increase tuition for undergraduates and dramatically increase pressures on already burdened federal research programs. The proposed elimination of Subsection 117(d) is a dramatic step in the wrong direction.

The new provisions will make graduate school unaffordable to millions of Americans throughout the next decade. We respectfully ask you to work against the new legislation which eliminates Subsection 117(d) of the IRS code and to support provisions which are more encouraging of graduate education. The future of our nation requires it.

We thank you for your cooperation,

Sincerely,

Graduate Students at the Massachusetts Institute of Technology

STATEMENT BY SAM LIU, GRADUATE STUDENT, THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY, JULY 16, 1997

My name is Sam Liu. I come from Washington Crossing, PA, and I am a doctoral candidate in economics at MIT.

The current House tax proposal would eliminate the tax exempt status of tuition waivers for graduate research and teaching assistants (known as RAs and TAs). There are over 2,700 RAs and TAs at MIT who work with faculty in teaching and research and who rely on these waivers to make graduate school an affordable opportunity. The elimination of Section 117(d) of the tax code would have grave consequences for graduate students and for higher education.

The typical MIT graduate student relies on a research or teaching assistantship to pay for his or her schooling. The assistantship covers the cost of tuition and pays a stipend of about $1,300 per month to cover our living expenses. Currently, under Section 117(d), only the stipend portion of this award is taxed by federal and state income taxes. After taxes, the typical stipend for an unmarried student amounts to about $1,100 a month.

If the current House tax proposal were to become law, my taxes and those of my fellow graduate students would increase dramatically. Our tuition waivers would be considered taxable income. This means that our taxable income will increase by the $22,000 cost of MIT's tuition. Instead of paying taxes on $12,000 for the academic year, I would have to pay taxes on $34,000. That would increase my taxes by over 300 percent. My stipend would be reduced to less than $600 per month. It would be virtually impossible for me to live on this small amount of money. My monthly rent for a shared apartment is more than $400/month. The tax proposal would leave me with less than $200 a month to cover food, books and other expenses. Other students have families they must take care of and have even greater expenses. Many of my fellow students have told me that if Section 117(d) is eliminated, they would not be able to continue their graduate studies.

If the tax proposal is passed, and if MIT were to raise our stipends in order to compensate us for the huge decline in our net income, the Institute would see its costs increase by over $19 million annually to retain its RAs and TAs. These costs would be translated into either sharp cutbacks in teaching and research programs or higher tuition fees for undergraduates.

My fellow graduate students and I urge Congress to keep our tuition waivers tax-free and keep Section 117(d) intact. We would also like to thank Representatives Kennedy, Neal and McGovern and the other members of the Massachusetts delegation for their leadership and support on behalf of graduate education.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

SPEECH OF

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. METCALF. Mr. Speaker, I rise in opposition to H.R. 1855 and to express my strong concerns with this bill. We have heard much today about the Atlantic herring and mackerel fishery stocks, as if somehow they are in danger. Yet this bill is not really about the fishery resources at all. It is about competition. It is about changing the rules in the middle of the game.

It is about destroying an American company whose principals are fishermen from Washington State and from Maine. This company has invested in a $40 million project based on every known fishery management policy and law on the books. Policies that encouraged the development of vessels of this size are completely reversed by this Federal legislation. In fact, this company's vessel, the *Atlantic Star*, is the only vessel that will be legislated out of existence—and into bankruptcy—by enactment of H.R. 1855. Such a result is not only bad fishery policy, it is bad Government policy and is manifestly unfair. We here in Congress should be trying to prevent Government takings of private property, not facilitating them, as this legislation most certainly does.

In 20 years of managing our fisheries resources, this is the first bill ever to waive the entire Magnuson-Stevens Fishery Conservation and Management Act. It preempts the Regional Fishery Management Councils and attempts to micromanage the Fishery from Washington, DC. And why? Because it is the only way that competitors can keep a single large vessel, the *Atlantic Star*, out of the fishery. This boat presently meets all necessary requirements. It has all permits needed for these fisheries. It is a U.S.-built, U.S.-flag, U.S.-owned and U.S.-crewed vessel that will generate over 100 new jobs, both on board and on land, as well as $25 million per year in benefits to the U.S. economy.

This vessel is presently in the shipyard being refitted to fish mackerel and herring stocks that are so strong that Government scientists have for years characterized them as underutilized. The most recent information from National Marine Fisheries Service [NMFS] scientists tells us that ''the Northwest Atlantic mackerel stock is currently at a high level of biomass and is underexploited.'' In fact, the Spawning Stock Biomass [SSB] is an incredible 2.1 million metric tons, yet last year's total reported domestic landings were less than 16,000 mt. The story is the same for Atlantic herring, with NMFS scientists calling the stocks extremely underutilized with a biomass of 2.2 million mt and domestic landings of about 100,000 mt.

Even assuming that these fishery stocks were somehow at risk, what is it exactly that H.R. 1855 does to protect them? First of all, it waives the entire Magnuson-Stevens Act, as it must because what it attempts to achieve is flatly prohibited by that act. Economic allocation decisions, such as this one, must be ''fair and reasonable to all fishermen'' under the Magnuson-Stevens Act. Prohibiting a single fully permitted U.S. vessel from fishing while allowing in thousands of other vessels with far greater capacity most certainly fails this standard. Although larger than the bill's size thresholds of 165 feet and 3000 horsepower, the freezer trawler *Atlantic Star* takes only 250 mt of fish per day, because it catches only as much as it can freeze in a day. However a boat that comes under the size thresholds can easily take 500 mt per day or more, twice as much as the *Atlantic Star*. How serious can we be in protecting the stocks when this bill imposes no limit at all on the number of these 500 mt per day vessels that come into these fisheries, yet a single vessel taking half as much per day is legislated out of business?

What is perhaps even more surprising is that while this bill puts an American company out of business and destroys American jobs, it does nothing to prevent Russian-flag processing vessels of similar size from continuing to operate within our waters processing the same species of fish, employing Russian crews and paying no Federal income taxes. What is wrong with this picture? The Magnuson-Stevens Act was supposed to give U.S. vessels priority over foreign vessels, yet this bill would reverse that policy as well.

This bill is an unwarranted Federal intervention in a system that is working and needs no help from Washington, DC. If it is to be enacted, however, it should at least include a savings clause to allow those projects that are in the pipeline and whose principals have invested in reliance on existing law not to be penalized. I am unaware of a single fishery management plan anywhere in the country that has not accommodated projects in the pipeline when new rules are adopted. We regularly adopt savings clauses in Congress to prevent exactly the kind of inequity that this bill, in its present form, will deliver to this single company.

We can do better and we should. This kind of legislation is not needed, it is bad policy, it destroys American businesses and I urge you to oppose it.

LEGISLATION TO IMPOSE A SIZE LIMITATION ON ATLANTIC MACKEREL AND HERRING FISHING VESSELS WOULD NOT PROTECT THE FISHERY RESOURCE WHILE LEGISLATING INTO BANKRUPTCY A $40 MILLION U.S.-FLAG FISHING VESSEL PROJECT AND COST OVER 100 U.S. JOBS

Throughout the 1990's the consistent fisheries management policy of the Regional Fishery Management Councils and the federal government has been to encourage American development of the abundant Atlantic mackerel and herring pelagic resources, and to do so with large vessels. In reliance on that policy, the owners of the *Atlantic Star* commenced a $40 million vessel project with the first large U.S. boat ever designed exclusively for these fisheries. Now legislation has been introduced which would reverse that policy, impose a ''moratorium'' to limit entry of some large vessels (while allowing others in), and destroy this investment before the *Atlantic Star* is even delivered from the yard where refitting work is now underway. While there are legitimate questions as to whether Congress should be

micromanaging these fisheries in this way, at the very least the bill should be amended to allow the *Atlantic Star*—the only vessel in the pipeline—to come in.

1. The Resource: Government scientists agree that both the Atlantic mackerel and herring stocks (''pelagic resources'') are abundant, healthy and underexploited.

Atlantic Mackerel: The estimated overall biomass is 2.1 million metric tons (mt); the estimated biomass available for fishing is 383,000 mt (current proposed Allowable Biological Catch, or ABC), and the last reported U.S. domestic landings were only 15,712 mt. National Marine Fisheries Service (NMFS) scientists recently concluded ''the Northwest Atlantic mackerel stock is currently at a *high level of biomass and is underexplotied.*'' SARC–20 at p. 71 (2/96) (emphasis added).

Atlantic Herring: The estimated overall biomass is 3.6 million mt; the estimated biomass available for fishing is 540,000 mt; and the last reported U.S. domestic landings were 87,648 mt. NMFS scientists have concluded the stock is ''at a high biomass level and is *underexploited*'' and that *''increased fishing . . . is encouraged.''* SARC–20 at p. 19(2/96) (emphasis added).

2. Fisheries Policy: the consistent message has been to Americanize and develop the fishery by emulating the foreigners with larger vessels to achieve economies of scale.

A principal objective of the Magnuson-Stevens Fishery Conservation and Management Act is the Americanization of our domestic fisheries through a statutory priority for U.S. flag vessels to catch and process our marine resources. It has been so successful that the only fisheries in which foreign processing vessels are still used is in herring internal waters joint ventures on the East coast. The consistent policy for twenty years has been to displace all foreign vessels with U.S. flag vessels, as they come on line, yet the proposed legislation would eliminate the U.S. flag *Atlantic Star* from the herring fishery while still permitting Russian fish processing vessels to operate in our waters.

The Atlantic Herring Plan prepared by the Atlantic States Marine Fisheries Commission in 1993 cited the reasons for the lack of U.S. development of the herring resource as the high volume necessary for profitable production and the fact that ''there were no freezer-trawlers in the US fleet which would have been necessary to operate successfully on Georges Bank and to supply that high quality products [for the world market].''

In 1993 the International Trade Commission (ITC) conducted an exhaustive study of the domestic Atlantic mackerel industry, including public hearings and detailed cost comparisons between large foreign vessels the size of the *Atlantic Star* and the domestic fleet, and concluded that if Americans were to be successful in developing the mackerel fishery, they would need to use larger vessels to increase the economies of scale so as to be competitive on the world market, both in terms of production and transportation costs.

The Mid-Atlantic Council reached similar conclusions in developing Amendment #5 to the Mackerel Fishery Management Plan (FMP). The following text appeared in the draft plan amendment in 1994, again in the final amendment in 1995, and was repeated once more with the publication of the annual mackerel specifications in July 1996: In order to compete in the world bulk market, the US will have to emulate its foreign competitors which harvest, process, and ship mackerel in large quantities so as to take advantage of economies of scale. Currently the US east coast industry does not have the large vessels necessary to participate in this market.

In developing the Mackerel FMP the Mid-Atlantic Council expressly rejected a moratorium for mackerel citing the need for an ''infusion of investment capital into the industry for market and infra-structure development''. Instead the Council's policy is to impose a control date, but only when the commercial landings reach 50% of the ABC. The last reported landings were only 4% of the ABC.

Finally, every Council in the country that has adopted a control date where there have been projects in the pipeline has either expressly recognized and included those projects, or has subsequently moved the control date forward to allow those who have made investments on the previous policy to complete those projects and come in before shutting the door. Against this regulatory backdrop, the only surprise is why the Atlantic Star project, or something like it, did not happen sooner. To now usurp the Regional Fishery Management Council process with federal legislation retroactively reversing that policy so as to eliminate the Atlantic Star would be manifestly unfair.

3. The Vessel: The Atlantic Star is U.S.-built, U.S.-owned, and U.S.-crewed and offers 80 new on board jobs for the East coast industry, new market opportunities and other benefits.

Built in the mid-1980's in Tacoma, Washington, the boat is presently undergoing a $40 million refit for the mackerel and herring fisheries. Originally intended as an incinerator vessel, but never operated as such, the boat is ''overbuilt'' with a complete double hull, heavy guage steel and meets the highest Coast Guard standards.

The boat has on-board accommodations for full-time NMFS observers and scientists. With a registered net length of 332.8 feet (and length overall of 369 feet) the boat is designed to achieve the economies of scale (through its freezer capacity and ability to take 250 mt daily) identified by fishery managers as necessary to compete on international markets.

The boat presently has all necessary federal fishing permits for these fisheries.

Eighty new on-board jobs will be created, plus as many more jobs on shore in supporting the boat. Anticipated crewshare, payroll, supplies and other vessel support is expected to pump $10 million directly into the economy annually, with additional multiplier effect (at 2.5x), the total benefits are estimated at $25 million. A $7 million shore based facility will add even more jobs.

The boat is owned by American Pelagic Fisheries Company, LP, a U.S. partnership of two U.S. companies and a Dutch company (with a 49% minority limited partnership interest). The owner meets the most stringent U.S. citizenship standards for fishing vessels under the vessel documentation laws. The minority partners bring necessary access to European markets as well as extensive experience in pelagic fishing.

For the first time, this project brings together the vessel size, access and technology for Americans to compete successfully in the world market for pelagic fish.

4. The Legislation: H.R. 1855 and S. 1035 would pre-empt the Regional Fishery Management Council process with a purported ''moratorium'' that would not limit catches, overcapitalization, or new entrants, but would exclude the Atlantic Star.

Any legislated solution sets a troubling precedent by pre-empting the well-established Regional Fishery Management Council process with a federal micro-management of the resource (the bill begins by waiving the entire Magnuson-Stevens Act). The Council's have within their existing power the ability to impose a moratorium, to limit vessels by size, gear type, or in other ways, all within the framework of the Magnuson-Stevens Act. The fact that the New England Council has had 20 years to develop a herring plan and has not is no reason for Congressional intervention now. Both the New England the Mid-Atlantic Councils have already acted to put new entrants on notice that large vessels may be subject to the kinds of limitations contained in H.R. 1855. The Council process is working. Federal legislation sets a dangerous precedent and is simply not needed.

H.R. 1855/S. 1035 would waive the Magnuson-Stevens Act and impose a moratorium on ''large''fishing vessels in the Atlantic Herring and Mackerel Fisheries until (1) NMFS has completed new population surveys of the stocks (even though there is no evidence why NMFS current assessments are unreliable, or that the stocks are in any way threatened), and (2) the Secretary of Commerce has approved amendments to the relevant fishery management plans regarding large vessels (even though both Councils have had ample opportunity to do so, and the Mid-Atlantic, in particular, has encouraged large vessels as noted above). The bill's definition of ''large vessels'' bears no relationship to a vessel's fishing power, only an arbitrary length and horsepower cap. By defining a ''large vessel'' as one that does not exceed 165 feet and 3000 horsepower the bill would allow the following vessels into the mackerel and herring fisheries notwithstanding the ''moratorium'':

All vessels that are either less than 165 feet, or less than 3000 horsepower. These include the 316' Stellar Sea (3000 hp); the 200' Ocean Peace (ex-Amfish) (2250 hp), and in the 165' range, e.g., the Meghan Hope (1860 hp), Constellation (2250 hp), and Pacific Prince (2000 hp).

Every one of the 120,000 documented fishing vessels could be rebuilt essentially into new factory trawlers of 165' and 300 horsepower.

All new vessels regardless of length, provided only that horsepower is under 3000.

All new vessels regardless of horsepower, provided only that length is less than 165'.

It is also significant that a number of the existing vessels on the East coast, and any of the new vessels built within the moratorium size limitations or those that are rebuilt, could easily have daily catches well in excess of the Atlantic Star. These vessels can take as much as 600 mt per day whereas the Atlantic Star is necessarily limited to catch only as much as it can freeze, i.e., 250 mt per day. Consequently existing vessels (and new ones permitted under the bill) that are under the size limitations can outpace the Atlantic Star on a daily catch basis.

The bill would also preclude the Atlantic Star or similar large vessels from operating as dedicated processing vessels in these fisheries, thus depriving existing East coast fishermen of new at-sea markets. Such a prohibition makes no sense, particularly with a strong resource and when so many existing vessels are still permitted to come in to the fishery.

Clearly the proposed ''moratorium'' would not limit overcapitalization, slow growth, restrict new entrants, control harvest levels or otherwise protect the resource or provide any kind of meaningful moratorium. While H.R. 1855/S. 1035 would discourage the speculative entry of new large vessels from parts of the country other than the East coast, the only known boat presently intending to enter these fisheries that would be legislated out is the Atlantic Star.

5. Conclusion: H.R. 1855/S. 1035 is substantively flawed and creates bad precedent. If it moves forward, it should be amended to permit the only vessel in the pipeline into these fisheries.

This legislation turns the Magnuson-Stevens Act Americanization process upside

down. Not only does it pre-empt the Regional Councils, but it would eliminate a U.S. flag vessel while allowing Russian vessels to process the very same resource. It does not reflect sound management policy nor a reasoned approach to what is only a potential problem. It also flies in the face of national Standard #4 which requires allocation decisions among U.S. fishermen to be ''fair and equitable to all such fishermen.'' A result which eliminates the enormous investment made by the owners of the Atlantic Star in complete reliance on every known fishery statute, regulation and policy would be unprecedented and manifestly unfair. If legislation moves forward to address the speculative entry of large mackerel and herring vessels, then due process and simple fairness require that the bill be amended with a savings clause to allow the Atlantic Star to remain in these fisheries.

IN RECOGNITION OF FRANK CARVEN IN REMEMBERANCE OF PAULA AND JAY CARVEN

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. EHRLICH. Mr. Speaker, I rise today to express my full support and praise for the recent passage of H.R. 2005, legislation to improve the application of the Death on the High Seas Act to permit families full recovery for aviation disasters. As an original cosponsor of H.R. 2005, I am pleased with the rapid progress of this very important legislation.

On July 17, 1996, TWA Flight 800 crashed shortly after takeoff, approximately 9 miles off Long Island Sound. On board this tragic flight were Paula and Jay Carven, the sister and nephew of a very close friend of mine, Mr. Frank Carven. Frank's sister, Paula, and her 9-year-old son, Jay, perished when TWA Flight 800 crashed. While the investigation into the accident has drawn considerable public attention, I rise to recognize the private courage and quiet perseverance of Frank Carven. Regardless of the theories, the reasons, and the causes that experts attribute to the TWA 800 explosion, they cannot bring back Paula, Jay, or the more than 220 innocent lives lost on that fateful night.

In the aftermath of this disaster, the Carvens and other victims' families learned that a harsh, broken statute—the Death on the High Seas Act—is the sole remedy currently available to provide compensation for this loss. Unfortunately, the measure of compensation only applies to loss of income, with no possibility of recovering for noneconomic damages. The 1920 statute was intended for maritime accidents and does not adequately cover commercial aviation. Accordingly, Frank and I realized that reforming and updating this antiquated law was the right legal, and moral, thing to do.

In response to the unjust restrictions of the Death on the High Seas Act, Congressman JOSEPH MCDADE introduced H.R. 2005, making the necessary changes to improve this act. I want to acknowledge Congressman MCDADE's hard work on this legislation and extend my appreciation for the expeditious and thoughtful work of the House Aviation Subcommittee. The members and staff involved are to be commended for their timely action on this bill.

While H.R. 2005 will not prevent another airline accident at sea from occurring, this bill will apply commonsense legal considerations for those who tragically lose their loved ones. I want to publicly thank Frank Carven and the many other families of airline disaster victims who have brought this issue to the Congress. I am proud to take part in this important process and look forward to achieving equity for the families and friends of passengers on TWA Flight 800.

TRIBUTE TO COACH RICHARD MARLER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. LAMPSON. Mr. Speaker, tomorrow, my friend, Coach Richard Marler, will be inducted into the Texas High School Coaches Association Hall of Fame. For 22 years, Coach Marler was head coach at Stephen F. Austin High School in Port Arthur. He amassed a career record of 138 wins, 86 losses and 9 ties. Nine of his Eagle teams qualified for the State playoffs. Twice, his teams reached the State semifinals.

Coach Marler's fine career is a testament to the need for perseverance. Three of his first four campaigns as head coach were losing seasons. But, in time, success came. Football fans in the Golden Triangle will long remember the Eagles' 1983 season when Coach Marler led his team to a 13–1–1 record and the Class 3A semifinals.

Far above and beyond football, Coach Marler has made a positive impact on the lives of countless young men. He taught them the value of hard work and discipline. He was a role model for many young men who needed one desperately.

Richard Marler continues to be an asset to his community. Before this House of Representatives, I wish to congratulate him on this recognition and to thank him for his friendship.

PERSONAL EXPLANATION

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. WHITE. Mr. Speaker, due to unforseen delays caused by technical difficulties and inclement weather, I was unavoidably detained yesterday evening and missed a series of rollcall votes during consideration of H.R. 2209, the Fiscal Year 1998 Legislative Branch Appropriations Act.

Had I been able to cast my ballot, I would have voted against the Fazio amendment (rollcall vote number 332) to eliminate funds to increase the number of staff on the Joint Committee on Taxation. I would have voted for the Klug amendment (rollcall vote number 333) to reduce the number of full-time equivalent staff in the Government Printing Office. I would have voted against the motion to recommit the bill (rollcall vote number 334), and I would have voted for final passage of the bill (rollcall vote number 335)

Tuesday, July 29, 1997

Daily Digest

HIGHLIGHTS

Senate passed Commerce, Justice, State Appropriations.

The House passed H.R. 2266, DOD Appropriations Act for FY 1998.

Committee on the Budget filed the Conference report on H.R. 2015, the Balanced Budget Act of 1997 (H. Rept. 105–217).

Senate

Chamber Action

Routine Proceedings, pages S8207–S8285

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 1078–1086 and S. Con. Res. 45. **Page S8262**

Measures Passed:

Commerce, Justice, State, the Judiciary Appropriations, 1998: By a unanimous vote of 99 yeas (Vote No. 206), Senate passed S. 1022, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, after taking action on further amendments proposed thereto, as follows: **Pages S8211, S8213–18, S8226–48**

Adopted:

Gregg/Hollings Amendment No. 1024, to make funds available for a study on the effect of intentional encirclement on dolphins in the eastern tropical Pacific Ocean. **Pages S8213–15**

Gregg Amendment No. 1025, to provide funds for the Ship Creek facility in Anchorage, Alaska, for the construction of a facility on the Gulf Coast in Mississippi, and for an open ocean aquaculture project in Durham, New Hampshire. **Pages S8213–15**

Gregg (for Coverdell) Amendment No. 1026, to require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes. **Pages S8213–15**

Gregg (for Dorgan) Amendment No. 1027, to express the sense of the Senate that the Federal Government should not withhold universals service support payments. **Pages S8213–15**

Gregg (for McCain/Kyl) Amendment No. 1028, regarding the waiver of certain vaccination requirements for immigrants. **Pages S8213–15**

Gregg (for Biden) Amendment No. 1029, to extend funding for the Violent Crime Reduction Trust Fund through fiscal year 2002. **Pages S8213–15**

Gregg (for Kerry) Amendment No. 1030, to provide funding for the Community Policy to Combat Domestic Violence Program. **Pages S8213–15**

Gregg/Hollings Amendment No. 1031, regarding political appointees in positions at the Office of the United States Trade Representative. **Pages S8213–15**

Wellstone Amendment No. 1032, to clarify the income eligibility requirements for victims of domestic violence. **Pages S8216–17**

Wellstone/Kennedy Amendment No. 1033, to require the Legal Services Corporation to conduct a study regarding persons prohibited from receiving legal representation regarding efforts to reform welfare systems. **Pages S8217–18**

Gregg Amendment No. 1034, to establish a funding level for the Department of State Capital Investment Fund. **Pages S8226–27**

Gregg (for Kyl) Amendment No. 995, to provide for the payment of special masters for civil actions concerning prison conditions. **Pages S8211, S8226–27**

Withdrawn:

Kerry Amendment No. 992, to provide funding for the Community Policing to Combat Domestic Violence Program. **Page S8211**

Gregg (for Coverdell) Amendment No. 996, to require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes. **Page S8211**

Hollings (for Dorgan) Amendment No. 997, to express the sense of the Senate that the Federal Government should not withhold universals service support payments. **Page S8211**

Hollings (for Biden) Amendment No. 998, to provide additional funds for the Violent Crime Reduction Trust Fund. **Page S8211**

During consideration of this measure today, Senate also took the following action:

By unanimous-consent agreement, Amendments Numbered 1003, 1004, and 1008, as previously agreed to on July 24, 1997, were modified. **Page S8215**

Legislative Branch Appropriations, 1998: Senate passed H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, after striking all after the enacting clause except appropriations for the House of Representatives and House office buildings and inserting in lieu thereof the text of S. 1019, Senate companion measure, as passed by the Senate on July 16, 1997. Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Bennett, Stevens, Craig, Cochran, Dorgan, Boxer, and Byrd. **Page S8216**

Pursuant to the order of July 16, 1997, passage of S. 1019 was vitiated and the bill was indefinitely postponed. **Pages S7601–02**

Defense Appropriations, 1998: Pursuant to the order of July 14, 1997, Senate passed H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1005, Senate companion measure, as passed by the Senate. Senate insisted on its amendment, requested a conference with the House thereon, and the chair appointed the following conferees: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Inouye, Hollings, Byrd, Leahy, Bumpers, Lautenberg, Harkin, and Dorgan. **Pages S8248–49**

Also, pursuant to the order of July 15, 1997, Senate vitiated passage of S. 1005 and the bill was indefinitely postponed. **Page S7459**

Transportation Appropriations, 1998: Senate concluded consideration of S. 1048, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, after taking action on amendments proposed thereto, as follows: **Pages S8223–24, S8249–58**

Adopted:

Shelby (for D'Amato/Moynihan) Amendment No. 1022, to direct a transit fare study in the New York City metropolitan area. **Pages S8223–24, S8228–48**

Shelby (for Kerrey/Hagel) Amendment No. 1035, to extend the expiration date of a general provision from the fiscal year 1997 transportation appropriations act. **Pages S8249–50**

Shelby/Lautenberg Amendment No. 1036, to make certain technical and funding changes. **Pages S8249–50**

Shelby (for Abraham) Amendment No. 1037, to make funds available for certain transit bus projects. **Pages S8249–50**

Shelby (for Campbell) Amendment No. 1038, to provide for a study of the metropolitan planning process in Denver, Colorado. **Pages S8249–50**

Shelby/Lautenberg Amendment No. 1039, to make a technical correction relating to the Right-of-Way Revolving Fund. **Pages S8249–50**

Shelby (for Inouye) Amendment No. 1040, of a clarifying nature. **Pages S8249–50**

Shelby (for Hollings) Amendment No. 1041, to facilitate the application of the pilot record-sharing provisions of title 49, United States Code, added by the Federal Aviation Reauthorization Act of 1996, to air carriers operating non-scheduled operations under part 135 of the FAA regulations. **Pages S8249–50**

Shelby (for Frist) Amendment No. 1042, to require the Secretary of Transportation to exercise the exemption authority under section 41714 of title 49, United States Code, with respect to certain air service between slot-controlled airports subject to that authority and nonhub points, within 120 days after receiving a request for such an exemption. **Pages S8249–50**

Shelby (for Levin/Graham) Amendment No. 1043, to express the sense of the Senate concerning reauthorization of highway and mass transit programs. **Pages S8249–50**

Shelby (for Johnson/Daschle) Amendment No. 1044, to provide for the development and operation of the Nationwide Differential Global Positioning System. **Page S8250**

Also, Senate considered H.R. 2169, House companion measure, striking all after the enacting clause and inserting in lieu thereof the text of S. 1048, as amended. **Page S8258**

A unanimous-consent agreement was reached providing for a vote on final passage of H.R. 2169 to occur on Wednesday, July 30, 1997. **Page S8258**

Foreign Affairs Reform and Restructuring Act—Conferees: Senate insisted on its amendment to H.R. 1757, to consolidate international affairs agencies, and to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Helms, Coverdell, Hagel, Grams, Biden, Sarbanes, and Dodd. **Page S8222**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties, received by the Senate on Monday, July 28, 1997.

Extradition Treaty with Cyprus (Treaty Doc. 105–16); and

WIPO Performances and Phonograms Treaty (WPPT) (1996) and WIPO Copyright Treaty (WCT) (1996) (Treaty Doc. 105–17).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S8284–85**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled "U.S. Arctic Research Plan, Biennial Revision: 1998–2002"; referred to the Committee on Governmental Affairs. (PM–57). **Page S8260**

Nominations Received: Senate received the following nominations:

1 Department of Defense nomination in the rank of general.

Routine lists in the Air Force and Marine Corps. **Page S8285**

Messages From the President: **Page S8260**

Messages From the House: **Pages S8260–61**

Measures Referred: **Page S8261**

Measures Placed on Calendar: **Page S8261**

Communications: **Pages S8261–62**

Statements on Introduced Bills: **Pages S8262–77**

Additional Cosponsors: **Page S8277**

Amendments Submitted: **Pages S8278–81**

Notices of Hearings: **Page S8281**

Authority for Committees: **Pages S8281–82**

Additional Statements: **Pages S8282–84**

Record Votes: One record vote was taken today. (Total—206) **Page S8228**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:14 p.m., until 9:30 a.m., on Wednesday, July 30, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8265.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURAL PRICE VOLATILITY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the impact of the Federal Agriculture Improvement and Reform Act (P.L. 104–127) on price and income volatility in agricultural markets and the Federal Government's role to manage volatility, after receiving testimony from Keith Collins, Chief Economist, Department of Agriculture; Leland H. Swenson, National Farmers Union, Aurora, Colorado; Michael R. Dicks, Oklahoma State University, Stillwater; Ken Rulon, Rulon Enterprises, Cicero, Indiana; Duane Fischer, Scoular Company, Omaha, Nebraska, on behalf of the National Grain and Feed Association; N. Alan Bair, Pennsylvania State University, Middletown; Edward T. Coughlin, National Milk Producers Federation, Arlington, Virginia; and Gary A. Corbett, Dean Foods Company, Rockford, Illinois, on behalf of the International Dairy Foods Association.

ATM NETWORKS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine automated teller machine (ATM) network operations and the practice of surcharging by banks and thrifts with regard to ATMs, and S. 885, to limit fees charged by financial institutions for the use of automatic teller machines, after receiving testimony from Donald I. Baker, Baker & Miller, G. Henry Mundt, III, Cirrus System, Inc., and Anthony N. McEwen, PLUS ATM/Visa U.S.A., all of Washington, D.C.; Thomas M. Caron, Easton Cooperative Bank, Easton, Massachusetts, on behalf of the Community Bank League of New England; Allen I. Olson, Independent Community Bankers of Minnesota, Eagan; and John G. Bascom, Magic Line, Inc., Dearborn, Michigan.

GLOBAL TOBACCO SETTLEMENT

Committee on Commerce, Science, and Transportation: Committee held hearings to examine commerce related issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, and its long-term impact on children and the public health, receiving testimony from C. Everett Koop, former Surgeon General of the Public

Health Service, and David A. Kessler, former Commissioner of Food and Drugs, both of the Department of Health and Human Services, both on behalf of the Advisory Committee on Tobacco Policy and Public Health; Minnesota Attorney General Hubert H. Humphrey III, St. Paul; Arizona Attorney General Grant Woods, Phoenix; Washington Attorney General Christine Gregoire, Olympia; and Mississippi Attorney General Mike Moore, Jackson.

Hearings were recessed subject to call.

ALASKA LANDS

Committee on Energy and Natural Resources: Committee concluded hearings on the following bills:

S. 967, to make certain technical changes to the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska Natives and rural residents, after receiving testimony from Deborah L. Williams, Special Assistant to the Secretary of the Interior for Alaska; William P. Horn, Washington, D.C., on behalf of the Alaska Professional Hunters Association and the Alaska Professional Sportfish Coalition; Matthew Nicolai, Calista Corporation, and Allen E. Smith, Wilderness Society, both of Anchorage, Alaska; Michael Sheldon, Southeast Alaska ANCSA Land Acquisition Coalition (SAALAC), Petersburg; and Bart Koehler, Southeast Alaska Conservation Council, and Robert W. Loescher, Sealaska Corporation, both of Juneau, Alaska; and

S. 1015, to provide for the exchange of lands within Admiralty Island National Monument in Alaska, after receiving testimony from Janice McDougle, Associate Deputy Chief, and Eleanor Towns, Director of Lands, both of the Forest Service, Department of Agriculture; Mayor Peter Hallgren, and Charles E. Horan, Horan, Corak and Co., both of Sitka, Alaska; and James F. Clark, Alaska Pulp Corporation, Juneau, Alaska.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Philip Lader, of South Carolina, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, Felix George Rohatyn, of New York, to be Ambassador to France, Keith C. Smith, of California, to be Ambassador to the Republic of Lithuania, Richard Dale Kauzlarich, of Virginia, to be Ambassador to the Republic of Bosnia and Herzegovina, James W. Pardew Jr., of Virginia, for the Rank of Ambassador during his tenure of service as U.S. Special Representative for Military Stabilization in the Balkans, Anne Marie Sigmund, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, and Daniel V. Speckhard, of Wisconsin, to be Ambassador to the Republic of Belarus, after the nominees testified and answered questions in their own behalf. Mr. Lader was introduced by Senator Thurmond.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Jerome Campane, Special Agent, Federal Bureau of Investigation, Department of Justice, detailed to the Committee as a Special Investigator; and Yue F. Chu and Xi Ping Wang, both of Gaithersburg, Maryland.

Hearings continue tomorrow.

JUDICIAL ACTIVISM

Committee on the Judiciary: Subcommittee on the Constitution, Federalism, and Property Rights concluded hearings to examine certain issues with regard to the constitutional role of Federal judges to decide cases and controversies, focusing on the problem and impact of judicial activism, whereby Federal judges' decisions are based on policy preferences, focusing on proposals to ensure that the Federal courts are kept within their proper constitutional role, including S.J. Res. 26, proposing a constitutional amendment to establish limited judicial terms of office, after receiving testimony from Senator Robert Smith; Representatives Delahunt and Canady; Timothy E. Flanigan, Great Falls, Virginia, former Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Thomas L. Jipping, Center for Law and Democracy, and Elliot M. Mincberg, People for the American Way, both of Washington, D.C.

EDUCATIONAL OPPORTUNITIES

Committee on Labor and Human Resources: Committee concluded hearings on proposals to improve educational opportunities for low-income children, including provisions of S. 847, to provide scholarship assistance for District of Columbia elementary and secondary school students, after receiving testimony from Texas State Representative Glenn Lewis, Fort Worth; Dolores Fridge, Minnesota Department of Human Rights, St. Paul; Howard Fuller, Institute for the Transformation of Learning/Marquette University, Alex Molnar, University of Wisconsin, and Zakiya Courtney, Parents for School Choice, all of Milwaukee, Wisconsin; Barbara S. Lewis, Families Organized for Real Choice in Education, Indianapolis, Indiana; Alieze Stallworth, District of Columbia Parent Teachers Association, Washington, D.C., on behalf of the National Parent Teachers Association; Paul E. Peterson, Harvard University Department of Government, Cambridge, Massachusetts; and Pam Ballard, Cleveland, Ohio.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2281–2291; and 4 resolutions, H. Con. Res. 129–132, were introduced. **Pages H6025–26**

Reports Filed: Reports were filed today as follows:

Report on the Revised Subdivision of Budget Totals for Fiscal Year 1998 (H. Rept. 105–215);

H. Res. 201, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 105–216).

Conference report on H.R. 2015, the Balanced Budget Act of 1997 (H. Rept. 105–217). **Page H6025**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today. **Page H5921**

Recess: The House recessed at 9:38 a.m. and reconvened at 10:00 a.m. **Page H5926**

DOD Appropriations: By a yea and nay vote of 322 yeas to 105 nays, Roll No. 338, the House passed H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998. **Pages H5932–83**

Agreed To:

The DeFazio amendment that increases Defense Wide RDT&E funding for the DOD/VA cooperative research program by $15 million and reduces Defense Wide O&M funding accordingly; **Pages H5939–40**

The Sanders amendment that increases Defense Wide O&M funding for the National Guard Starbase program by $2 million and reduces Air Force RDT&E funding accordingly; **Page H5940**

The Traficant amendment that expresses the sense of Congress that all NATO members should contribute their proportionate share of the costs of the Partnership for Peace program and that no funds may be used for NATO expansion not authorized by law; **Page H5964**

The Solomon amendment that prohibits any funds to be obligated or expended to contractors that have not submitted the most recent report set forth in subsection (d) of section 4212 of title 38, United States Code concerning the hiring of veterans; **Page H5966**

The Obey amendment that prohibits any funds to be used to approve or license the sale of F–22 advanced tactical fighter to any foreign government; **Pages H5966–68**

The Coburn amendment that prohibits any funds to be made available for the United States Man and the Biosphere program, or related projects; and **Page H5968**

The Kennedy of Massachusetts amendment that prohibits any funds for the Department of Defense specimen repository to be used for any purpose except as specified by existing Department of Defense policy. **Pages H5968–69**

Rejected:

The Obey amendment that sought to reduce Air Force Aircraft Procurement funding by $331 million for the production of 9 B–2 bombers and increase National Guard and Reserve Equipment funding by $105 million for Air National Guard KC–135 aircraft, increase Defense Health Program funding by $12 million for the Army breast cancer research program, and apply $202 million toward deficit reduction (rejected by a recorded vote of 200 ayes to 222 noes, Roll No. 336); **Pages H5942–52, H5965**

The Nadler amendment that sought to reduce Air Force RDT&E funding for the F–22 fighter aircraft program by $420 million; **Pages H5953–56**

The Filner amendment that sought to prohibit any funds to be used to transfer Marine Corps helicopters located at El Toro and Tustin Marine Corps Bases to Miramar Naval Air Station, California; and **Pages H5972–74**

The Shays amendment that sought to limit new budget authority to the FY 1997 level resulting in an overall reduction of $3.8 billion (rejected by a recorded vote of 137 ayes to 290 noes, Roll No. 337). **Pages H5974–83**

Withdrawn:

The Clayton amendment was offered, but subsequently withdrawn, that sought to authorize the Secretary of the Army to reimburse military members, deployed in support of Bosnian operations, for expenses incurred in the shipment of personal items to or from Europe; and **Pages H5964–65**

The Maloney of New York amendment was offered, but subsequently withdrawn, that sought to provide $1 million to provide statistics on sexual assault in the military. **Pages H5969–72**

The Clerk was authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today. **Page H5983**

Agreed to H. Res. 198, the rule that provided for consideration of the bill by a voice vote. **Pages H5929–32**

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Monday, July 28:

Violent Crimes by Repeat Offenders: H. Con. Res. 75, expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences (agreed to by a yea and nay vote of 400 yeas to 24 nays with 1 voting ''present'', Roll No. 339); and

Page H5984

Expanded War Crimes Act of 1997: H.R. 1348, amended, to amend title 18, United States Code, relating to war crimes (passed by a yea and nay vote of 391 yeas to 32 nays, Roll No. 340).

Pages H5984–85

Presidential Message—Arctic Research Plan: Read a message from the President wherein he transmitted his fifth biennial revision (1998–2002) to the United States Arctic Research Plan—referred to the Committee on Science. **Page H6025**

Recess: The House recessed at 10:30 p.m. and reconvened at 3:14 a.m. on Wednesday, July 30.

Page H6025

Senate Messages: Message received from the Senate today appears on page H5926.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6026–27.

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H5965, H5982–83, H5983, H5984, and H5984–85. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 3:15 a.m. on Wednesday, July 30.

Committee Meetings

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Began markup of the Treasury, Postal Service, and General Government appropriations for fiscal year 1998.

Committee recessed subject to call.

OVERSIGHT—GOVERNMENT PERFORMANCE AND RESULTS ACT

Committee on Banking and Financial Services: Held an oversight hearing on the Government Performance and Results Act. Testimony was heard from Andrew C. Hove, Acting Chairman, FDIC; Shirlee P. Bowne, Vice Chairman, National Credit Union Administration; the following officials of the Department of the Treasury: Eugene A. Ludwig, Comptroller; and Nicolas P. Retsinas, Director, Office of Thrift Supervision; Alice M. Rivlin, Vice Chairman, Board of Governors, Federal Reserve System; Thomas J. McCool, Economist/Associate Director, GAO; and public witnesses.

ENERGY DEPARTMENT WASTE-SITE CLEAN-UP CONTRACTS

Committee on Commerce: Subcommittee on Oversight and Investigations concluded hearings on the Department of Energy's Implementation of Contract Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9. Testimony was heard from the following officials of the Department of Energy: Federico F. Peña, Secretary; and John M. Wilcynski, Manager, Operations Office; and public witnesses.

VIDEO COMPETITION

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Video Competition: The Status of Competition Among Video Delivery Systems. Testimony was heard from public witnesses.

HIGHER EDUCATION AMENDMENTS

Committee on Education and the Workforce: Subcommittee on Postsecondary Education, Training and Life-Long Learning concluded hearings on H.R. 6, the Higher Education Amendments of 1998, with emphasis on System Modernization efforts at the Department of Education and Accreditation. Testimony was heard from the following officials of the Department of Education: David Longanecker, Assistant Secretary; and Thomas Bloom, Inspector General; Joel C. Willemssen, Director, Information Resources Management Accounting and Information Management Division, GAO; and public witnesses.

OVERSIGHT—METROPOLITAN STATISTICAL AREAS

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held an oversight hearing of Metropolitan Statistical Areas. Testimony was heard from Representatives Holden, Mink of Hawaii, Hinchey, Hunter, and Redmond; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

OVERSIGHT—STATISTICAL PROPOSALS

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held an oversight hearing of Statistical Proposals. Testimony was heard from Sally Katzen, Administrator, Office of Information and

Regulatory Affairs, OMB; Edward J. Sondik, Director, National Center for Health Statistics, Department of Health and Human Services; Jay Hakes, Administrator, Energy Information Administration, Department of Energy; and public witnesses.

OVERSIGHT—EPA's RULEMAKING NATIONAL AMBIENT AIR QUALITY STANDARDS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the EPA's rulemaking on National Ambient Air Quality Standards for Particulate Matter and Ozone. Testimony was heard from Representatives Upton, Boucher, Klink, and Kucinich; Fred Hansen, Deputy Administrator, EPA; Richard L. Russman, Senator, State of New Hampshire; and public witnesses.

QUADRENNIAL DEFENSE REVIEW—RESERVE COMPONENT ISSUES

Committee on National Security, Subcommittee on Military Personnel held a hearing on Reserve Component issues resulting from the Quadrennial Defense Review. Testimony was heard from the following officials of the Department of Defense: Edward L. Warner, Assistant Secretary, Strategy and Requirements; William J. Lynn, Director, Program Analysis and Evaluation; Lt. Gen. David J. McCloud, USAF, Director, Force Structure, Resources and Assessments, Joint Staff, Joints Chiefs of Staff; Sara E. Liser, Assistant Secretary, Army, Manpower and Reserve Affairs; Maj. Gen. William Navas, USA, Director, Army National Guard; Gen. Ronald Griffith, USA, Vice Chief of Staff, Army; Maj. Gen. Max Baratz, USA, Chief, Army Reserve; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action amended the following bills: H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; and H.R. 134, to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project.

Prior to this action, the Subcommittee held a hearing on H.R. 2007. Testimony was heard from David Cottingham, Counselor to the Assistant Secretary, Water and Science, Department of the Interior; and John C. Williams, General Manager, Canadian River Municipal Water Authority.

EXPEDITED PROCEDURES

Committee on Rules: Granted, by voice vote, a rule waiving clause 4(b) of rule XI (requiring a 2/3 vote to consider a rule on the same day it is reported from the Committee on Rules) providing for consideration of specified measures. The waiver applies to rules for the Conference Report on H.R. 2015, the Balanced Budget Act of 1997, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon reported before August 3, 1997; and for the Conference Report on H.R. 2014, the Taxpayer Relief Act of 1997, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon reported after July 30, 1997, and before August 3, 1997.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported the following bills: H.R. 1903, amended, Computer Security Enhancement Act of 1997: H.R. 922, amended, Human Cloning Research Prohibition Act of 1997; and H.R. 2249, to reauthorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1997 for fiscal years 1998 and 1999.

Joint Meetings

FOREIGN AFFAIRS REFORM

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 1757, to consolidate international affairs agencies and to authorize funds for fiscal years 1998 and 1999 for the Department of State and related agencies, but did not complete action thereon, and will meet again tomorrow.

REVENUE RECONCILIATION

Conferees on Monday, July 28, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2014, to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 30, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, business meeting, to mark up proposed legislation authorizing funds for agricultural research programs of the 1996 Farm Bill, and to consider the nominations of August Schumacher Jr., of Massachusetts, to be Under Secretary for Farm and Foreign Agricultural Services and a Member of the Board of Directors of the Commodity Credit Corporation, Catherine E. Woteki, of the District of Columbia, to be Under Secretary for Food Safety, I. Miley Gonzalez, of New Mexico, to be Under Secretary for Research, Education, and Economics, and Shirley Watkins, Arkansas, to be Under Secretary for Food, Nutrition, and

Consumer Services and a Member of the Board of Directors for the Commodity Credit Corporation, all of the Department of Agriculture, 9 a.m., SR–332.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Services and Technology, to resume hearings to review information processing challenges of the Year 2000 for certain financial institutions, 9 a.m., SD–538.

Committee on Commerce, Science, and Transportation, Subcommittee on Communications, to hold hearings on the regulation of international satellites, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings to review the management and operations of concession programs within the National Park System, 2 p.m., SD–366.

Committee on Environment and Public Works, to hold hearings on S. 1059, to amend the National Wildlife Refuge System Administration Act of 1066 to improve the management of the National Wildlife Refuge System, 9:30 a.m., SD–406.

Committee on Foreign Relations, business meeting, to consider the Agreement between the Government of the United States and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), S. Con. Res. 39, expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors, and pending nominations, 10 a.m., SD–419.

Committee on Governmental Affairs, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, to resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America, 10 a.m., SD–226.

Committee on Rules and Administration, business meeting, to consider the status of the investigation into the contested Senate election in Louisiana, 2:30 p.m., SR–301.

Committee on Indian Affairs, business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involving Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds, 9:30 a.m., SD–106.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

House

Committee on Banking and Financial Services, Subcommittee on General Oversight and Investigations, hearing to review the Department of the Treasury's Proposed Regulations for Money Service Businesses, 1 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, to continue hearings on H.R. 10, Financial Services Competitiveness Act of 1997, 10:00 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on Title VI of the Clean Air Act and the Ninth Meeting of the Parties to the Montreal Protocol, 10:00 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections and the Subcommittee on Oversight and Investigations, joint hearing to review the Davis-Bacon Act, 10:00 a.m., 2175 Rayburn.

Committee on International Relations, hearing on the Threat to the United States from Emerging Infectious Diseases, 10:30 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on Kenya's Election Crisis, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, to continue oversight hearings on the activities of the FBI, focusing on the Olympic Park bombing and the investigation of Richard Jewell, 9:30 a.m., 2141 Rayburn.

Committee on National Security, hearing on H.R. 695, Security and Freedom Through Encryption Act, and its impact on U.S. national security, 10:00 a.m., 2118 Rayburn.

Committee on Resources, hearing on H.R. 1948, Hood Bay Land Exchange Act of 1997, 11:00 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, l998, 10:30 a.m., H–313 Capitol.

Committee on Science, hearing on Demanding Results: Implementing the Government Performance and Results Act, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the reauthorization of the SBA, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, to mark up H.R. 2247, Amtrak Reform and Privatization Act of 1997, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Defense Airborne Reconnaissance Office (DARO), 10 a.m., H–405 Capitol.

Joint Meetings

Conferees, on H.R. 1757, to consolidate international affairs agencies and to authorize funds for fiscal years 1998 and 1999 for the Department of State and related agencies, 11 a.m., S–116, Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 30

Senate Chamber

Program for Wednesday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate expects to consider S. 39, International Dolphin Conservation Program Act, and vote on passage of H.R. 2169, Transportation Appropriations, 1998.

Senate also expects to consider the conference report on H.R. 2015, Budget Reconciliation.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 30

House Chamber

Program for Wednesday: Consideration of H. Res. 201, rule waiving Clause 4(b) of rule XI to allow same-day consideration of rules providing for consideration of the Conference Report to accompany H.R. 2015, the Balanced Budget Act of 1997 and the Conference Report to accompany H.R. 2014, the Taxpayer Relief Act of 1997;

Consideration of the Conference Report to accompany H.R. 2015, the Balanced Budget Act of 1997 (subject to a rule); and

Consideration of H.R. 2264, Labor, HHS and Education Appropriations Act for FY 1998 (open rule, 1 hour general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Brown, George E., Jr., Calif., E1555
Conyers, John, Jr., Mich., E1548, E1552
Ehrlich, Robert L., Jr., Md., E1558
Forbes, Michael P., N.Y., E1549, E1552
Kennedy, Joseph P., II, Mass., E1555
Kleczka, Gerald D., Wisc., E1550
Kucinich, Dennis J., Ohio, E1553
Lampson, Nick, Tex., E1558
LoBiondo, Frank A., N.J., E1550
Menendez, Robert, N.J., E1547
Metcalf, Jack, Wash., E1556
Millender-McDonald, Juanita, Calif., E1550
Quinn, Jack, N.Y., E1547
Roukema, Marge, N.J., E1554
Skaggs, David E., Colo., E1553
Skelton, Ike, Mo., E1548
Torres, Esteban Edward, Calif., E1553
Weygand, Robert A., R.I., E1552
White, Rick, Wash., E1558
Wolf, Frank R., Va., E1547, E1550

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.