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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. CALVERT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 17, 1997.

I hereby designate the Honorable KEN CALVERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Through all the trials and tumult that divide the human family and in all the joys and celebrations that bring people together, Your Word of love, O God, is a beacon of hope and a source of comfort and solace. For better or worse, for richer or poorer, and in all the circumstances of life, Your Word unites us and makes us whole. Because of Your everlasting gifts to us, O God, we are grateful for this new day and move forward in the faith and in the hope that You have given to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. CALVERT). 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.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake''.

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

S. 308. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges;

S. 931. An act to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center;

S. 965. An act to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes;

S. 1026. An act to reauthorize the Export-Import Bank of the United States; and

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.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the 1st Session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997:

The Senator from Alaska [Mr. MURKOWSKI], Chairman;

The Senator from Utah [Mr. HATCH];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Indiana [Mr. COATS];

The Senator from Ohio [Mr. DEWINE]; and

The Senator from Wyoming [Mr. ENZI].

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 43, nays 355, answered ''present'' 1, not voting 34, as follows:

[Roll No. 400]

YEAS—43

Allen
Andrews
Baldacci
Becerra
Berry
Brown (OH)
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hefner
Jefferson
LaFalce
Lewis (GA)
Lowey
Martinez
McDermott
McNulty
Miller (CA)
Mink
Olver
Owens
Pallone
Pelosi
Slaughter
Stupak
Tierney
Towns
Vento
Waters
Waxman
Woolsey

NAYS—355

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
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
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Pryce (OH)

NOT VOTING—34

Ackerman
Barton
Bonior
Brown (CA)
Chenoweth
Conyers
Crapo
Dellums
Dixon
Flake
Foglietta
Furse
Gonzalez
Hilliard
Hostettler
Houghton
Inglis
Istook
Kaptur
Livingston
McCrery
McInnis
Moran (VA)
Norwood
Reyes
Riggs
Roybal-Allard
Rush
Sanders
Schiff
Taylor (NC)
Wise
Yates
Young (AK)

□ 1022

Mr. PARKER, Mrs. CUBIN, and Messrs. REDMOND, SHADEGG, KINGSTON, SUNUNU, GILCHREST, PETERSON of Pennsylvania, and EHLERS changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 397 from yesterday, I inadvertently missed the vote. Had I been present, I would have voted ''yes.''

THE JOURNAL

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, yesterday on rollcall 398, I was detained in traffic and missed the vote. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

APPROVE LOW-DOSE IRRADIATION FOR RED MEAT

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

Mr. GANSKE. Mr. Speaker, some people oppose vaccination for small pox, some people oppose pasteurization to kill TB in milk, some people oppose chlorination to kill bacteria in water, and some people oppose fluoridation of water for healthy teeth. Now we have the FDA sitting on approval for low-dose irradiation to kill bacteria in red meat, in hamburger. For 4 years they have done that. The FDA has already approved low-dose irradiation as safe and effective for spices, vegetables, fruits, chicken, and pork. Why not hamburger? Low-dose irradiation does not cause food to become radioactive. It does kill salmonella, tapeworms, and E. coli. In my opinion, the FDA taking 4 years to approve low-dose irradiation of red meat puts them right there with those critics of vaccination, pasteurization, chlorination, and fluoridation.

□ 1030

PROBLEMS AT THE POST OFFICE

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

Mr. TRAFICANT. Mr. Speaker, Martha Cherry, a letter carrier for 18 years, has been fired. The Postal Service said, ''Your stride is too short.'' If that is not enough to put a runner in your pantyhose, check this out.

According to the Postal Service, they wrote in the report that the heels of your leading foot did not pass the toe of your trailing foot by more than 1 inch, thus it took you 10 minutes longer to deliver the mail.

Beam me up, Mr. Speaker. Is this the KGB or the Postal Service? The truth

is, these postal managers could not deliver their way out of a paper bag. I believe they do not even know their heads from their assets. I say the Congress should join with Martha Cherry and give her a hand in putting her 13-inch goose step right up their gestapo tactics.

After all, I admit the Postal Service has a problem, but it is not Martha Cherry's footwork.

I yield back the balance of all this chicanery.

NATIONAL DEBATE ON TAX CODE

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

Mr. PAXON. Mr. Speaker, the way this Congress balanced the budget was in 1994 in the Contract With America, we set the date on which we would balance the budget, 2002, then we began a great national debate on how we would accomplish that.

My friends, we need to do the exact same thing in reforming our Federal Tax Code. Yesterday I filed legislation that would sunset the entire Federal Tax Code absent Social Security and Medicare effective December 31, 2000. That action by this Congress in giving the President that bill this year will begin a great national debate. We will have the opportunity to listen to the American people on whether they want a flat income tax, a national sales tax, a match tax proposed by the Cato Institute or some other approach.

But the important thing is to begin that debate. But sunsetting the IRS Code, by passing that legislation this year, the debate can begin. The starting gun will go off. I think it will be a great experience to go to this country, to listen to the American people, to get their views. I hope my colleagues will join with me in this important historic national effort.

SUPPORTING THE EXPORT-IMPORT BANK

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

Mr. MENENDEZ. Mr. Speaker, our first job in Congress must always be to do everything we can to defend and create American jobs. Yet the charter of one of the strongest tools in our job creating arsenal, the Export-Import Bank, runs out on September 30. Why should we care? We should care because European-based Airbus, which receives substantial export support from France, Germany, and Britain, is as we speak trying to steal international clients from American-based Boeing.

Airbus is openly telling Boeing's customers that congressional inaction is evidence they can no longer rely on the U.S. Export-Import Bank to keep providing the backing for their transactions. Boeing has thousands of suppliers spread across the country, 72 of them in my home State of New Jersey. Each one of those suppliers supports families and homes and school tuition for hard working Americans.

I am here today with my distinguished colleague the gentleman from Illinois [Mr. HASTERT], the chief deputy Republican whip, because this is not a partisan issue, it is an American issue, it is a jobs issue. For these reasons, it is an issue that should move to the top of the agenda and on to the House floor.

EDUCATION A PRIORITY FOR ALL

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

Mr. EWING. Mr. Speaker, education is the priority for all of us. There is a lot more to education though than just putting more money in it. Sometimes this body appears to confuse that.

Let us say, for instance, school structure. I could not be prouder than I am of the city of Chicago, which only a few years ago had some of the worst schools in the country, and working with the Democratic mayor, working with the Republican legislature, they put a new structure in place which has reduced crime, put out a core curriculum, and has increased test scores several times over.

They are really moving in the right direction. I am also proud of this body. Yesterday we voted the Goodling amendment. The teachers in my district have told me very plainly, we do not need to test and test and test. I guess my question is, like a farmer, if you test too many times, it is like weighing your cow every day. It does not do any good.

The Republicans, I believe, have the right idea for education and we need to keep pursuing it.

SOLIDARITY IN ORANGE COUNTY

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

Ms. SANCHEZ. Mr. Speaker, during the August recess I joined over 2,000 of my constituent to rally in support of human rights and democracy in Vietnam. We marched in protest of the recently reported human rights abuses and religious oppression by the Government of Vietnam.

In response to high taxes and official corruption, uprisings have begun in the provinces of Vietnam. And what was the response of the Vietnamese Government to these protests? Well, reports indicate that the Vietnamese Government has dispatched security forces and arrested hundreds of these protesters, and the farmers have also been forcibly removed from their land by the special police.

Last month I joined my constituents in sending a strong message to Hanoi, a message that these injustices will not be tolerated, a message that the Government must obey, respect and honor human and religious rights in Vietnam.

I urge the administration to ensure that the protection of religious practice and freedom of expression remains key in any policy towards Vietnam.

THE 50TH ANNIVERSARY OF THE FREEDOM TRAIN

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

Mr. GOODLATTE. Mr. Speaker, exactly 50 years ago today on September 17, 1947, the Freedom Train began its historic 16-month tour across the United States. This special train, commonly known as the Spirit of 1776, carried over 100 historic documents to hundreds of communities in all of the then 48 States.

More than a rolling museum, the Freedom Train was a 16-month experiment in civic awareness that provided a vivid reminder of the greatness of America's heritage to a nation still recovering from economic depression and world war.

Imagine what it must have felt like to see the Freedom Train rolling into your hometown in 1947 and open its doors to reveal original documents like the Magna Carta, the Mayflower Compact and the Declaration of Independence. The Freedom Train's tour logged more than 37,000 miles.

Today railroading enthusiasts across the country pause to pay tribute to this unique train and to its enlightened mission to renew pride in our Nation's founding principles.

I would like to give special thanks to Mary Jayne and John Z. Rowe, two Virginians who have worked tirelessly to ensure that the special story of the Freedom Train will never be forgotten.

THE HOUSE SCHEDULE

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

Mr. DEFAZIO. Mr. Speaker, I know many people wonder what takes precedence here in Washington, DC. It is kind of puzzling when you watch the House in session. Is it the 13 unfinished appropriations bills, the bills that will fund every part of the Government for the next fiscal year, which are due on the first of October? Not a one has been passed? Can we avoid another Government shutdown? Is that a crisis we should be working on day and night?

No, that is not it.

How about repeal of the special $50 billion tax break snuck into the tax bill for the tobacco industry? Does that take precedence?

No.

There is one simple thing. The House is adjourning at 4 p.m. today, a day on which we usually work late into the

night, with all its business pending, for the thing that always drives this body and is driving the majority party. Campaign finance reform will not be heard, but they will be raising money in New York.

They are going to New York. They have got corporate jets coming to pick them up. They are going to New York to raise money. We are adjourning early today and the people's business will not be done so they can go to a $10,000 a plate fund raiser.

STONEWALLING CAMPAIGN FINANCE REFORM

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

Mr. SCARBOROUGH. Mr. Speaker, my goodness. Thank God the liberals have never raised money in New York City. You know, it is interesting, the last speaker shows us the nature of the Democrat's complaints in the past. Here we have somebody complaining about us adjourning at 4 o'clock, when he voted at 10 o'clock to adjourn. I do not understand it. Do you like 10 o'clock better than 4 o'clock?

By gosh, this is the same Democratic Party that complains about campaign finance reform, and complains about not being able to trace soft money, when the same people that come here get over $500,000 from unions that we could not trace for 6 months. We finally traced it. They are getting more money that you cannot trace than I got in my entire TWO campaigns, and yet they are saying we must do something to trace soft money.

Mr. Speaker, it is absolutely ridiculous. That is why the New York Times this past weekend attacked the DNC for stone-walling campaign finance reform. They attacked the DNC for not doing enough to really clear this up. Stop changing the subject.

FIGURES ON CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, our Speaker, Speaker GINGRICH, is fond of numbers. Here are new numbers on campaign finance reform.

Zero. Never has the Republican majority brought campaign finance reforms to the floor of the House for a vote.

Two. Twice in this past decade Democrats passed campaign finance reforms, only to see them vetoed by a Republican president.

Twenty-eight. It has been 28 months since Speaker GINGRICH and President Clinton shook hands promising campaign finance reform.

Two hundred sixty-five. In the 1996 election cycle, both parties raised $265 million in soft money.

Finally, 4:30. At 4:30 this afternoon, NEWT GINGRICH and the Republican Party will fly in private planes to New York to raise money for the party, insisting that we have no time for campaign finance reform.

USE OF UNION DUES FOR POLITICAL PURPOSES

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

Mr. TIAHRT. Mr. Speaker, it is interesting that they want to change all the campaign laws, when the Democrat Party has had trouble keeping the laws we have on the books today.

But here is an issue that you will not hear many of the liberal colleagues discuss when speaking so passionately about campaign finance reform. It is the use of union dues for political purposes.

During the last election, the AFL–CIO spent a minimum of $35 million in an unprecedented effort to buy Congress. This money came from the paychecks of American workers through special assessments of local unions, and yet national polling tells us that 40 percent of the union workers did not agree with the way their money was being spent.

Thomas Jefferson said, ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.'' Later on, in 1988, the Supreme Court said in its Beck decision that the use of compulsory dues and fees for purposes ''beyond those necessary to finance collective bargaining activities violated the judicially created duty of fair representation.''

I welcome the AFL–CIO's involvement in the political process. They should however respect the rights of their members. Let us free up the paychecks of American workers.

Union workers should be allowed to voluntarily participate in politics. Not against their will but voluntarily. And no campaign reform is acceptable without freeing the paychecks of American workers.

A TRIP TO WALL STREET

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

Mr. LEWIS of Georgia. Mr. Speaker, there is nothing more important for this Congress to consider than campaign finance reform. The American people ask for it, the President asks for it, and Members of this Congress support it. Two years ago the President and the Speaker shook hands on it.

Mr. Speaker, this year, many of us sent a letter to the Speaker, a reminder, asking for consideration of campaign finance reform within 100 days.

One hundred days have come and gone, and this leadership refuses to act. Instead, they are closing down all business in the House so they can go to New York for a fundraiser. That is right. Tonight the House will close early, very early, so Republicans can go and raise more money, hundreds of thousands, millions of dollars.

Mr. Speaker, this is no way to represent the American people. We deserve better. Bring campaign finance reform to this floor and stop stonewalling.

CONGRATULATING THE UNIVERSITY OF NEVADA LAS VEGAS ON ITS 40TH ANNIVERSARY

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

Mr. GIBBONS. Mr. Speaker, today, I rise to congratulate the University of Nevada Las Vegas, which this month begins its 40th year of providing quality education to the citizens of Nevada.

The University of Nevada Las Vegas began in 1957 as the Nevada Regional Division of the University of Nevada, and in its first year of existence, UNLV consisted of only one building on 80 acres of desert land with a total enrollment of 498. Today, the university includes more than 60 structures, spanning 335 acres, and has an estimated 20,000 students enrolled this fall.

With an unyielding commitment to academic excellence and the support of the people of Nevada, UNLV now claims over 35,000 alumni.

□ 1045

Mr. Speaker, I would like to congratulate President Harter on this great achievement and wish the University of Nevada Las Vegas, every continued success in the future.

VOTE ''NO'' ON FAST TRACK

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

Mr. BROWN of Ohio. Mr. Speaker, what is the hurry? Before we rush headlong into another trade agreement that costs American jobs and endangers America's food supply, let us slow down. Before passing fast track, let us fix the North American Free Trade Agreement, some of its biggest problems. Twelve thousand trucks a week cross the border from Mexico into the United States, yet only 1 percent of those trucks are inspected and half of the trucks that are inspected fail the safety test.

Since NAFTA was passed in 1993, there has been an increase of 45 percent in the amount of frozen and fresh fruits and vegetables that have crossed the border and passed into the United States, yet less than 1 percent of those foods are inspected at the border.

Mr. Speaker, let us slow down on fast track. Let us protect our food supply, let us keep our highways safe. Vote ''no'' on fast track.

PARENTAL INVOLVEMENT AND COMPETITION FOR EDUCATION

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

Mr. GUTKNECHT. Mr. Speaker, I find it fascinating to listen to some of the discussion over the last several weeks about education, and I think those who have been watching on C–SPAN see the real differences between Republicans and Democrats. The Democrats invariably talk about more money for education; principally, more Federal money for local education. But Mr. Speaker, if more money alone were the answer, Washington, DC, would have the best schools in America. We are spending about $9,000 per student on the schools here in Washington, DC.

Now, we obviously need to make certain that our schools have adequate resources. What we really need, however, is to encourage parental involvement and use the miracle of the marketplace. Competition works. The best way to improve poor schools is to give poor parents the same choices that the wealthy have.

NATIONAL REHABILITATION AWARENESS WEEK

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

Mr. CAPPS. Mr. Speaker, I rise to call attention to the fact that this is National Rehabilitation Awareness Week throughout the country. Across the country, we are taking time this week to thank the many therapists in the rehabilitation institutes for the good work that they do, for lives that have been brought back together because of that good work.

I am a personal testimony to this. I want to call special attention to the work of the Santa Barbara Rehabilitation Institute that put my life back together; not just my body, but heart, mind, and soul. I want to thank all of the therapists there, the drivers of the vans, and I brought my football today, because when I started that therapy, I could not throw the football, now I can. As a tribute to them and a tribute to National Rehabilitation Awareness Week, I want to show what kind of work we can do.

CONSTITUTION DAY

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

Mr. DREIER. Mr. Speaker, ''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain in this Constitution for the United States of America.''

It was 210 years ago today that 39 courageous individuals signed that document and began the ratification process.

It has been fascinating for me to sit here, Mr. Speaker, listening to these speeches and watching the greatest deliberative body known to man proceed with its work, and it is important that we note this very, very important Constitution Day, and it is also Peggy Sampson's birthday back in the Cloakroom.

IMPORTANT DEPARTMENT OF EDUCATION INITIATIVES ARE BEING THREATENED

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

Ms. DELAURO. Mr. Speaker, the last Congress my colleagues on the other side of the aisle tried to close down the Department of Education. The American people said no. Democrats in this House said no.

But having failed to shut down the department in one fell swoop, my Republican colleagues are now trying to shut down the Department of Education office by office. Today, we will vote on an amendment that would take billions of dollars away from the Department of Education.

Let me tell my colleagues what this amendment would eliminate, initiatives that have proven to work: Safe and drug-free schools. The school-to-work program. Educational technology challenge grants. Goals 2000. These are programs that are working in our schools today. Instead of targeting funds to where they are needed most, this amendment would spread them around to schools whether they are needed or not.

Democrats in this House are standing up for America's children, fighting the Republican assault on this Nation's commitment to education. Reject the Hoekstra amendment.

TRIBUTE TO JIM PACE

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

Mr. METCALF. Mr. Speaker, I rise today to pay tribute to Jim Pace, a constituent of mine from Whatcom County who is retiring today. Jim Pace worked as a veteran service officer for the American Legion in Whatcom and Skagit Counties. Through Jimmy's efforts, innumerable veterans, ready to give up on the system, found help and the benefits they deserve.

His first action was to organize a parade in Whatcom County that served as a homecoming for Vietnam's veterans. ''I had a purpose in life,'' Jim said. ''I could not bring back any of the 158,000 soldiers who were killed in Vietnam, but I could help those who came home.''

Among Jim's many accomplishments is Operation We Remember which brought disabled veterans to the Vietnam Memorial here in Washington. The veterans of the Second District and I personally will miss Jimmy's energy and compassion, and wish him the best of luck in his retirement.

MOTION TO ADJOURN

Ms. DELAURO. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the privileged motion.

The Clerk read as follows:

Ms. DELAURO moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from Connecticut [Ms. DELAURO].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 39, nays 364, not voting 30, as follows:

[Roll No. 401]

YEAS—39

Allen	Doggett	Ney
Andrews	Eshoo	Olver
Berry	Filner	Owens
Bonior	Frank (MA)	Pallone
Brown (OH)	Gejdenson	Pelosi
Conyers	Gephardt	Slaughter
Coyne	Gutierrez	Stupak
Davis (FL)	Kaptur	Tierney
DeFazio	Lowey	Torres
Delahunt	McDermott	Towns
DeLauro	McNulty	Vento
Deutsch	Miller (CA)	Waters
Dingell	Mink	Woolsey

NAYS—364

Abercrombie	Brady	Crane
Ackerman	Brown (FL)	Crapo
Aderholt	Bryant	Cubin
Archer	Bunning	Cummings
Bachus	Burr	Cunningham
Baesler	Burton	Danner
Baker	Buyer	Davis (IL)
Baldacci	Callahan	Davis (VA)
Ballenger	Calvert	Deal
Barcia	Camp	DeGette
Barr	Campbell	DeLay
Barrett (NE)	Canady	Dellums
Barrett (WI)	Cannon	Dickey
Bartlett	Capps	Dicks
Barton	Cardin	Dixon
Bass	Carson	Dooley
Bateman	Chabot	Doolittle
Bentsen	Chambliss	Doyle
Bereuter	Chenoweth	Dreier
Berman	Christensen	Duncan
Bilbray	Clay	Dunn
Bilirakis	Clayton	Edwards
Bishop	Clement	Ehlers
Blagojevich	Clyburn	Ehrlich
Bliley	Coble	Emerson
Blumenauer	Coburn	Engel
Blunt	Collins	English
Boehlert	Combest	Ensign
Bonilla	Condit	Etheridge
Bono	Cook	Evans
Borski	Cooksey	Everett
Boswell	Costello	Ewing
Boucher	Cox	Farr
Boyd	Cramer	Fattah

Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
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
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Oberstar
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Armey
Becerra
Boehner
Brown (CA)
Castle
Diaz-Balart
Fawell
Foglietta
Furse
Gonzalez
Jefferson
Johnson, Sam
Kolbe
Largent
Leach
Martinez
Meehan
Metcalf
Moran (VA)
Nussle
Oxley
Rangel
Reyes
Rohrabacher
Schiff
Souder
Talent
Waxman
Wise
Yates

□ 1115

Mr. KILDEE and Mr. NADLER changed their vote from ''yea'' to ''nay.''

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman will state his inquiry.

Mr. MENENDEZ. Mr. Speaker, I have a parliamentary inquiry that goes to the integrity of the House.

My question is, Could the Speaker advise the House of that provision of the rules which prohibits former Members of the House from coming onto the House floor and lobbying when they have a direct personal or pecuniary interest in a matter pending before the House?

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXXII, former Members have the privileges of the floor or rooms leading thereto subject to the provisions of clause 3 of that rule.

Mr. MENENDEZ. And that is the controlling provision as it relates to former Members not lobbying in the House in that respect, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1118

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 16, 1997, amendment No. 41 by the gentleman from Michigan [Mr. HOEKSTRA] had been disposed of and section 515 was open for amendment.

Are there further amendments to this section of the bill?

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. MENENDEZ. Mr. Chairman, what rules of the House permit a former Member of the House to accost verbally another Member of the House on a matter that affects that Member?

The CHAIRMAN pro tempore. The Chair is not aware of any such rule that permits that.

Mr. MENENDEZ. Well, Mr. Chairman, what procedure does a Member of the House have when they are accosted by a former Member of the House to have that Member removed?

The CHAIRMAN pro tempore. The Chair will consult with the gentleman on that question.

Mr. MENENDEZ. Well, I would like an answer, because I have just had Mr. Dornan, a former Member of this House, come up and verbally accost me. And I do not expect in the greatest democratic institution in the world to have to take what my foreparents did not do, in a country in which they left to avoid, is that to have to come to this body and listen to a former Member of the House proceed in that way and to use words that were both profane and at the same time to use words that were demeaning.

So I want to know, in public, what procedure do we have to not have that type of action happen on the House floor?

The CHAIRMAN pro tempore. The Chair will consult with the gentleman and the Sergeant at Arms on that question.

Mr. MENENDEZ. Further parliamentary inquiry, Mr. Chairman.

If in fact a Member of the House, a present Member of the House, were to make comments that were inappropriate, their words could be taken down. They would not be allowed to speak. I want to know whether or not there is a procedure existing that in fact will create the opportunity to not have this type of occurrence that happened on the House floor.

The CHAIRMAN pro tempore. The Chair can direct and will direct the Sergeant at Arms to maintain decorum in the House.

Mr. MENENDEZ. And I will hold the Chair to that expectation.

The CHAIRMAN pro tempore. I thank the gentleman.

AMENDMENT NO. 67 OFFERED BY MRS. LOWEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY:

Amendment No. 57: Page 102, after line 24, insert the following new section:

SEC. 516. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The point of order is reserved.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, the Member continues to be harassed and that is not consistent with our rules.

The CHAIRMAN pro tempore. Former Members are requested to observe the rules.

The gentlewoman from New York [Mrs. LOWEY] may proceed.

Mrs. LOWEY. Mr. Chairman, I am offering this amendment with the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, my distinguished colleague and coauthor of this amendment, who has been an important leader on this issue.

I am offering this amendment today to repeal a disgraceful giveaway to the tobacco industry that was slipped into the budget bill at the last minute. The other body voted 95 to 3 to repeal this provision last week, and I introduced legislation to repeal this provision that has over 60 cosponsors from both sides of the aisle.

Mr. Chairman, the Republican leadership slipped this infamous $50 billion tobacco tax giveaway into the budget bill in the middle of the night. Now we are going to shine a spotlight on this provision and see who will stand with the American people and who will stand with the big tobacco companies.

At the heart of this issue is the understanding that American taxpayers should not be subsidizing big tobacco companies, but that is exactly what has happened. When asked about this provision, Kenneth Kies, the staff director of the Joint Committee on Taxation, said, ''The industry wrote it, submitted it and we just used their language.''

This is unacceptable. The Congress should be passing laws to protect the health of all Americans; it should not be lining the pockets of the tobacco industry.

Tobacco products, Mr. Chairman, kill 400,000 Americans every year. Americans spend $50 billion each year to respond to the adverse health effects of smoking. Every day more than 3,000 American teenagers start smoking. One in three will die from cancer, heart disease and other illnesses caused by smoking. American taxpayers, Mr. Chairman, should not be subsidizing this deadly product.

I urge all of my colleagues to stand up for the health of the American people and vote for this amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from New Jersey, the coauthor of this amendment.

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague from New York and really appreciate this opportunity. I will ask for my own time later, but I do want to commend her for approaching this subject and really make a presentation to our appropriators, the ranking member and the chairman.

Mr. Chairman, I have got to say that this is a very important amendment. This is a relevant issue; relevant because the President today is making a presentation on the tobacco pact, relevant because just last week the Senate past the identical provision to the identical bill.

I would suggest, and here I do not want to be too facetious, and I do not intend to be a William Weld here. I believe in following the rules and normal procedures of the House. But what we are asking here today of the appropriators is that we be given permission under this circumstance to use the rules of the House where waivers are permitted for this very particular issue that is high profile. This amendment is relevant and is an answer to our taxpaying public that we are not giving a tax favor to the tobacco industry on the backs of the taxpayers of this country.

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

Mrs. LOWEY. I yield to the distinguished ranking minority member, the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, this amendment is not in order under the rules of the House. It is a nongermane amendment. Unlike the other body, this House does have rules which relate to germaneness. I do not think either I or the gentleman from Illinois [Mr. PORTER] want to stand in the way of getting something done which is obviously the will of the House, but we have a long way to go on this bill.

The Durbin amendment, make no mistake about it, is going to be accepted in conference. I congratulate both of the gentlewomen for being interested in this, and I would be willing to withdraw my reservation if we have an understanding that this is going to take very little time of the House today. If we are going to debate something for a considerable period of time, and we have a tight schedule with many other Members who have noticed germane amendments, then I would be constrained to object, even though I do not want to.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I would be delighted to yield to the chairman, the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the Members that the day that Senator DURBIN offered and passed the amendment in the Senate, he came to me and asked me if I would do everything possible to see that it was sustained in conference, and I assured him that I would.

□ 1130

I assured him, also, that I was certain that the conference would sustain the position of the Senate on this disgraceful tax giveaway to the tobacco industry that should never have found its way into earlier legislation.

My colleague, the gentleman from Wisconsin [Mr. OBEY], is correct, this is not a matter that is germane to this bill. But in a broader sense, it really is. Tobacco causes many of our health problems in this country, and I think it is appropriate that we address this matter in our conference and end this tax giveaway.

If this amendment were to be adopted, there would be identical provisions in both the House and Senate bills. The provision would not be suspect to conference. The provision would be accomplished without any further discussion.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. LOWEY] has expired.

(On request of Mr. PORTER and by unanimous consent, Mrs. LOWEY was allowed to proceed for 5 additional minutes.)

Mr. PORTER. Mr. Chairman, if the gentlewoman will continue to yield, I feel, as the gentleman from Wisconsin [Mr. OBEY] does, that if we can expeditiously finish this matter very quickly on the floor in this bill, that is a proper way to proceed.

Finally, Mr. Chairman, let me say that the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentlewoman from New York [Mrs. LOWEY] have shown tremendous leadership on this issue. I am delighted that both of them can offer this amendment together, and I hope that we can wind up debate very quickly and allow this to become a part of our bill.

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

Mrs. LOWEY. I thank the chairman, and I am delighted to yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me say that I think every thoughtful Member of this House understands what happened on the tax bill was an outrageous sneak play which delivered an illegitimate benefit to an industry that is not entitled to it. I would insist on its being eliminated and the Durbin amendment being accepted even if this amendment were not offered.

But in the interest of driving home the message and saving time, I would be willing to withdraw my objection and support the amendment under the conditions that we just described.

Mr. DOGGETT. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, it is correct that this particular provision was tucked in under a title of the balanced budget amendment, the balanced budget agreement, somewhere around page 300 or 400, under the misleading title of Technical Amendments to Assist the Small Business Protection Act. And the small business that was protected here was the tobacco industry.

I have been on this floor on a number of occasions prior to this morning asking that the removal of this $50 billion tax giveaway be scheduled on the same day that we have reform of the soft money provisions in campaign finance, because I do not think it is a coincidence that the No. 1 soft money contributor to the Republican Party is Philip Morris, the No. 2 contributor is R.J. Reynolds. And I do not think it is a coincidence that this morning if we conducted a political paternity test, we could not find anyone willing to take the test.

This provision did not appear in this bill through divine intervention. It occurred because of the involvement and the corruption of our political system. Not one minute, not one second was devoted on the floor of this House or the U.S. Senate to debate this provision. It was wrong. It is the very kind of thing that the people of America are caused to be most cynical about this institution.

So I am pleased that we are taking the leadership to remove it, but we ought to get at not only the symptom, the $50 billion tax break. It is a symptom of the corruption of this system. We ought to get at the source and the cause, and that is the interference and corruption, not only by the American tobacco industry, but by others.

Every American ends up paying through tax breaks just like this that get stuck into this legislation because the soft money political system is corrupt and it is wrong. And until Speaker GINGRICH comes out here and schedules it for debate, this kind of thing will keep recurring again and again and again, and we will be forced to come to the floor to undo it whenever we find out about the fact that we are facing $50 billion tax breaks.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, again I am very pleased that the chairman and the ranking minority member are in support of this amendment that my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA] and I are offering. We expect that this amendment will be accepted by the committee as we move forward in the process.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The Chair would inquire, does the gentleman from Illinois withdraw his reservation of a point of order?

Mr. PORTER. Mr. Chairman, I am concerned that we are going to get off the subject, as we did just a moment ago, and this will turn into a long and lengthy debate. I do not want that to happen. If it does, I would insist upon my point of order. Can I continue to reserve that point?

The CHAIRMAN pro tempore. The gentleman from Illinois may continue to reserve his point of order.

Mr. PORTER. I continue to reserve.

Mrs. ROUKEMA. Mr. Chairman, could there be an agreement on the time limit rather than a point of order? Is that possible?

Mr. PORTER. It is certainly possible if we ask unanimous consent. I have not consulted either side as to what time they might want. Let me ask.

I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes, with 5 minutes to the majority and 5 minutes to the minority.

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

Mrs. ROUKEMA. Reserving the right to object, Mr. Chairman, I am looking for 5 minutes myself. Could it be a 10-minute time period?

Mr. PORTER. Yes, Mr. Chairman.

Mrs. ROUKEMA. Mr. Chairman, I withdraw my reservation of objection.

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would like to simply inquire of the Chair what amendment we are on now? That is my first inquiry; and second, to ascertain if in fact it is still the intention of the House to rise today, at least for the purposes of votes, by 4 p.m.?

The CHAIRMAN pro tempore. The Chair advises the gentleman from Wisconsin that the Committee is on the Lowey amendment, preprinted, No. 67.

Mr. RIGGS. Further reserving the right to object, Mr. Chairman, did I understand the unanimous-consent agreement would also include any amendment to this amendment?

The CHAIRMAN pro tempore. The gentleman is correct.

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

The CHAIRMAN pro tempore. Does the gentleman from Illinois modify his request as to 10 minutes on each side?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentlemen from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 10 minutes.

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

Mr. OBEY. Mr. Chairman, might I just indicate that I hope the gentleman from Illinois [Mr. PORTER] can yield back my 10 minutes without using them. I think we cannot afford this much time on a nongermane amendment if we are going to finish this bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois continue to reserve his point of order?

Mr. PORTER. Mr. Chairman, I do not continue to reserve my point of order.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the cosponsor of the amendment.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding the time.

Let me say that that this amendment which the gentlewoman from New York [Mrs. LOWEY] and I have presented deals in a legally binding way to repeal the $50 billion tax windfall that, was surreptitiously inserted into the tax bill in the dead of night without the knowledge of the Congress and the voters.

Particularly, I want my colleagues to understand that the taxpayers would be required to pick up the cost of that $50 billion, removing it from the assessment on the tobacco industry. So this is about relieving taxpayers and reducing their taxes.

I want to say also that it is coincidental but very timely that we are taking it up right now, since today, as we know, not only the President but many Members of both parties have expressed concerns and objections to the so-called tobacco pact. And I think that we really should be taking a tough stance not only to protect the taxpayers but to protect American health.

Remember, we are talking about taxpayers bailing out the tobacco industry. Now let me say, in addition to what my colleague, the gentlewoman from New York [Mrs. LOWEY], has already laid out, that this vote will make us accountable to the voters. This was put in the tax bill without anybody's knowledge. And I think the cynical voters out there are ready to throw up their hands and say, ''Oh, boy, that is that Washington crowd doing it again'' if we do not permit a vote on this issue.

Let me say this makes us accountable, but I also want to stress this is the only way we can do it with legal standing. Any other alternative is just instructive and has no standing in the conference with the Senate. Whether we use it as an amendment to another bill or whether we do a motion to instruct the conferees, it does not have the standing that the Durbin-Collins amendment from the Senate has on their bill. We should have that same parallel provision on our bill.

And so I respectfully must say that this vote will say to the American people that we stand for their health and for their children's health, and that the taxpayers should not be required to pay and bail out the tobacco industry. We must correct the wrong that was done in that budget deal in that tax

package, and we can help regain the confidence of the American people and restore some credibility to this House.

I want to thank my colleague, the gentlewoman from New York [Mrs. LOWEY]. I want to thank the chairman and ranking member of the Committee on Appropriations for understanding how critical this is and for permitting us under the rules to use the waiver rule in the House to bring this issue before our colleagues.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of this amendment to repeal the tobacco tax giveaway. For years, the tobacco industry has denied the truth—that smoking kills. Its ads have made smoking appear glamorous and cool, and they have blatantly targeted children with characters such as the omnipresent Joe Camel.

But the truth isn't as comforting as tobacco commercials would have you believe. The truth is, every day 3,000 people under the age of 18 become regular smokers. The truth is, one out of every three of these kids will die of a tobacco-related illness like cancer or heart disease. The truth is, cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, illegal drugs, and fires combined.

The way the tobacco industry targets children is a crime. And now that we are at the brink of a settlement that will force the industry to pay for its crime, a $50 billion tax giveaway for big tobacco is snuck into the tax bill in the dead of night. We don't know who put it there. No one will stand up to take responsibility.

It truly boggles the mind. This is not an industry that markets games or toys. We are talking about an industry that markets a product which is proven to cause cancer, heart disease, and lung disease. It has tacitly admitted to targeting children by retiring characters such as Joe Camel. And last month, the head of Philip Morris admitted in a court of law that 100,000 Americans might have died from smoking-related illnesses. That same day, another story ran where the Speaker of this House defended this tax giveaway as fair.

My friends, we shouldn't even be here today debating this amendment. In 1993 alone, taxpayers spent over $50 billion in health care costs to care for people who were stricken by cancer and other diseases caused by tobacco.

We should be ashamed of ourselves for even considering helping the tobacco industry to pay for its mistakes. The tobacco industry does not deserve to be bailed out by taxpayer dollars. I urge every member of this House to support this amendment to repeal the tax giveaway.

[From the Washington Post, Aug. 22, 1997]

SMOKING MAY HAVE KILLED THOUSANDS, CEO AGREES

WEST PALM BEACH, FL.—About 100,000 Americans ''might have'' died from smoking-related diseases, the head of Philip Morris Cos. Inc. conceded today to state lawyers suing his company.

Geoffrey C. Bible, chairman and chief executive officer of the nation's largest cigarette maker, made the admission at the end of nearly two hours of questioning in preparation for trial of a lawsuit.

Ron Motley, a lawyer representing the state, called Bible's statement a major breakthrough because except for one maverick, other industry leaders have not made such a concession. Bennett S. LeBow, chief executive officer of the smallest of the major cigarette makers, Liggett Group, Inc., has said that cigarettes kill and are addictive.

Members of Congress are pressing the tobacco industry for admissions before they consider approving a $368 billion settlement that would wipe out most lawsuits against the industry.

Florida was the first of 40 states suing the major tobacco companies to bring a case to trial. It seeks $12.3 billion for the public cost of smoking related illnesses. Jury selection began Aug. 1 and continues during the taking of depositions.

Motley asked Bible: ''Would Philip Morris agree that a single American citizen who smokes their products for 30 or more years, a single one, has ever died of a disease caused in part by smoking cigarettes?''

Bible answered, ''I think there's a fair change that one would have, might have.''

Motley followed up, ''How about a thousand?''

Bible said, ''Might have.''

Motley pressed, ''How about 100,000?''

Bible responded, ''Might have.''

''I salute Philip Morris for the first time in 40 years being forthright and candid,'' Motley said on CNN afterward. ''It's a very public, health-spirited way of looking at things.''

Responding to allegations that cigarette makers manipulate nicotine levels in cigarettes to capitalize on its addictive qualities, Bible said, ''I wouldn't even let them discuss adding nicotine, let alone adding nicotine to attract children.''

GINGRICH DEFENDS TOBACCO TAX BREAK—$50 BILLION CREDIT IS PART OF FAIR OVERALL DEAL, SPEAKER SAYS

MARIETTA, GA.—House Speaker Newt Gingrich (R-Ga.) today defended a new $50 billion tax credit for the tobacco industry as part of an overall plan that is fair.

''I think people were misreading the tax provision,'' he said. ''We're not cutting a break for the tobacco folks.''

The credit is part of a bipartisan tax bill that includes a 15-cents-a-pack tax increase on cigarettes. The tax proceeds would be credited against the money tobacco companies agree to pay in a proposed $368 billion settlement of state lawsuits against the industry.

The tax will pay for expanded child health care programs.

Clinton administration officials have said they will seek to offset the $50 billion tax credit when the proposed tobacco deal is reviewed by Congress.

State attorneys general have threatened to withdraw support for the deal unless the credit is blocked. Tobacco companies said any increase in the settlement's costs could kill the deal.

Gingrich said the tax credit is only part of the final deal with the tobacco companies.

''Whatever the final package is, we want to make sure that it's real,'' he said. ''It's all one pot of money, and I'm in favor of maximizing the amount of money available for children's health.''

Gingrich spoke to reporters after touring a vocational training center in his congressional district north of Atlanta.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of the Lowey-Roukema amendment to H.R. 2264, the Labor, Health and Human Services, and Education appropriations bill. This amendment would repeal the stealth, windfall tax credit that was given to the tobacco industry as part of the Taxpayer Relief Act. This $50 billion tax credit was not included in either the House or Senate versions of the tax bill and was adopted without debate and review. This tax provision should never have been enacted and should be repealed as quickly as possible.

I am pleased to be a co-sponsor of legislation sponsored by Representative LOWEY to repeal this tax credit and strongly support this effort to eliminate this ill-advised tax provision. The House of Representatives should approve this amendment, just as the Senate did earlier this month by a vote of 95 to 3.

The balanced budget agreement we enacted in July raised the cigarette excise tax by 15 cents per pack to help pay for a children's health care initiative to provide insurance coverage for uninsured children. The tobacco tax credit completely undermined this intent by subtracting the increased excise tax paid by the industry from whatever they would have to pay as part of a global tobacco settlement. In essence, the children's health initiative would have come at the cost of important public health and smoking cessation initiatives that were to be funded by the global agreement. The children's health initiative was intended to be in addition to these other initiatives, not an alternative to them. The Lowey-Roukema amendment restores this clear congressional intent.

The children's health initiative and the cigarette excise tax to fund it are completely separate issue from the global tobacco agreement and ought to be considered by Congress as such. The Lowey-Roukema amendment makes this clear and allows us to consider these issues separately. Let us pass this amendment and repeal the tax credit now, then give the global tobacco settlement and the President's proposals to reduce underage smoking the careful and thorough deliberation they deserve. President Clinton today announced that he would support raising cigarette excise taxes by $1.50 per pack if tobacco companies fail to reduce smoking among young people. The administration proposal would stipulate targets to cut teen smoking and if these targets are not met, tobacco companies would pay higher penalties that would not be capped or tax deductible as a business expense. I look forward to reviewing these proposals with the goal of crafting legislation that reduces underage smoking and protects the public health.

I urge my colleagues to vote for the Lowey-Roukema amendment to repeal this unfair, irresponsible tax credit provision.

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

Mr. OBEY. Mr. Chairman, could I inquire of the gentleman from Illinois [Mr. PORTER], is he prepared to yield his time back if we do the same here?

Mr. PORTER. Mr. Chairman, I have no further requests for speakers, and I would be prepared to yield my time back, yes.

Mr. OBEY. In that case, Mr. Chairman, I yield back the balance of my time.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. COBURN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. COBURN:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 516. None of the funds made available in this Act may be used by the Centers for Disease Control and Prevention, or any other part of the Public Health Service, to conduct or support any program in which blood samples are collected from newborns and tested for the human immunodeficiency virus in circumstances in which the samples do not indicate the identity of the newborns, from whom the samples were taken.

Mr. COBURN. Mr. Chairman, my friend the gentleman from New York [Mr. ACKERMAN] is not here and will be arriving on the floor shortly. This really is his amendment that I have agreed to introduce with him, and I want to give him credit for it.

In 1995, the CDC was practicing what I believe to be an unconscionable practice, and that was blindly testing newborn infants' blood for the HIV virus, discovering who was positive, yet never telling the mother, never notifying the parents that in fact their children were positive for HIV, which also implied that the mother was positive for HIV.

The tremendous amounts of moneys that have been spent by this country on research to treat this deadly virus have succeeded in bringing us very new, very good, very effective treatments in terms of delaying the ravages of this disease.

Each day, approximately 20 infants in this country are born to HIV-positive mothers. Thanks to the new treatments and thanks to the ban that was agreed to by the CDC in terms of withdrawing this blind testing, most moms now are being identified during their pregnancy, they are being treated, and their children are not becoming infected with HIV. However, concerning to Mr. ACKERMAN, as well as myself, was an indication by the CDC in the last 3 months that they intended to resume blind testing.

What I think is important is we would want the American public to know that we feel that this is a tremendously unethical practice to identify someone with a disease and have medicines available that could prevent that disease, first, second, markedly increase the quality of someone's life, and third, markedly prolong the quantity of that life, and then withhold it, we feel is unethical.

□ 1145

Mr. Chairman, I will submit for the RECORD a letter that I received on September 9 of this year. I would like to read that and then submit it. This is from the Department of Health and Human Services, from Richard Tarplin, the Assistant Secretary for Legislation.

DEAR CONGRESSMAN COBURN: Knowing of your continued concern regarding unlinked HIV testing of newborn blood specimens, I would like to inform you that the Centers for Disease Control and Prevention will pursue surveillance methodologies that do not include HIV serosurveys using any type of blood specimens of newborns without identification.

CDC will continue discussion with HIV prevention partners to identify alternative approaches to monitor HIV trends in women of childbearing age.

Dr. Satcher has recommended this approach, and the Department has concurred.

The text of the letter is as follows:

DEPARTMENT OF HEALTH & HUMAN SERVICES,
Washington, DC, September 9, 1997.

Hon. TOM COBURN,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COBURN: Knowing of your continued concern regarding unlinked HIV testing of newborn blood specimens, I would like to inform you that the Centers for Disease Control and Prevention (CDC) will pursue surveillance methodologies that do not include HIV serosurveys using any type of blood specimens of newborns without identification.

CDC will continue discussion with HIV prevention partners to identify alternative approaches to monitor HIV trends in women of childbearing age.

Dr. Satcher has recommended this approach and the Department has concurred.

Sincerely,

RICHARD J. TARPLIN,
Assistant Secretary for Legislation.

This is a great letter when it comes to babies knowing that, in fact, if they are tested, they are going to be notified by the CDC. But what is very, very worrisome about this letter is they did not mention anything about testing adults blindly and not agreeing to withhold treatment from them.

Mr. Chairman, I am very sorry that the gentleman from New York [Mr. ACKERMAN] is not here at this time. It is our intention to put into the record that we expect the CDC and have their concurrence that they will test no one blindly for a disease that will, in fact, take their life when we do have medicines that could prevent or at least prolong that life. It is our intention to withdraw this amendment pending that approval, knowing that we are now on record, that the CDC has committed that they are not going to do blind, unethical testing for any reason on anybody with HIV.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. RIGGS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. RIGGS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON PENALTIES UNDER IDEA.—None of the funds made available in this Act may be used by the Department of Education to investigate, or to impose, administer, or enforce any penalty, sanction, or remedy for, a State's election not to provide special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to individuals who are 18 years of age or older and are incarcerated in adult State prisons.

(b) EXCEPTION.—Subsection (a) shall not apply to any withholding of financial assistance to a State by the Department of Education pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Mr. RIGGS. Mr. Chairman, earlier this year when the Congress passed amendments to the landmark Federal special education and civil rights statute called IDEA, Individuals with Disabilities Education Act, we included in that package of amendments a number of incentives intended to make it easier for States such as my own, California, to serve adult prison inmates who happened to fall within the age group covered under the Federal special education law. These are adult prison inmates, incarcerated individuals between the ages of 18 and 21, so I want to say at the outset and make very clear to my colleagues that we are not talking about children or juveniles. We are talking about convicted adult felons.

Under that package of amendments, we intended to make it easier and less costly for States to serve this particular category, this particular segment of the total IDEA-eligible population in America. However, we did add an additional provision that made it explicitly clear, in my view, that the States still, despite these inducements, had the sole discretion, the sole option, the sole right to decide whether to serve these adult prison inmates, and if the States elected not to serve this segment of the IDEA-eligible population, they would only face the forfeiture of that small pro rata share of the total State allocation of Federal special education dollars.

I was one of the principal negotiators, one of the principal sponsors, one of the principal drafters of these amendments, and I can attest to the fact that it was our intent throughout these negotiations to limit the Federal Government and the Department of Education's remedy against a State, to limit their sanctions against a State to only the forfeiture of that small percentage of their total State allocation of Federal special education dollars.

Since that legislation has become law on obviously a bipartisan, bicameral basis, signed into law by the President with some fanfare down at the White House, the Department of Education has taken a different position. They now say that they may pursue other legal remedies against a State such as California in addition to the loss of that small percentage of funds represented by the adult prison inmate population as a percentage of the total IDEA-eligible population in the State. The Department of Education has corresponded with the State

of California saying that they may very well refer this matter to the Justice Department. So I have offered an amendment that makes it explicitly clear that States will not be penalized, cannot be penalized, under the IDEA amendments that passed earlier this year for failing, or for deciding to provide special education to 18- to 21-year-old individuals in adult prisons.

That is the reason that I am proceeding with this amendment. It was part of our negotiations on this floor last week with the minority party. I was told on that occasion that my amendment would be accepted, and if that understanding, that agreement with the minority party survives to this moment, then I do not intend to pursue a recorded vote on my amendment.

I just want to stipulate again that my amendment does not break the agreement, the unique, some said historic, bipartisan, bicameral agreement that enabled us to move this legislation expeditiously through the Congress earlier this year after the last several Congresses had been unable to pass revisions and amendments to the Federal special education statute. Indeed, it is very consistent with that legislation.

My amendment again, Mr. Chairman, prevents the Department of Education from using any funding under this act to force States, specifically California, to provide special education services to adult prisoners in a manner inconsistent with the IDEA amendments enacted into law last June. Again, I want to stress to my colleagues that we did under those amendments make it easier and less costly for States to serve that portion of the IDEA-eligible population. My amendment is not about children with disabilities. It only applies to the way in which the Department of Education requires special education services for adult prison inmates ages 18 to 21 in adult prisons. Many of these individuals are obviously serving long-term sentences for violent crimes.

The CHAIRMAN pro tempore. The time of the gentleman from California [MR. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 30 additional seconds.)

Mr. RIGGS. It is my view, Mr. Chairman, and it is the intent of my amendment, that States should not be forced to spend their very precious and limited Federal and State special education money on education services, special education services, for adult prisoners if the States so elect. If a State does not serve these felons, it is and was the intent of our amendments earlier this year that the U.S. Department of Education should only withhold a pro rata share of the State's total Federal funding for special education.

I hope Members will look at my amendment, I hope that they will vote for my amendment and help protect children with disabilities.

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

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

Mr. MARTINEZ. Mr. Chairman, regretfully I rise in opposition to the amendment offered by the gentleman. Regretfully, I say, because we all had a deal, we shook hands, tantamount to shaking hands. There were many Members who were in disagreement with certain portions of the bill on both sides, but all decided, in order for unanimous support of this bill and a bipartisan effort, to forgo their own personal feelings.

This particular issue we had a great discussion on, a great deal of decision on before it was signed. I think we all understood what it was at the time. To say that these are adults is carrying it to an extreme in many cases. In many States the laws actually try as adults children as young as 13 or 14 years old, and many of these young people we are talking about in these adult lockups are actually still children.

As the Members know, this amendment would limit the enforcement ability of the Department when States violate the Individuals With Disabilities Education Act with respect to children with disabilities incarcerated in adult correctional facilities.

Mr. Chairman, only 3 months ago on June 4, President Clinton signed the IDEA amendment into law. It was done so after one of the most bipartisan showings of support for a piece of legislation which has passed out of this Congress this session. With this overwhelming show of support, both Republicans and Democrats embraced this legislation as a truly bipartisan compromise aimed at addressing the needs of children with disabilities. Key to this agreement was an understanding that the core group, the many people I just spoke of, of Members who supported this legislation would not offer or support changes to IDEA.

I must respectfully point out to the chairman of the subcommittee that this amendment now would be inconsistent with that agreement. Under the recently enacted IDEA amendments, States are allowed to makes modifications to the plan and individualized program provisions required by the act, but they are still required to provide services to children with disabilities in adult correctional facilities. In fact, at a hearing the chairman heard from two witnesses, one his own, one ours, that said it would be the dumbest thing in the world not to educate these young people in institutions. If a State does not serve this population, they would be deemed in violation of the act, and the Department would be required to take enforcement action against such a State.

This amendment would undercut this core assurance, thereby negating the Department's ability to enforce the act nationwide. It severely weakens the tools which the Department has under the act to enforce the requirement that all children with disabilities receive a free and appropriate public education. In addition, this will deny a population of children who, upon being released from a correctional facility, will not have the education to give them any chance of becoming a contributing member of society. Instead these individuals will be left again at the whims of a society which has not yet learned to deal with its problems. Without the vital education services which children with disabilities desperately need, these children will result in future additional burdens to our society.

Why do we need to increase the burden of our criminal justice and social welfare system when we can give these children the ability to reclaim their lives? Why not deal with the problem now instead of allowing it to balloon into an unmanageable social disaster? These policy questions cannot be ignored.

In closing I would like to stress that I am confused by the gentleman's purpose in offering this amendment. Less than 2 months ago, we both watched the President sign the IDEA amendments of 1997. We both signed off on the legislation even though both of us fully realized that we did not absolutely have everything each of us wanted. Both of us compromised on issues with a goal of coming to an agreement that we could both support. This agreement is embodied in the bipartisan legislation that was signed into law by the President.

Now we are going back on this agreement and proposing changes which would affect the IDEA statute. How can I in good faith expect the gentleman not to have a change of heart on other items upon which we have reached a consensus? These are important questions which Members will have whenever we try to mold any bipartisan agreement in the future.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

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

Mr. Chairman, I would say on this side of the aisle that I reluctantly accept the amendment as well. I understand that this issue was subject to extensive negotiations during the reauthorization of the Individuals With Disabilities Act. I would point out that that reauthorization took 2 years. I think that this amendment is not consistent with that. However, I am willing to accept the amendment in the interest of comity and time. I anticipate we will discuss this issue extensively in conference on the bill to reach a solution that is more satisfactory to everyone.

I will accept very reluctantly the amendment at this time, and I would ask Members to recognize that we have a 5 p.m. deadline today, and if we are to finish this bill, we need to finish the bill.

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

Mr. Chairman, although this amendment has been accepted by representatives from the Committee on Appropriations on both sides, I rise to speak very briefly against the amendment. I oppose the amendment for two reasons. One, it is bad public policy. The people in prison will get out, and we know that education will make a difference in their ability to survive and be productive citizens outside. This amendment reduces the education available for prisoners and, therefore, is bad public policy.

In addition, Mr. Chairman, I would like to read a statement from Secretary Riley dated July 30, 1997 in which he says:

I understand that an amendment will be offered to the Labor/HHS/Education appropriations bill that would undermine the very important bipartisan and bicameral agreement on the IDEA that President Clinton signed into law less than 2 months ago. The IDEA legislation is the product of a painstaking process that reflected thoughtful compromises on behalf of all parties and that will bring about improved services and results for children with disabilities.

□ 1200

It took at least 2 years to get a balanced agreement and now, before it is even given a chance to work, efforts are being made to upset it.

The Secretary goes on to say,

As a full participant in this agreement, I strongly oppose any effort to undermine its enforcement. I am committed to honoring the principle that all children 3 to 21 have access to a free appropriate public education. Congress reaffirmed this principle in passing the IDEA amendments last month, which included new provisions allowing reasonable resolution to issues regarding educational services in adult prisons, particularly concerning violent offenders.

Mr. Chairman, I include the letter from Secretary Riley for the RECORD.

U.S. DEPARTMENT OF EDUCATION,
OFFICE OF THE SECRETARY
Washington, DC, July 30, 1997.

STATEMENT BY SECRETARY RICHARD W. RILEY

I understand that an amendment will be offered to the Labor/HHS/Education Appropriations bill that would undermine the very important bipartisan and bicameral agreement on the IDEA that President Clinton signed into law less than two months ago.

The IDEA legislation is the product of a painstaking process that reflected thoughtful compromises on behalf of all parties and that will bring about improved services and results for children with disabilities. It took at least two years to get a balanced agreement and now, before it is even given a chance to work, efforts are being made to upset it.

As a full participant in this agreement, I strongly oppose any effort to undermine its enforcement. I am committed to honoring the principle that all children ages 3–21 have access to a free appropriate public education. Congress reaffirmed this principle in passing the IDEA amendments last month, which included new provisions allowing reasonable resolution to issues regarding educational services in adult prisons, particularly concerning violent offenders.

Mr. Chairman, I therefore would prefer that my colleagues reject the amendment, although I know it is going to be adopted on a voice vote, because it dishonors the historic, bipartisan legislation signed last month, and because it represents bad public policy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too oppose this amendment, although I know it is moving forward. Simply to say if we are really sincere about ending recidivism and breaking the cycle of crime, we know that the best way to do that is to provide education for those inmates who will be out in our society. What better investment to ensure people do not return to a life of crime?

The amendment is misdirected and misguided and does not steer us in the direction of rehabilitation and ensuring that these young men and women can come and be viable citizens.

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

Mr. Chairman, I want to commend the chairman of the subcommittee for his steadfast efforts over the last week to try to improve the targeted dollars going to IDEA. We had a bill that everybody agreed to in this Congress, and moved it through to try to get more money to these children.

The gentleman has a perfecting amendment here. I am pleased it has been accepted, and we are trying to move the debate forward. But I think it is a very targeted thing, to try to keep these funds directly on the kids affected, and not be wasted away in a lot of places where people in fact may not be coming out of the prison system.

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

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman worked very hard on this legislation, as did the gentleman from Virginia [Mr. SCOTT] and the gentleman from California [Mr. MARTINEZ], my good friend, and the distinguished ranking member of the Subcommittee on Early Childhood, Youth and Families.

I just want to make sure again, I do not know if this will allay concerns for those who believe we should be serving this population, but I want to point out one of the compromises we made on a bipartisan basis was to give States greater flexibility in providing special educational services to 18- to 21-year-old inmates in adult prisons.

Indeed, there were some, including the Governor of my home State, Governor Wilson, whose view I very much respect, who believed we should have flatly prohibited providing services to this segment of the population.

We did not do that. Instead, what we did do in the legislation is allow prison education to be delegated to the prison or corrections system. We relaxed standards to acknowledge the security requirements associated with serving this population in a prison environment or within a correctional facility, and, most importantly, as I stressed earlier, we provided that a State deciding not to provide services to this prison population only would forfeit that pro rata share of Federal funding for that small segment of the totally IDEA eligible population.

This seems again to be very reasonable, and it is the intent of my amendment to confirm that Congress indeed intends to give the States the option not to provide IDEA special education services to adult felons age 18 to 21 in adult prison while receiving only a limited monetary penalty.

I do take exception to anyone who would contend that my amendment somehow would unravel the bipartisan agreement on the IDEA Amendments Act, that it somehow violates the spirit of those good faith, bipartisan, bicameral negotiations.

Again, I view my amendment as purely a clarifying amendment to confirm that the carefully crafted compromise agreement on this issue was indeed structured to allow states to make an election to not provide costly IDEA special education services to convicted felons.

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

Mr. SOUDER. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would just point out that the position taken by the gentleman from California [Mr. RIGGS] was offered, and many of us thought it had been in fact rejected; that if there were a financial penalty, the financial penalty would be limited to the pro rata share of the persons not served, but at no point was an option given that there were other enforcement mechanisms possible.

We differ in terms of what we thought. Everybody else thought there was in fact no option, that the position articulated had in fact been rejected.

Mr. Chairman, I thank the gentleman for yielding.

Mr. JACKSON of Illinois. Mr. Chairman, the merits of affirmative action is not what this amendment is about. We'll get our opportunity to engage in that debate when we consider the so-called Civil Rights Act of 1997 which is sponsored by Mr. CANADY. The question posed by this amendment offered by my colleague, Mr. RIGGS, is whether, by popular sovereignty, a State can undermine, and in fact, ignore the law of the land, and prohibit the Federal Government from enforcing the Federal law.

By prohibiting the Department of Education from withholding assistance to institutions which do not comply with title VI of the Civil Rights Act of 1964, this provision will set a very dangerous precedent indeed. We must not, as a national legislative body, endanger the national interest, and the stability of our Union, by passing an amendment prohibiting the Federal Government from enforcing Federal law in California, or in any other State which seeks to negate the national will of our citizenry, as codified in our law.

The law of the land requires that public educational institutions that receive Federal funds may not discriminate in admissions. Title 42 of the United States Code, section 2000d declares that:

no person * * * shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.

In implementing title VI's mandate for equality of opportunity in public education, the Code of Federal Regulations section 100.3(b)(6) provides that if an institution's:

noncompliance or threatened noncompliance cannot be corrected by informal means, compliance * * * may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law * * *

If we today, in a very shortsighted fashion, attempt to isolate this particular provision from the broader potential consequences, we will be doing ourselves, and more importantly, the Nation, a historic disservice.

By allowing the State of California and other intended States to affirmatively reject Federal civil rights law—in effect, pick from the panoply of benefits associated with Federal law—Federal funds, whether for public education, or for highway and transportation projects, these same States must uphold the obligations associated with our republican form of government.

History demonstrates that inherent in a State's effort to undermine Federal law is the fertile soil through which the seed of dissension is sown. If we allow Federal law to be undermined in this instance, who is then to stop tobacco growing States from holding a referendum on the tobacco settlement, or border States challenged by immigration issues from negating Federal immigration mandates, or States with lower per capita incomes from rejecting minimum wage increases.

Mr. Chairman, the strength of the Union is contingent upon the ability of the Federal Government to enforce the goals of the Union. States must not be allowed to pick and choose, to embrace Federal benefits, while rejecting Federal protections.

This body roundly embraces the notion of unfunded mandates—the guiding principle that we cannot, as a Federal legislative body, impose mandates on States and localities without adequately funding such mandates. The reverse is true as well. If Federal funds are granted to assist States in providing a quality education to its citizens, those States may not undermine title VI's mandate that these taxpayer dollars are expended in nondiscriminatory manner

Mr. Chairman, the question before us today is not whether you are for or against affirmative action, it is whether we can allow a State to ignore Federal law and undermine Federal enforcement of that law. A vote for this amendment is a vote prohibiting the Federal Government from enforcing a Federal law and in favor of exempting a State from complying with Federal law. In order to provide domestic tranquility, protect our national interest, and indeed build a more perfect union, Mr. Chairman, all Americans must have an equal opportunity to a quality public education.

And, so colleagues, whether you are for affirmative action or not, that is not what this amendment is about. Do not vote to undermine our ability to enforce the provisions amongst the States we fight for on this floor on behalf of our constituents in our efforts to build a more perfect union. Mr. Chairman, on these grounds I urge a ''no''' vote on the gentleman's amendment, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas, Mr. Chairman, I rise in vehement opposition to the amendment offered by Representative RIGGS of California. This amendment is nothing more than an effort to force the Department of Education to apply a Federal ban on affirmative actions programs in education in States that have passed proposition 209 like efforts.

This is an attack on the Federal civil rights laws that so many have fought and even died to have enacted.

This amendment would, in effect, prohibit the Office for Civil Rights at the Department of Education from enforcing Federal civil rights laws. Title VI of the Civil Rights Act and title IX of the Education amendments of 1972 would not be enforceable.

This amendment effectively bars the Department of Education and the Office of Civil Rights from carrying out its statutory responsibility to enforce Federal antidiscrimination provisions relating to how Federal financial assistance is dispensed under a variety of education programs and activities. Even the most blatant cases of discrimination would have no remedy by the Department of Education if this amendment goes into effect.

Additionally, this amendment prohibits the Office of Civil Rights from enforcing Federal civil rights laws in all 50 States, which creates a patchwork of civil rights enforcement. This goes against the uniform longstanding national policy of the uniform application of civil rights laws.

While this amendment proports to apply only to Federal grant recipients located in States where State law, or a Federal court order prohibits the enforcement of affirmative action programs, we know the true effect of this damaging and dangerous amendment. It will set a difficult precedent for other efforts and amendments to ban all affirmative actions programs of the Federal Government.

The Federal civil rights laws have proved monumental in bringing about real changes in American education and have improved the educational opportunities of millions of students. The Federal civil rights laws have been in place to preserve minorities' rights when States would not act. We need do nothing to promote State actions over Federal law as it relates to protecting civil rights.

What has been the impact of civil rights laws in the United States? The dropout rate of African-American students—ages 16 to 24—declined from 22.9 percent in 1975 to 12.1 percent in 1995. Total minority enrollment at colleges and universities increased 63.4 percent in the past decade. Since 1990, the number of Latino and Hispanic students enrolled in higher education increased by 35 percent, the number of African-American students increased by 16 percent and the number of American-Indian students increased by 24 percent.

We should stop this amendment in its tracks now, before it picks up steam and rolls over all of the hard work and tireless efforts of Americans of all creeds who have stated over and over again that affirmative action works.

What are we really talking about when we talk about affirmative action? We are talking about diversity, opportunity, and the ability for persons who have historically not been able to gain access to education and jobs in this country to simply have access to these important arenas.

The 160,000 members of the American Association of University Women have affirmed that affirmative action programs continue to expand equal opportunity for hundreds of women and minorities in education and employment.

In 1992, the Bureau of Labor Statistics found that only 6.6 percent of all working women were employed in nontraditional occupations. Women in nontraditional occupations earn 20 to 30 percent more than women in traditional occupations.

Affirmative action programs in education and training open doors that were consistently slammed in the faces of women across this country. It allows opportunities for women and girls who might otherwise be tracked into low-wage, predominantly female jobs with little or even no opportunity for real advancement or economic independence.

This amendment is premature. Proposition 209 in California is undecided law. There are serious constitutional challenges to proposition 209 which must be heard by the Supreme Court.

In Texas, the *Hopwood* decision has resulted in a major setback for African-Americans and minorities to enter into graduate and undergraduate programs at public institutions. Among the freshman class of 6,500 students at the University of Texas, only 150 are African-American students. This is half of last year's enrolling class. At the law school, only 4 African-Americans and 26 Hispanics will be entering the first-year class. This is an outrage.

What are we prohibiting when no one has acted yet. We are keeping qualified, energetic, and eager students from attending schools of higher education across this country. We are allowing blatant racism to go unpunished and unanswered if we allow this amendment to pass.

I am pleased this amendment was eventually withdrawn.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The amendment was agreed to.

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

Mr. Chairman, on October 1, 1997, the deadline for the child support enforcement system automation program comes upon us. The consequence of the States' failures to meet the automation and centralization of the computer systems obligation for enforcement of child support which were imposed by the 1988 Family Support Act will mean the automatic cutoff of all TANF, formerly AFDC funds, and child support funds.

At least 11 States in this country, including California, clearly cannot meet that October 1 deadline. It is quite possible that seven, eight, or nine other States will also not meet that deadline. The consequence of the failure to meet the deadline is that the cutoff of the

TANF funds and the child support funds will mean a loss of $4 billion to the State of California. States like the State of the great chairman of the subcommittee, Illinois, will lose close to $700 million in funds. Ohio, South Dakota, New Mexico, Hawaii, Maryland, Michigan, Nevada, Pennsylvania, all of these States are not going to meet that deadline.

I had originally intended to offer an amendment to delay the imposition of those deadlines and to provide for a moratorium for 6 months so that we could both look at the situation and have time to change the law. I have been persuaded by the fact that my amendment would not be in order, that was helpful in persuading me, but in addition to that, the gentleman from Florida [Mr. SHAW], the chairman of the key subcommittee of the authorizing committee, has a strategy which I would like to yield to the gentleman to describe, which will deal with the possibility of my State and many other States in this country losing an incredible amount of money, totally destroying the whole structure of the Welfare Reform Act the gentleman worked hard on, meaning the inability to enforce interstate child support collection functions and a number of other key functions.

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

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

Mr. SHAW. I thank the gentleman for yielding to me to clarify exactly where we are on this, because as the gentleman quite correctly stated, this is not only a problem that the Californians are concerned about, but it is a problem that at least 9 other and perhaps 10 other States are concerned about, as the gentleman said.

The deadline was extended under the Welfare Reform Act to October 1 of this year. In that there are a number of States that have tried to comply and been unable to comply for some very technical reasons, we have had this matter under discussion in the committee itself.

The way the law presently is written and hopefully will remain is that after this deadline, there is a period of time of approximately 6 months in which the various States can, and I am sure will, appeal in order to pick up the added time and also in order to negotiate with the Secretary, also in order to give this Congress an opportunity to go back and review exactly where we are.

It is my intention as chairman of the Subcommittee on Human Resources to bring a bill to the floor, in cooperation with the Secretary, that would give her certain discretion in imposing any penalty, and, of course, I am sure she would never impose the tremendous penalty as to total defunding, as the gentleman pointed out, in California.

Nonsupport by noncustodial parents is probably the biggest reason for welfare in this country today. We are only collecting about $14 billion a year out of a total of almost $50 billion that is due. That is a horrible situation, and it is necessary that we solve the problem by making it easier to track the deadbeat parents down in order to be sure that they live up to their obligations.

My own State of Florida will probably make the deadline, but I found out in a hearing just the other day that in order to make that deadline it has had to rely on and continue to use an antique computerized system, which it was characterized as. The State of Florida will be on time with the deadline, but they are going to be on time using an Edsel instead of something that would be more modern than that.

That is a problem, and it was sort of the law of unintended consequences that took place.

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

(On request of Mr. SHAW, and by unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. SHAW. Mr. Chairman, I am very much aware of the California problem. I have spoken to the gentleman's Governor, he has been in my office, Governor Wilson. Secretary Eloise Anderson was in my office as late as yesterday discussing this problem with me.

California it appears has a fragmented system, but it is very high-tech and it is a very good system, and California wants to retain their system. We are going to try to work out a way so that the intention of the law will be brought forward and that various States as California, who have used new technology and has been innovative in the way that they have taken care of their system and updated their system, are not penalized by a Federal mandate if they meet the spirit of the law.

So I would say to the gentleman, I look forward to continuing to work with him and other Californians as well as Pennsylvanians and some of the other States the gentleman mentioned, in seeing that they do meet deadlines and that the deadlines are really enforced in a very reasonable way and that the Secretary is given latitude.

Mr. BERMAN. Mr. Chairman, reclaiming my time, just to sort of pin down the issue perhaps a little bit more precisely, California becomes vulnerable on October 1. So do these other at least 11 States. The process, as I understand it, is that by December or January, HHS will assess and decertify the States, and there is an appeals process. So, as the gentleman pointed out, it is very unlikely any money will be withheld for the next 6 months. But the fear in California, Senator FEINSTEIN has worked on this issue, spoken with the President, and is pursuing whatever mechanisms she can to try and deal with it, the fear is that ultimately something will happen, the legislation will not move, and California will now be found to have been in default, owing $4 billion. Next year's payment will be held back because of this, and the fact is the underlying law California will not be able to comply with in 6 months or 1 year anyway.

So there are two issues, the need for California and the other States to know that the penalty structure will be fundamentally changed, it is nuts to withhold TANF or AFDC funds, $3.7 billion in the State of California because of the failure to meet the computer model, and there will be a new penalty structure dealing with child support enforcement proportional to the sins in the sense it will be structured. And then the underlying question also, which is how do we achieve the centralization and coordination we need without, as the gentleman indicated by implication, encouraging old technologies rather than new technologies and requiring the scrapping of very expensive computer systems. These are both difficult questions.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. BERMAN] has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, people will want to go to the conference committee here and try to get this extension of the moratorium. I know the gentleman's feelings about it. Anything the gentleman can say to reassure people on this point would be very important.

Mr. SHAW. If the gentleman will yield further, first I want to make it very clear that California is not going to lose $4 billion. In fact, I would doubt that they will end up in the long run losing anything.

□ 1215

Both this Member of Congress as well as the Secretary, and I assume the President, want to leave the deadline in place but want flexibility in administering the consequences.

We are looking at the law and we are going to do everything we can to restructure it to answer this California problem.

Mr. BERMAN. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The Committee will rise informally.

The SPEAKER pro tempore (Mr. SHAW) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.''

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

AMENDMENTS OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. NADLER:

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. (a) No funds made available under this Act may be used under title XI, XVIII or XIX of the Social Security Act to pay any insurer if such insurer—

(1) offers monetary rewards or penalties, or other inducements to a licensed health care professional to influence his or her decision as to what constitutes medically necessary and appropriate treatments, tests, procedures, or services; or

(2) conditions initial or continued participation of the health care professional in a health insurance plan on the basis of the health care professional's decisions as to what constitutes medically necessary and appropriate treatments, tests, procedures, or services.

(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

(c) For the purposes of this section, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. (a) No funds made available under this Act may be used under title XI, XVIII or XIX of the Social Security Act to pay any insurer unless under health care coverage provided by such insurer—

(1) the determination of what is medically necessary and appropriate within the meaning of the insurance contract is made only by the treating health care professional in consultation with the patient; and

(2) the insurer covers the full cost of all treatment, tests, procedures, and services deemed to be medically necessary and appropriate by the treating health care professional in consultation with the patient, subject to any deductibles, co-payments, or percentage limitations provided in the insurance contract.

(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

(c) For the purposes of this section, the term ''treating health care professional'' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law, who is directly involved in the care of said patient.

(d) Nothing in this section shall be construed as requiring the provision of coverage for benefits not otherwise covered.

Mr. NADLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read.

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Without objection, the amendments are considered en bloc and considered as read.

There was no objection.

Mr. NADLER. Mr. Chairman, we all know that there have been many, many complaints and horror stories about the conduct of some health maintenance organizations or HMO's. It is news to no one that HMO cost-cutting measures are fast becoming an issue of vital concern and often life and death to many of our constituents.

We witnessed the subordination of health to profits just last year during the debate over the so-called drive-through deliveries, and some Members have introduced legislation dealing with drive-through mastectomies. It would certainly be silly for Congress to attempt to deal with this problem procedure-by-procedure, to have one bill for mastectomies and another for tonsillectomies, and so forth and so on.

Many of the States have enacted legislation to deal with this problem, but the State legislation cannot impact Medicare and Medicaid, and for that matter, is barred from dealing with employer insurance where it is self-insured because of ERISA.

These two amendments would protect HMO patients on two fronts. One amendment would simply say that most insurance contracts say that they will have a list of covered services, and say they will pay for any of those covered services, whether it be a gall bladder operation or whatever, if it is determined that that service is medically appropriate and necessary.

This amendment says it is the doctor, the health care professional dealing with the patient, who makes the determination whether it is medically necessary and appropriate, and that no funds can be spent to reimburse an HMO unless their procedures say that the doctor makes that determination, not a utility reviewer sitting thousands of miles away at a computer console. We all have heard complaints from doctors saying that they spend two-thirds of their time arguing with people who have never seen the patient about whether the patient needs a CAT scan or to see a specialist or needs an operation. This amendment simply says the doctor dealing with the patient determines what is medically necessary and appropriate and not someone else.

The second amendment says that when the doctor or the nurse or the physical therapist determines whether a service is medically necessary and appropriate, that decision should be made on the basis of medical necessity, not on the basis of cost. This amendment says that one cannot fund an HMO if the procedures of that HMO give an incentive to the doctor to effect that decision. One cannot say to the doctor, ''If you determine too many people need CAT scans, too many people need to see a specialist, we will pay you less money or we will knock you out of the plan; if you determine that very few people need expensive services, we will pay you more money.'' That sets up an institutionalized conflict of interest.

If someone came to a Member of the House and said, ''We will pay you if you vote this way or that way,'' that would be called bribery, it is a crime. But if someone comes to a doctor, if the HMO comes to a doctor and says, ''We will pay you more money if you decide that Mr. Smith and Mrs. Jones together do not need certain services,'' that sets up an institutionalized conflict of interest between the doctor's medical judgment and his pocketbook, and we should have no such conflicts of interest.

These two practices of someone other than the doctor saying why is it medically necessary, someone who has never seen the patient, and offering the doctor monetary incentives to make cheaper decisions and penalties if he makes more expensive decisions, put cost ahead of health, and they must be stopped.

So these two amendments say Medicare and Medicaid cannot pay for HMO services unless those procedures are changed so that the doctor makes the decision of what is medically necessary and appropriate, not the insurance company, and so that doctors are not pressured by financial incentives to decide what medical procedure is necessary.

Mr. Chairman, I understand that we have not gotten a waiver for these amendments from the Committee on Rules and that they will be ruled out of order, but I thought it important to air this on the House floor, and I will not request a vote on the amendments. I will save the gentleman the trouble of making his point of order.

The CHAIRMAN pro tempore. Does the gentleman withdraw his amendments?

Mr. NADLER. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. Without objection, the amendments are withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. RIGGS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS:

Page 102, after line 24, insert the following new section:

SEC. 516. (a) LIMITATION ON USE OF FUNDS FOR ADMISSIONS PREFERENCES IN PUBLIC EDUCATION.—None of the funds made available in this Act may be used by the Department of Education to withhold any financial assistance, or to impose, administer, or enforce any other penalty, sanction, or remedy, for the refusal or failure of a Federal grant recipient to enforce a preference or affirmative action plan based on race, sex, color ethnicity, or national origin for admissions to public educational institutions.

(b) APPLICABILITY.—The limitation established in subsection (a) shall apply only to Federal grant recipients located in a State in which the enforcement of such preference or plan is prohibited by the laws of the State or by an order of a Federal court.

Mr. CLAY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mr. RIGGS. Mr. Chairman, I realize that this is a very controversial and I hope serious amendment, deserving far more debate than time will permit on the House floor today, so I want to indicate to the Chairman and to my colleagues at the outset that it is my intent, respecting obviously the reservation of a point of order which has been lodged against my amendment, to withdraw my amendment at the conclusion of my remarks or at the conclusion of the remarks of anyone who wishes to speak on the amendment.

However, I hope this is just the beginning of a congressional and national debate on the whole issue of gender and racial preferences in governmental hiring policies, in governmental contracting policies, and in college admissions. As most of my colleagues I believe probably know by now, the people of California spoke loud and clear last November when they approved by a 54 percent margin Proposition 209, otherwise known as the California Civil Rights Initiative, which prohibits race and sex references in affirmative action programs in State and local government, education, employment, and contracting.

As our Gov. Pete Wilson, the primary proponent of Proposition 209, said, and I quote, ''This brings us one step closer to a colorblind society, to ending unfair racial preferences, and to judging people based upon the content of their character rather than the color of their skin.''

As we prepare to enter the new decade, the new century, the new millennium, I cannot think of anything better than when that big ball drops on Time Square, that it really does signify the beginning of a new decade, a new era when people really will be judged on the content of their character rather than the color of their skin.

My amendment, Mr. Chairman, is intended to prevent the U.S. Department of Education, through their office of civil rights, from pursuing any sort of legal remedies using funding under this spending bill against a State such as California where the voters have, by a statewide referendum, a statewide ballot initiative, prohibited granting racial or gender preferences in college admissions. Of course, this initiative or these voter sentiments would apply to the California State university system and the very august and distinguished University of California system.

It is interesting also to note, I say to my colleagues, that a Federal appeals court recently upheld the constitutionality of Proposition 209, which has been subject to legal and constitutional challenges almost from the day the California voters voted for its enactment.

Now, my concern, Mr. Chairman and colleagues, is that there is some preliminary indication that the Office of Civil Rights in the Department of Education disagrees with the people of California and may very well attempt to investigate, should the constitutionality and legality of Proposition 209 ultimately be upheld by the highest court of the land, may intend to pursue some sort of investigation that could lead to sanctions against any of the California universities and colleges that fall under the provisions of Proposition 209.

In fact, I am quoting now from a letter sent to me on May 1 of this year by Norma Cantu, the Assistant Secretary in the Department of Education who heads up the Office of Civil Rights, and she says, and I quote now, ''It is the position of the Department of Education that outside the 5th Circuit Court of Appeals, the Department believes it is permissible for an educational institution that receives Federal funding to consider race or national origin in an appropriate manner in either its admissions or financial aid programs in order to achieve a diverse student body, consistent with Justice Powell's opinion in the landmark Supreme Court case of the Regents of the University of California v. Bakke.''

Well, the problem with that, colleagues, is that Proposition 209 effectively reversed, it overturned the Bakke decision, at least as it applies to admissions policies at the University of California.

She goes on to say, ''In addition, outside the 5th Circuit, we believe it is permissible for a State institution to consider race or national origin in an appropriate manner in admissions or financial aid programs in order to remedy past discrimination in State educational systems.''

Well, the problem with that, of course, is it not only flies in the face of what California voters wanted, but we now know in California that these well-intentioned affirmative action policies actually result in discrimination against other minority groups.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. RIGGS] has expired.

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

Mr. RIGGS. Mr. Chairman, in fact it has been well documented that the existing admissions policies at the University of California discriminate against the minority group Asian-Americans. So what we are trying to do here is make sure that the Department of Education, through my amendment, is not able to withhold Federal funding or pursue other sanctions against California universities if they eliminate, as they are required to do by Proposition 209 and the people of California, race-based preferences in college admissions.

My amendment would prevent State universities from being caught in this odd position of either defying a Federal court or losing millions of dollars, potentially losing millions of dollars in Federal funding. My amendment would, as I said, prohibit the Department of Education from withholding funds from schools, from colleges and universities located in States that have a law or a court order prohibiting affirmative action, like California, again through Proposition 209, the California Civil Rights Initiative.

I just want to clarify one other thing for my colleagues. There are claims now that the repeal of race-based preferences or affirmative action admissions in California have had an effect on applications and admissions at the postgraduate schools at the University of California, the professional schools.

□ 1230

So far the results have been very mixed in California. Boalt Hall, which is the University of California at Berkeley's prestigious law school, the incoming class, as has been reported in the news media, contains only one African-American student. That came after black admissions dropped 81 percent, and the 14 individuals who got into the University of California Berkeley law school, Boalt Hall, decided to go elsewhere.

But at the University of California's five medical schools, although the number of minority applicants dropped, the American public enrollment will be about the same, 69 versus 73 students.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. RIGGS] has again expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, so this has occurred in the aftermath of Proposition 209. There has not been this chilling effect, at least at the University of California medical schools, that some people have suggested as a result of California voters expressing their will and passing Proposition 209.

So, Mr. Chairman, I realize, again, that the time is inadequate today to

properly debate this issue. I know there are people of sincere good will on both sides of this issue who would like to engage in this debate. So let me signal to my colleagues that I intend, as a member of the Committee on Education and the Workforce, to raise this issue again later this fall or early next year when we bring the reauthorization of the Higher Education Act before the committee and ultimately before the House.

I hope that we can have a debate that will go to the heart of Federal preferences based on race and gender in Government contracting policies as well as in college admissions, and I hope ultimately we will be able to eliminate affirmative action quotas in the Federal Government.

The CHAIRMAN pro tempore. Does the gentleman from Missouri [Mr. CLAY] continue to reserve his objection?

Mr. CLAY. Mr. Chairman, I continue to reserve my objection, and I move to strike the last word.

Mr. Chairman, I am very disappointed that the gentleman has offered an amendment that would undermine our country's civil rights enforcement. This amendment would bar the Department of Education's enforcement authority from seeking remedial action where there has been discrimination in admissions by a college, university, or school.

In truth, this amendment turns the clock back on civil rights enforcements to the pre-Civil War concept of interposition and nullification, where States decided that the Federal law would apply. This amendment weakens the Department's civil rights enforcement. It would create a chaotic patchwork of civil rights protections.

The Department's Office of Civil Rights has never attempted to take enforcement action against a school's refusal to implement affirmative action that was not necessary to remedy discrimination. Schools or colleges may be required to use affirmative action only if a court or the Office of Civil Rights has determined a school violated civil rights laws, and that affirmative action was necessary to remedy discrimination.

In fact, the Department has not charged that Proposition 209 violates the Civil Rights Act of 1964. The complaints made against the California schools only challenge whether the current admissions policies of the schools violate civil rights laws. The Department of Education has made no threats to cut off aid. It does not and never has required quotas or affirmative action for diversity purposes.

The author of this amendment has no evidence to substantiate the allegations he has made regarding the Department. This is a poorly conceived, poorly drafted measure that is without purpose, other than to play to racial fears. I urge its rejection.

Mr. Chairman, continuing to reserve my point of order, I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I join the gentleman in his opposition to this amendment. It is unfortunate, Mr. Chairman, that despite the drastic school resegregation that is taking place in both California and Texas, that we are considering an amendment that would encourage the resegregation of other schools around the country.

Mr. Chairman, the University of Texas Law School, which had no blacks until ordered by the Federal courts, will have no African-Americans in this year's first year class. The University of California at Berkeley Law School will only have one African-American in its first year law school. Medical schools have also registered drops in African-American enrollment of 80 and 90 percent, numbers which are the lowest since the 1960's.

Instead of being appalled by the resegregation of our schools in Texas and California, this amendment applauds turning back the clock and encourages other States to follow suit. It prevents the Federal authorities from determining whether the absence of blacks is mere coincidence or an intentional result of an invidious discrimination, and it prevents the Federal Government from remedying illegal discrimination.

The provision of this amendment which gives the States the ability to opt out of civil rights enforcement is particularly egregious. It suggests a bizarre interpretation of Federalism in which a State can exempt itself from Federal enforcement of civil rights laws simply by passing a statute, even if that statute is not enforced.

Mr. Chairman, the State institutions who receive Federal funds have the responsibility of ensuring that those funds are being disbursed in a manner that does not discriminate against minorities and women. But if they fail in that responsibility, then the Federal authorities must vigorously enforce title XI and title IX of the Civil Rights Act.

Mr. Chairman, Supreme Court Justice Sandra Day O'Connor, writing for the majority in the Adarand decision, stated, and I quote, ''The unhappy persistence of both the practice and lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it.''

This amendment would effectively disqualify us from acting responsibly to ensure that all Americans have the opportunity to become productive members of our society.

I therefore urge the Members of this body to support diversity in education, oppose the resegregation of America's schools, and vote ''no'' on this amendment.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN pro tempore. Are there other amendments?

AMENDMENT OFFERED BY MR. HOEKSTRA

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

The Clerk read as follows:

Amendment offered by Mr. HOEKSTRA:

Page 102, after line 24, insert the following new section:

SEC. 516. The amounts otherwise provided by this Act for the Department of Education are revised by reducing the amount made available for ''Education Reform'', increasing the amount made available for ''School Improvement Programs'' (and the amount specified under such heading to become available on July 1, 1998), reducing the amount made available for Eisenhower professional development State grants under the heading ''School Improvement Programs'', increasing the amount made available for innovative education program strategies State grants under the heading ''School Improvement Programs'', reducing the amount made available for ''Bilingual and Immigrant Education'', reducing the amount made available for ''Education Research, Statistics, and Improvement'', and reducing the amount made available for ''Departmental Management—Program Administration'', by $1,022,165,000, $1,734,274,000, $310,000,000, $2,791,662,000, $354,000,000, $322,600,000, and $35,509,000, respectively.

Mr. HOEKSTRA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. HOEKSTRA. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 40 minutes, and that the time be divided between the gentleman from Michigan [Mr. HOEKSTRA], 20 minutes, the gentleman from Wisconsin [Mr. OBEY], 10 minutes, and myself, 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA] for 20 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, today, I want to talk about what the Hoekstra block grant amendment would do. What we are focusing on here is moving the emphasis on where decisionmaking is in education from Washington to our children. This is a step toward moving decisionmaking back to parents and moving dollars to the classroom. This is about providing flexibility at the State level.

The status quo today in Washington is 760 programs, 100 billion dollars' worth of spending. What we are proposing to do is to take 28 programs and

about $2.7 billion of spending and put it into a single block grant, or move it into chapter II of funding, so we give maximum flexibility to the States to do what they believe is most appropriate for the students, the children, and the parents in their State.

Over the past year, year and a half, we have gone around the country taking a look at what works and what is wasted in education. What we are finding is very exciting. What is working in education is the reform and innovation that is going on at the State level. Whether we are in Cleveland, whether we are in New York City, Milwaukee, Los Angeles, Phoenix, Louisville, there are exciting things going on in education. Education is actually turning around, and we are getting the kinds of results we would like to have.

As we talk to parents, as we talk to children, as we talk to educators and administrators, the message is very clear: They are turning around their educational system and getting positive results because of the impact and the decisions they are making at the local level, not because of what we are doing in Washington.

As a matter of fact, too often we find that Washington is a hindrance in driving the kind of reform and change we need at the local level. States will tell us, we get 6 percent of our money from Washington, we get 50 percent of our paperwork. We get all kinds of mandates that inhibit the kind of change that we would like to be making.

We cannot defend that type of status quo, where Washington is standing in the way of reform at the State and local level for a resource as precious as our children. What we see today is, in this area, we see 28 different programs where the directions and decisions about how those dollars are spent and what happens in the classroom are made by people here in Washington; where the local level has to look not to parents for what they want to do, but they have to look to bureaucrats and rules and regulations in Washington.

Here is just one example. These are the forms, not the completed forms, the forms, rules, and regulations that the State of Michigan has to fill out to get their money from Washington. This is what the State fills out, and this is duplicated thousands of times as we go around the State, as we go to individual schools and educational districts. That is not value-added.

We had testimony here in Washington where one of the administrators from a school district in Pennsylvania said, you know, 25 percent of the money that I get from Washington never gets to the classroom, never gets to the kids. I need to spend 25 percent of the Washington money just to fill out the Washington paperwork. That is not value-added.

We need not a Washington-based program that delivers us these kinds of programs and this kind of complexity. We need to move to an approach that does not focus on bureaucracy and goes through thousands of bureaucrats to get to a student. We need the focus to be on the student, on the child, where teachers can look at the child, not at the bureaucrats; where parents can focus on the children, and not the bureaucrats, so that we really are driving the dollars to the classroom where we have the leverage.

It is time to take another look at education. It is time to have true reform and move decisionmaking back to the local level, back to the parents, and away from bureaucrats in Washington. The exciting thing, as I said, is the change and improvements we are seeing in education at the local level: Real progress, real innovation, and real movement away from what one of our administrators described as the three B's, when she dealt with Washington and her local bureaucracy.

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Mr. Chairman, the administrator said, Miss Yvonne Chan said, ''When I focused, and before I started running the charter school, I focused on the three B's.'' We said, ''What are the 3 B's?'' She said, ''I had to focus on bussing, on budget and the buts. And the 'but' was, every time I had a good idea, I got the answer back from the local administrators or from Federal rules and regulations that said, 'That is a great idea, but you cannot do that. If we let you do that, but then we would have to let everybody else do it.'' She said, ''I had great ideas on how I could help my kids in my school but the rules and the regulations got in the way.''

She has now been freed up from many of the State's regulations. What we now want to do is free her up from the Federal regulations.

This is the beginning of the debate. Later on I will ask permission to withdraw this amendment, because this will continue and this is going to be a process. But this process and this dialog has to take place and it has to take place on this amendment, because what is happening is there is a different way to help our kids than the model that is currently in place.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. CLAY], the ranking member of the appropriate committee of jurisdiction.

Mr. CLAY. Mr. Chairman, I first of all want to thank the gentleman for yielding me this time; second, I oppose this irresponsible amendment because it would tear the heart out of critical education programs. It would subject programs such as school-to-work grants, safe and drug-free schools, bilingual education and magnet schools to the whims and fancy of 50 different Governors.

These programs have been vigorously supported by parents, teachers, local and State officials who attest to their great success. There is absolutely no justification other than crass political motives to gut these important initiatives.

Mr. Chairman, more troubling, many of the programs affected by this amendment are targeted to school districts and children most in need. This disastrous amendment would increase instead of decrease the disparity of resources in our public schools. I do not believe anyone who has seriously looked at the needs of our schools believes writing a blank check is the way to improve those schools.

This amendment also plays havoc with the amount of funding State and local educational agencies would receive. Louisiana would lose $6 million in funding, or a 16-percent decrease; Mississippi would lose $4 million; and New York State would lose $46 million. At the local level, some education agencies would lose significant funding.

This amendment would also cause mass disruption in existing services to our students. It is incredibly ironic that the sponsor of this amendment claims to want to send more dollars to the classroom and yet this amendment would have the perverse effect of moving dollars out of the classroom and into State bureaucracies. Title I now only allows 1 percent of the money to be used for administration. Under this amendment, State bureaucracies could claim up to 15 percent of the funds.

Mr. Chairman, it is apparent to me that the majority in this Congress thinks it is smart politics to attack teachers, to bash public education, and to promote school vouchers. I do not think so, and I urge Republicans to stop playing politics with America's schools. I urge defeat of this amendment.

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

Mr. Chairman, this is a superficially very alluring amendment. It seemingly would consolidate many programs and reduce redtape. The problem is, when analyzed further, the amendment is in a sense, a pernicious one, based, I think, upon a faulty premise. I do not think it would work the way the authors would expect and it would disrupt State and local funding for education.

This amendment and the Gorton amendment in the Senate, which it attempts to mimic, is a form, in my judgment, of revenue sharing, a policy that was adopted, tried, and ultimately rejected by the Congress and the American people many years ago. Revenue sharing was based on the premise that the progressive income tax would forever create increasing revenues and would not serve as a drag on the economy. We now know better. Revenue sharing was based on the premise that it was good for one level of government to collect money and provide it as a general subsidy to another level of government. We now know better.

We learned that States and localities never felt these funds were a secure source and, thus, used the money for one-time projects or low-priority programs. The very nature of the funding

source turned it into a categorical grant that localities would use only for programs that could be terminated if funding ceased, and few of these programs exist in education. Experience indicates that localities would view the money made available in this amendment, perhaps, in the same way.

The amendment would consolidate funding for programs such as safe and drug-free schools and technology programs. Mr. Chairman, this amendment creates massive winners and losers with little, if any, policy justification.

I requested an analysis by the Congressional Research Service of the distribution of funds. They were able in a very short time to provide the current distribution for $1.7 billion of the over $2.5 billion in what I believed to be the most recent version of the Hoekstra amendment. Now there has been a more recent version than that.

The remaining amounts are in small discretionary programs. If we look at the analysis, and we cannot put specific figures on the distribution of funds at this time because the amendment has changed so recently, but it appears very clearly that California, for example, would lose substantial funds; Louisiana would lose money; Mississippi, a particularly poor State, would lose funding; New York would lose substantial amounts of funds; Oklahoma would lose money; Texas would lose money.

Conversely, States such as Alaska, Colorado, Hawaii, Iowa, Minnesota, Rhode Island, and others would receive large increases. While these are, in some cases, needy States, as all States are in a sense, they are hardly States with the greatest numbers of needy students.

This amendment would terminate funding for a number of small programs that many Members on both sides of the aisle have expressed support for, both to me personally and to the subcommittee. These include Very Special Arts, Education for Homeless Children and Youth, the Close-Up Program, International Education Exchange, Civics Education, which supports We The People Program, the National Writing Project, the Javits Gifted and Talented Program.

The committee bill itself, Mr. Chairman, increases the title VI block grant by $40 million, an increase of 13 percent, and we have continually worked to increase the funding level of this program. When we started in 1996, the program was funded at $250 million, it is now $340 million in the bill before the House.

But that does not mean that we should increase it by billions of dollars, because the assumption then is that a State block grant program, and this is a State block grant program, can assure the best decisions. In my judgment, we have to be very careful that we not substitute State bureaucracy for Federal bureaucracy.

It was said before that a lot of money is siphoned off by the Department in respect to programs that it administers. In rough figures, the Department administers about $50 billion in Federal funds through discretionary funds, mandatory funds, and off-budget spending and the overhead costs of those are about $800 million, or about 4 percent. Ninety-six percent of the money goes either to the States or to the local government or to students that are in need or are provided for under Federal programs.

I think the effect of this amendment politically would be very clear. It would destroy the bipartisan support for the bill and increase rather than decrease the leverage of President Clinton, since ultimate passage of the bill, if it occurs, will be with a narrow majority, I believe.

So I think the authors of this amendment are very wise. They have indicated to me that they will withdraw the amendment. I think that is a very wise decision. On the other hand, I strongly agree with them that a good debate on this subject, looking at all the facts involved and looking for the formation of better policies in the future, is all to the benefit of this body.

I believe that this amendment would not do what the proponents believe that it would do; that its impact on the distribution of funds has no policy justification and that would hurt some States while helping others. We ought to look very, very hard before an amendment that moves this massive amount of money from programs that have been tried, tested, and found working to a simple block grant administered by State bureaucracies.

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

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ], a member of the committee.

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

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, once again, we have those on the other side of the aisle attempting to score political points at the cost of our Nation's children and the educational system which provides for them.

The Hoekstra amendment, which will essentially gut the provisions of numerous Federal education programs intended to ensure educational excellence and equality, is an ill-conceived and destructive policy statement that no Member in this House should support.

As the body knows, a similar, but not identical amendment was passed by the Senate during their consideration of the Labor/HHS appropriations bill.

Unfortunately, my fellow Education Committee colleague, Mr. HOEKSTRA, has latched onto the message of the Gorton amendment and is now attempting to break what, for the most part, has been a careful bipartisan balance on this bill. Fortunately, the President has realized the complete lack of a policy basis for such an amendment and has issued a statement saying he would veto any bill which contained either the Gorton amendment or a similar provision. Ladies and gentlemen, the Hoekstra amendment meets the President's criteria for a veto. This amendment will gut the existing focus of excellence and equality in present Federal programs. Consider some of the programs which this amendment will transfer funds away from: title I, safe and drug-free schools, education technology, Eisenhower Professional Development, magnet schools assistance, bilingual education, and school-to-work, just to name a few. All of these programs focus heavily on providing Federal assistance to States, local education agencies, and schools which are in need of additional funding.

The loss of funding for these programs will take the largely poverty emphasis away from Federal funding efforts in education. Unfortunately, the program to which all of these funds are being transferred to has little if any requirement that poverty be a factor in distribution.

In addition to the very real concern of losing our existing poverty focus if this amendment were to become law, Members should consider how their individual school districts will be impacted.

Those Members who would support this amendment should realize that the current funding streams which are going to their districts could be jeopardized. For example, those States and locals who were recently awarded technology grants by the Department of Education should be aware that the funding for these grants would be absorbed into the title VI block grant—and not distributed as currently envisioned. As a Member whose local school districts have received such a grant, I am especially concerned about the impact of this amendment.

Lastly, members should realize that the vital provisions ensuring accountability in the programs which Mr. HOEKSTRA is seeking to defund will be lost. Gone will be the ability of both Congress and the Department to ensure that Federal tax dollars are being spent in an effective manner. In a time when educational resources are consistently growing scarce, now is not the time to nullify these important provisions.

I urge Members to vote against this ill-conceived and baseless amendment. I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to this amendment for the reasons enunciated by the gentleman from Missouri [Mr. CLAY] and the gentleman from Illinois [Mr. PORTER], the distinguished chairman of our subcommittee, who both spoke eloquently and effectively to the merits.

I want to say to my friend from Michigan, Mr. HOEKSTRA, that I have a bill in and it is called the Family Services Improvement Act. It seeks to make it easier for local LEA's and States and counties and cities to apply for Federal funds, and seeks to put the burden on the Federal Government, not on the local entities, to coordinate their resources to make it easier to access, to help the children that the gentleman from Missouri and the gentleman from Illinois and the gentleman from Michigan and myself, and everybody on this floor, in fact, want to help.

So although I oppose the gentleman's amendment, I think that the idea that the gentleman expresses in terms of maximizing resources so that children can be better educated, families can be better served, is an objective in a time of fiscal constraint that we need to pursue with vigor.

Mr. Chairman, there is a 7-year-old with a learning disability in my district. This second grader receives special assistance from her school so she can keep up with her class. But because of the financial constraints of her school district, the little girl only receives help because the school district receives specifically designated Federal education funds. And so today, I want to make sure that my colleagues understand just what a drastic effect this amendment would have on all of the children throughout this country who need our help.

The Hoekstra amendment would block grant Federal K through 12 education funding as general education aid without addressing Federal priorities or providing for any program accountability. Mr. Chairman, program accountability must not be overlooked. The Federal programs that this amendment would consolidate have strong accountability requirements that focus on program effectiveness, a crucial requirement for any Federal program.

A vote in favor of this amendment would eliminate the specific national purposes of the Federal investment in education. Under this amendment, Federal funds would not have to be used for their intended purpose. Local education agencies would have an unlimited discretion to spend Federal K through 12 education funds for any purpose they deem appropriate, including noneducational purposes. The current formulas provide funding on the basis of need.

The amendment would drastically reduce the targeting of Federal funds to the most disadvantaged students and neediest school districts. The purpose of Federal education funding is to ensure that school districts and disadvantaged students are not overlooked and receive the resources they so desperately need. The Hoekstra amendment would actually direct a greater percentage of Federal funds to the State educational agencies rather than directly to the school district under the current system.

And, Mr. Chairman, there is another important fact that has been overlooked by my colleagues on the other side of the isle. The Hoekstra amendment breaches the bipartisan budget agreement that this legislative body entered into earlier this year. Specifically, the agreement allowed for the President's budget request for Goals 2000, education technology, and bilingual education. This amendment effectively strips funding for all three important programs by consolidating them into title 6 block grants.

I would urge my colleagues not to overlook that 7-year-old with the learning disability who looks to us for help. She will fall through the cracks if we vote to pass this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume to thank my colleague from Maryland, and we will take a look at that. I think we both understand and appreciate that there is a problem out there with the Federal bureaucracy and the Federal paperwork.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, I rise today to express my strong support for the Hoekstra amendment to the Labor-HHS appropriations bill. As a former math and science teacher, as the father of three children who went through the public school system in Pennsylvania, I have, for a long time, been involved with education. Since becoming a Member of Congress, I have begun to investigate the Federal Government's impact on our educational system and, frankly, I do not like some of the things I see.

We are wasting a lot of money on bureaucracy. The Hoekstra amendment would help put an end to this practice by sending billions of dollars directly to the States and local school districts and to the classrooms where they are most effective. We must shift the focus of the education debate from Washington to our local communities. We need to listen to the local folks who are trying to teach our local children.

One of my school superintendents, Dr. Charles Garris, came and testified recently before the Committee on Economic and Educational Opportunities and he gave his district's personal experience. If I can sum it up, basically he said that at the local level 25 percent of the funds never reach the students that they are intended to serve. Again, 25 percent never reach the students.

Today, let us support the Hoekstra amendment, which draws the line in the sand, the distinction between those who want to continue the status quo and those who want to continue the education system in which 40 percent of American 8-year-olds cannot even read; those who want to empower bureaucracy and those who want to get education dollars to the classroom; those who want to give local teachers the tools they need to teach kids; those who want to empower parents. We have a choice.

It has been shown time and time again that the Federal Government has created excessive red tape, regulations, paperwork and unproven programs and that we cannot get the dollars to the classroom and to students. So in this battle I think we need to join the gentleman from Michigan to expand the flexibility of the States and give them the funds.

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Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in support of this amendment and want to commend its author for bringing forward what I think is a very bold and vital policy for us to set forth for the national government on education. It essentially poses the choice between a child-centered program that gets money to the schools to benefit our Nation's children or a Washington-centered approach that keeps the money here, keeps the strings tied to Washington on how that money will be spent, and does not allow our teachers, our school administrators, our parents to make decisions on how to use those resources to best benefit the children and their schools.

Let me tell my colleagues that over the August break I visited several schools in my district and talked with teachers, administrators, parents and students; and the one thing that came up in schools in rural areas and schools in more suburban towns, in schools that are like the inner-city districts in many of our States, they all said that their biggest problem is that they spend time filling out paperwork that comes from Washington rather than spending time teaching children in the classroom. That has to change.

This amendment is a tremendous step forward in moving to that new approach where we say we are going to fully fund the educational needs of this country, but we are not going to attach strings coming out of Washington on how that money is spent and best used for our children. We are going to let the people who know, the teachers, the local school boards, the parents, decide how to make the most out of those funds to help children who are disabled get the extra programs they need, to help children who are gifted and talented get the extra resources they need, to help the students that are in the middle to be able to have a classroom where they learn the skills and the knowledge that they will need to be the future leaders and future citizens of this country.

So I strongly support this amendment. I want to commend my friend, the gentleman from Michigan [Mr. HOEKSTRA] for bringing it forward, and I look forward to working with him in the future in the authorizing committee in moving this type of policy forward as we set forth the clear difference between the Washington-centered approach, which is the old way of spending education money, and this new, bold approach that is a child-centered approach that I am convinced will be the best thing for America's children.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair will advise that the gentleman from Michigan [Mr. HOEKSTRA] has 9½ minutes remaining, the gentleman from Illinois [Mr. PORTER] has 4 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 6½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I thank the gentleman from Michigan [Mr. HOEKSTRA] for yielding.

As a parent and former school teacher myself I know firsthand the vital role that good schools play in our children's future. And I would like to thank my good friend from Michigan [Mr. HOEKSTRA] for offering this amendment, and for bringing his committee to my district in Cincinnati and looking at education and seeing what works there firsthand. This past May his committee came there, and we had many, many programs that we looked into and found out how they work there.

The education reforms that we saw in Cincinnati were local initiatives that took root in schools only after being nourished by parents and teachers and local businesses and local folks. I want to emphasize that the Federal Department of Education played virtually no role in this at all. These were things that grew up locally and work very well.

The amendment today would block grant 28 Federal programs into one block grant and the money has to be used in the classrooms. It can be used to purchase books, computers, but not to support the Federal bureaucracy.

What this amendment does is it focuses the money and the attention on what really works in the classroom. Do we want to spent money in the classroom, or do we want to spend it on bureaucrats here in Washington? I support the Hoekstra amendment. I say let us spend money in the classroom, not on bureaucrats here in Washington.

Mr. OBEY. Mr. Chairman, I have only one speaker left, so I will reserve my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Illinois for yielding me the time.

I rise reluctantly to oppose the Hoekstra amendment, reluctantly because I think that the sponsor of the amendment has done a great job in the Committee on Education and the Workforce and sincerely has the best interests of children and education at heart. But I do not agree with the concepts of this particular amendment.

I think we really need to review the role of what the Federal Government is doing in accountability. There are, I believe, 28 programs that are affected here, all the way from Goals 2000 to Safe and Drug-Free Schools, some parts which have worked, others perhaps not worked. But these programs have been specifically created at the Federal Government level, usually to fill a need which is not being served at the local level, and are aimed at that purpose.

If we do block grant these funds, it essentially means that we turn all the money over to a local government, we remove almost all the accountability that we have now. And there may be too much paperwork, and I think those statements are correct that we should be looking at these things at the authorization level. The committee should be examining these particular areas.

But the bottom line is that the money is turned over. We do not know how the money would be expended. And clearly all these programs, it would probably in some way or another result in a lot of them may be eliminated altogether. And yet, they would all seem to have some fairly good cause.

We also do not know to whom we are always turning it over. We complain about the District of Columbia schools, and yet we would be turning the money over to that as well as to other areas. I support the goal of what is happening here. It is my judgment that we are putting the cart before the horse.

It is my judgment that the Committee on Education and the Workforce should sit down and go over this with some care and make recommendations, and then it should go to an appropriation. This is not the way we should be doing business, by having it come up in the Senate and then all of a sudden, out of blue air, have an amendment be brought up in the House of Representatives. I think it is too much, too fast. I do not think it reflects Federal priorities, and I do not think it should be included in the appropriations process.

As I said, there may be some merit to block granting these programs, but it should be through a deliberate reauthorization process. For all these reasons, I would hope we withhold and oppose the amendment at this time.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, did not invent this out of blue air. He has been working on this issue for some time, and he has always favored block granting.

It is not a question whether or not we believe there should be more emphasis on education. Those of us who are parents realize, with the possible exception of family values and strong personal values and the importance of moral values, nothing is more important than our children and education.

It is a question of who is going to make the decision regarding our children's education. Is it going to be parents, local school boards, teachers, and the State, or is it going to be the Federal Government? It is not a question of where the money goes, but who is micromanaging, how that money is used.

For example, I think as we work through some standards this fall, and the gentleman agreed to withdraw the amendment at this point, if we are going to bring tax dollars to Washington and send them out, holding people accountable is justified. But they should be minimal. When we have two different programs trying to decide how much exactly goes in a drug-free school, how much exactly goes into the arts or whatever, I think those decisions should be made back in Indiana, in my case, rather than here in Washington.

I strongly support the concept of, if we cannot get all the money in the classrooms, at least getting it 600 miles closer to my home State where those decisions are going to be made. I believe that the Hoekstra bill moves this in that direction.

We are starting a debate that is likely to go on through this fall and into next year as we all try to decide not whether our children should be educated but how. And I have more confidence in the school boards of this country, in the parents of this country, in the teachers of this country then to say the fount of all wisdom is here in Washington.

I believe in Indiana we understand that we have a drug problem and that those drug problems can be allocated to the schools where they can be treated, and that we can make them work more efficiently than the way we are currently providing. I believe that a society without arts and culture is damaging. But I do not believe that arts and culture just flow from this building or the buildings down the street in the Education Department and the White House. I believe they flow out of the local community. And that is what this amendment does.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, the gentleman from Michigan [Mr. HOEKSTRA] has given us a unique opportunity today to debate a 20-year-old Federal power grab in education. Those in Washington, who think they know best, continue their assault on local control of schools, putting the future of our students in the hands of the Washington Department of Education.

The lesson of the last 20 years of Federal education policy is clear. Having a centralized Federal authority imposes one-size-fits-all approaches to public education that just simply do not work.

Chairman Johnny Isakson of the Georgia Board of Education made the case against Federal control over education earlier this year. He noted that, and I quote,

> There are simply too many dollars scattered in far too many programs managed by far too many agencies. If the dollars spent could be concentrated, the management less disbursed, then more of the money would actually flow into education and out of administration.

We should join the gentleman from Michigan in supporting this amendment so that we may begin enacting education reforms locally that enhance basic academics, increase parental involvement, and focus attention where it belongs, on our children and on our local classrooms.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD].

Mr. FORD. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding me the time, and certainly to the gentleman from Missouri [Mr. CLAY] and the gentleman from Wisconsin [Mr. OBEY], and even to the gentleman from Illinois [Mr. PORTER].

I rise today to express strong opposition to the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA], my colleague and friend. I think this amendment and the debate over national testing really go to the heart of a very serious question: ''What role should the Federal Government play in educating our Nation's children?''

It is mind-boggling in many ways to listen to my friend, the gentleman from Georgia [Mr. COLLINS], talk about a power grab in education when the Federal Government spends less than 7 percent of moneys we spend on educating elementary and secondary students in this Nation.

I would say to my friend, the gentleman from Georgia [Mr. COLLINS], and those on the other side of the aisle, that this is a national security issue.

When we look at schools here in this District of Columbia and throughout America that are crumbling, without air-conditioning, without proper wiring to bring technology into the classroom, these are our future workers, our future State lawmakers. Since it is clear that you all have an affinity for the State and State lawmakers, these are the future State lawmakers that you choose to devolve power to. These are the future scientists and astronauts and pastors and business people. We have an obligation here at the Federal level to reach out to teachers and to parents and to communities to ensure that they educate our young people.

Oppose this amendment. And I appeal to the gentleman from Michigan [Mr. HOEKSTRA] to withdraw his amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

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

If we are for our children and students, we support this amendment. If we are for more bureaucracy and more strings attached that take the money out of the classroom, then we are against this amendment.

When this block grant program was first created in 1981, 42 programs were put into one, 350 Federal bureaucrats were no longer needed, and for each Federal bureaucrat there are scores and hundreds at the local level that are having to apply for grants, fill out application forms, do compliance reports, do extra audits, and so forth. We are talking about being able to eliminate thousands of bureaucrats who take the money that we want to go into the classroom, and enabling that money to go into the classroom instead.

The U.S. Senate went on record in favor of this last week. Last year, I sponsored a lesser scale amendment that this House supported. I applaud the gentleman from Michigan [Mr. HOEKSTRA] for expanding that and saying we want to take a bold step to help students, not to be supporting bureaucrats.

It takes the taxes of nine American families for each bureaucrat in Washington, DC, and there are similar numbers for all the additional bureaucrats that our State and local governments and our schools have to hire to deal with the Washington bureaucrats and the redtape and the paperwork that flows back and forth, and it does not help the kids.

Let us support this amendment and help children, not bureaucrats.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I thank the gentleman from Michigan [Mr. HOEKSTRA] and applaud him for offering this amendment.

There is a great debate going on in America, and times change. There was a point in the history of our Nation when we felt the best education policy should be in Washington, DC.

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I suggest to my colleagues that time has changed. This amendment takes a giant step in the right direction toward advancing education, improving education in the classrooms of our children. I think it is best said that the money that reaches the teacher that knows my son Stephen's name and the money that reaches the teacher that knows my daughter Courtney's name is the best money spent in education. And the ideas that the teachers and the administrators at Stephen's school and Courtney's school have are better than ideas created and imposed top down thousands of miles away in Washington, DC.

We are not increasing a program here of the Federal Government. What we are doing is embracing a concept. That concept is simple and straightforward: That the best education and the best education reform can be created not in Washington, DC, thousands of miles away from where my daughter Courtney and my son Stephen go to school, but right there at Courtney's school and Stephen's school.

This amendment is a thoughtfully considered amendment which will advance the education of our children. I urge my colleagues to support it. It will, in fact, improve education in America. I urge them to embrace the concept.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment to rip the foundation out of our public school system.

Mr. Chairman, I rise in opposition to the amendment to block grant Federal education funds. This is an assault on the Federal Government's important role in education, and a serious threat to the future of our students.

The Federal role in education is critical to maintaining a nationwide effort to improve our schools. To shift virtually all funding for elementary and secondary education programs to the title VI education block grant would drastically alter the Federal, State, and local partnerships that prepare our children for the future.

The Hoekstra amendment will eliminate 26 Federal education programs, including the bilingual and immigrant education program—which provides funding to school districts throughout the country to help more than 3 million limited English proficiency students to become proficient in English and achieve high standards.

The amendment would remove all requirements that local education agencies provide services for limited-English proficient students, economically disadvantaged students, Native American students, immigrant students, or gifted and talented students. Funding will be eliminated for education technology, school-to-work programs, professional development, and teacher training. Funds normally targeted for these activities could be used for any purpose, even noneducational purposes.

This block grant provides no guarantee that the maximum amount of funds will reach the classroom. The title VI grants guarantees that only 85 percent of block grant funding must go to local school districts. Under the current title I program, States can retain only 1 percent of funding for administration. The block grant allows up to 15 percent.

While there is talk that each State will receive the same amount it does currently through these programs, we know historically that block grants do not sustain these funding levels. We have not yet received sufficient data to know the precise impact on schools in our districts and in our States. We do know that States with the neediest populations will be hardest hit, because targeting Federal funds to the neediest students and districts through title I formulas will be eliminated.

The progress that has been made in school districts under these priority programs will be completely disrupted. This amendment thoroughly devastates the Federal Government's commitment to strengthen accountability, raise academic standards, and ensure that all children posses the specific skills they need to meet the challenges that lie ahead.

We worked diligently in this subcommittee with our chairman and ranking member in an attempt to keep this bill free of controversial riders. The President will veto this bill with this provision included. This is not the bill or the forum in which to debate an issue that will be so wholly disruptive to our education system. Drastic revisions of our Nation's education policy should be considered carefully through the authorization process, not haphazardly tacked on to an appropriations bill.

This amendment is a thinly veiled first step to completely dismantle the Department of

Education. It rips the heart out of the priorities for our children's education that we have taken great pains to address in this bill. I urge my colleagues to oppose this harmful amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. ETHERIDGE].

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

Mr. ETHERIDGE. Mr. Chairman, I also rise in opposition to this amendment and encourage the gentleman to withdraw it because it literally will do away with the programs that help our children in the public schools.

Mr. Chairman, I rise in opposition to the Hoekstra amendment to eliminate the vital functions of the Education Department.

As the former two-term superintendent of North Carolina's public schools—a statewide, elected position—I know firsthand the critical importance of the partnership between the Education Department and the State of this Nation. Make no mistake about it: this amendment would do great harm to the education and well-being of America's children.

Mr. Chairman, earlier this year, I testified in front of the House Education Committee in defense of the Safe and Drug-Free Schools Program, in opposition to the very same block grant scheme as this amendment. I told the committee that it is crucial that we maintain Safe and Drug-Free Schools as an Education Department priority because it is an essential component of our effort to develop a safe and secure environment for learning. The principle is very simple: our children cannot learn if they are not safe. We cannot expect our children to learn geometry if they are scared to death from gunfire. We cannot expect our teachers to teach effectively when the scourge of drugs invades their classrooms. And we cannot expect our parents to have any faith in our schools as learning institutions without the faith that they are free from drugs and violence. Safe and Drug-Free Schools plays an essential role in that effort, providing support to 97 percent of all school districts in the country.

If it ain't broke, don't fix it. The Safe and Drug-Free Schools initiative is an effective and vitally important effort to improve our Nation's schools, this House should defeat this amendment's attempt to destroy that effort.

This misguided amendment would also eliminate School-to-Work, an innovative approach to help people gain the skills they need to compete and succeed in the modern workforce. Mr. Chairman, I represent one of the most economically booming regions in the country. The unemployment rate in Raleigh-Durham is less than 2 percent. Driven by the technology sector, our economy is growing so rapidly that businesses cannot find workers with the training required for these jobs. Many of these jobs do not require a college education, and Schools-to-Work is an effective tool for skills training.

The Technology Challenge Fund, Goals 2000 education standards, and Eisenhower Teacher Training are all important education initiatives that would be eliminated by the Hoekstra amendment.

During the previous Congress, I served on the front lines of the effort to educate our children. When Members of the people's House tried to abolish the Department of Education it had a devastating effect on the morale of the men and women who teach our children. I came here to fight that effort, and I call on my colleagues to defeat this amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TIERNEY].

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

Mr. TIERNEY. Mr. Chairman, I rise in opposition to this ill-advised suggestion.

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

Mr. Chairman, as I indicated at the beginning, this is the start of a larger debate of redefining how we help our children. As I have indicated, as we have gone around the country, we have seen wonderful things. We have seen wonderful things in public education. We have seen great innovations in public education. We have seen wonderful teachers who are motivated to help our children and help our children get a better education. At the same time we have run into a constant frustration at the State and the local level about the involvement of the Federal Government in setting priorities, in setting direction at the local level.

This amendment and this debate will be about how do we move dollars to students, how do we move decision-making to parents, and how do we increase flexibility for States, because we know that when we focus on basic academics, when we focus on our young people, when we get dollars into the classroom, and when we move decision-making back to parents and back to the local level is when we are seeing success. As we withdraw this amendment, recognize that we will come back to flesh out these ideas to move the money to students, decisionmaking to parents and flexibility to States.

Ms. SANCHEZ. Mr. Chairman, why are Republicans so afraid of labor unions? The Hoekstra amendment seeks to allow corruption to play a role in the elections of the largest labor union in the Nation. This amendment would pose such an additional financial burden on the Teamsters that it would prevent the effective organization and representation of its workers.

And this is what the Republicans are really trying to do. They are trying, through any means necessary, to destroy American labor unions. Actions like this throughout this Congress reveal true motives.

Are they afraid of workers having a representative voice? Are they afraid of workers having a voice in contract negotiations? Are they afraid of workers having fair and safe working conditions?

The use of the Republican slush fund to persecute working families and their Representatives combined with the countless hearings held by the Oversight Subcommittee on Education and the Workforce are being done to destroy unions. Mr. HOEKSTRA's latest amendment shows the Republican objective is to silence the only voice of the American worker.

Our Government made an agreement with the Teamsters in the 1989 Consent Decree. Let us not break our word to hard-working Americans.

I urge my colleagues to stop this persecution of labor unions. I urge my colleagues to allow the Justice Department to do their job and to uphold prior agreements. I urge my colleagues to support the working men and women of America and to oppose the Hoekstra amendment.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this amendment, and I urge my colleagues to join me in defeating it.

Our children will compete for jobs in a national, and even global, marketplace. We know our workers, and our economy, can be the best in the world—if we also have a world-class education system.

Our schools are not living up to our expectations. Too many schools are overcrowded and crumbling. Too many schools aren't safe, and aren't teaching kids the skills they need to learn. We have failed to hold our schools and our students accountable to the highest standards.

If you believe, as I do, that as a nation we have failed to hold schools accountable, you should be very wary of an amendment which would make it virtually impossible to ever hold them accountable. And that's precisely what this amendment would do.

We need to hold our schools more accountable, not less. We need to demand higher performance and higher standards. And we need to target poor performing schools in resource-poor areas and give them the funds they need to succeed.

In fact, this amendment goes contrary to everything which Republicans and Democrats on this subcommittee and on the Education and the Workforce Committee have been trying to do in reforming the title I and Elementary and Secondary Education Act programs. Where we have attempted to target funds to where they are most needed, this amendment would spread them around to schools whether they are needed or not.

Where the two committees have moved to tie funding to efforts to improve standards and promote better academic achievement, this amendment would spread funds around to schools whether they are taking steps to improve or not.

Where the two committees have moved to tie funding to schoolwide programs rather than scattershot fixes that research shows don't work, this amendment would spread funds around to schools whether they are reforming their practices or not.

I agree with my colleague that we have serious problems in many schools. I agree with my colleague that dramatic improvements are needed. But I disagree that a knee-jerk effort to block grant funds to the State and local level, with no accountability, is the solution. I urge my colleagues to demand accountability for high standards from our public schools. I urge my colleagues to reject this amendment.

Mr. PAYNE. Mr. Chairman, I rise in opposition to the Hoekstra amendment that will eliminate 28 targeted education programs and transfer $2.75 billion in funding into the title VI of Elementary and Secondary School Act. This essential block grant is a direct hit at some of the most effective programs we have developed to encourage education reform in our communities. By terminating these programs

we are sending a message to States and localities that programs such as the Safe and Drug Free Schools, school-to-work, educational technology grants, Goals 2000, and bilingual and immigrant education are not important and do not serve our students well. It also sends the message that as congressional representatives have no knowledge of the crucial roles these programs play in our schools and communities. However, most importantly the children who will be punished by this amendment are those who rely on these programs the most. These children reside in low-income urban and rural areas.

Targeted assistance and formulas carefully crafted to ensure the equitable distribution of Federal funding to our school districts in all States will be terminated by the passage of this amendment. This will result in millions of children to be underserved by one of the only vehicles available to them to improve their lives—our education system. Passage of this amendment will be a true crime against low-income children in this country and I urge my colleagues to vote ''no'' on the Hoekstra amendment. Thank you.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the Hoekstra education block grant amendment to H.R. 2264. There is not a shred of doubt in my mind that this amendment is nothing more than what the Republicans wanted to do with the Department of Education in the last Congress—to abolish it. This is nothing more than a piecemeal attempt by Mr. HOEKSTRA to cut Federal funding for our Nation's educational programs; to cut funding of Federal educational programs that the Republicans have been attacking for years.

Mr. Speaker, the Republicans have previously sought cuts in such programs as Safe and Drug Free Schools, school-to-work, Goals 2000 School Reform, Eisenhower teacher training, and bilingual and immigrant education. Now, by the subterfuge of this amendment, by creating block grants, Republicans can succeed in ending these programs.

As we all know, block granting funds for education eliminates all accountability for the use of Federal education funds. If this amendment passes, all education funds could be diverted for noneducational purposes. With the limited amount of Federal funds being spent on education, it is absolutely necessary that funds that are intended by Congress to be spent on specific educational programs, are, in fact, spent on those programs. Congress has identified education as a national priority and without the focus of these programs, funds would not be targeted to the neediest schools and districts.

This arbitrary consolidation of Federal funds into block grants has to be stopped, lest we rob our most needy students of the programs that have proven themselves in the past. We must reject any attempts to undo 40 years of bipartisan Federal investment in our children's future. We must not back away from our commitment to education now, in its time of vital need.

Mrs. MORELLA. Mr. Chairman, I rise to oppose the Hoekstra amendment that would merge a majority of the current Federal education programs into block grants to local school districts.

This amendment would essentially eliminate all accountability for the use of Federal funds in our public education system. I, too, believe in driving dollars to the classroom, and I believe that local education agencies must be afforded a certain amount of flexibility to use Federal funds in accordance with the needs of the local education community. Under this amendment, however, the Federal Government would hand over funds to local school systems and indicate that they may use the money in any way they please, without any standards of accountability.

I believe that the education of our children should be a top priority. An investment in education is essential to our Nation's future. Under the Hoekstra amendment Federal education funds could be used by local agencies for noneducation purposes. The amount that we appropriate for education is always short of what is needed to be fully effective. The Federal Government contributes only 6 percent to elementary and secondary education. As the Washington Post pointed out this week, Federal funds fill in the gaps and provide programs for lower income students who would be underserved without Federal efforts. We simply cannot afford to allow the small amount of money that we appropriate for education to be used for other purposes.

This amendment would unravel years of progress that we have made in providing equality of education for girls and minorities. It would remove all of the Federal civil rights protections for race, gender, and disabilities contained in the elementary and secondary education laws. All of the hard work by the Congressional Caucus for Women's Issues during the 103d Congress to incorporate gender equity through the funding of elementary and secondary education programs would be undone. These programs have made our schools more gender-neutral, which improves education for all students.

Mr. Chairman, I ask my colleagues in the House to reject this effort to put at-risk four decades of bipartisan efforts to develop and define the Federal role in public education. I urge a no vote on the Hoekstra amendment.

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

Page 102, after line 24, insert the following new section:

SEC. 516. None of the funds made available in this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

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

Mr. OBEY. Mr. Chairman, the amendment proposes to change existing law and constitutes legislation in violation of clause 2 of rule XXI.

The amendment would require the agencies funded in this bill to undertake new duties. These agencies would be required to determine whether entities are the subject of Federal proceedings alleging fraud before any contracts could be awarded. Fraud would only have to be alleged, not proven. I do not care if the President of the United States is the person making the accusation, people are entitled to the presumption of innocence until proven guilty. Even average citizens. These departments currently do not have to make such determinations. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The CHAIRMAN pro tempore. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. SHADEGG. I do, Mr. Chairman.

Mr. Chairman, my understanding from the other side of the aisle was we had reached an agreement under which I would offer the amendment, the point of order would be reserved, and I would have a chance to explain why I feel the amendment is appropriate, and then at the conclusion of that I would withdraw the amendment. That does not appear to be what has happened, so let me make my arguments with regard to the amendment.

What the amendment says is that the funds appropriated under this bill shall not be used to enter into or pay for either a contract or salary to a person or an entity which is the subject of a criminal, civil, or administrative proceeding in which the Federal Government has alleged fraud. That means, Mr. Chairman, that it would only apply not where there was a mere investigation of fraud, but, rather, where there was an allegation which had been formalized by the filing of a civil or criminal or administrative complaint; and not a civil or administrative complaint by anyone, but, rather, by the Federal Government. If we cannot protect under the laws of this Nation the expenditure of taxpayer funds to entities which are currently being prosecuted for fraud, then I would say we are in deep trouble.

Mr. OBEY. Mr. Chairman, I make a point of order. The gentleman is not discussing the point of order. I do not intend to debate the amendment, and I do not expect anyone else is allowed to under the rules.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is correct.

Does the gentleman from Arizona have an observation pursuant to the point of order raised by the gentleman from Wisconsin which claimed that the amendment violates clause 2 of rule XXI?

Mr. SHADEGG. Mr. Chairman, I do not believe it does violate it. I believe it is, in fact, consistent because it applies only to actions that have been filed, and therefore there would be no investigation required.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment offered by the gentleman from Arizona would appear to

require an investigation of each person or entity entering into a contract with funds under this act as to their being the subject of a criminal, civil, or administrative proceeding by the Federal Government with the specific allegation of fraud. In the absence of a citation to an existing law requiring this inquiry, the Chair believes the amendment imposes a new duty on executive officials not required by existing law in violation of clause 2, rule XXI. The Chair therefore sustains the point of order.

Are there further amendments to the bill?

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

The purpose of the amendment which I just offered, which I would like to address, which is of grave concern to me, is that, in fact, we have a situation under this legislation and elsewhere, but particularly under this legislation, where millions of dollars, indeed tens of millions of dollars, are spent by the Federal Government and can be paid to contractors and individuals currently subject to a fraud prosecution by the Federal Government.

It seems to me if we have a department of the Government called the Justice Department, and if we have inspectors general offices within HHS and a variety of other agencies which are charged with the duty of auditing the expenditure of carefully collected taxpayer dollars and assuring that those dollars are spent pursuant to law and spent in a proper fashion and not fraudulently, then we ought to recognize that there is no right inherent in anyone to get a Federal contract and to be paid Federal moneys under that contract. Indeed, we ought to say that, well, of course there is a presumption of innocence in the criminal law in this Nation. There is no presumption of a right to be paid Federal moneys.

Let me give my colleagues some examples. There was a foundation created in 1994 to implement school-to-work grants. It was awarded $1.05 million. Following the first year, the inspector general called into question more than 73 percent of the claimed expenses of that foundation, alleging fraud. However, even while those practices were being challenged by the inspector general, the foundation was awarded an extension of its contract and an additional $1.43 million.

It seems to me that we are indeed charged as the stewards of taxpayers' money with looking after the proper expenditure of those funds. And if we have entities such as the inspector general's Office, such as the Attorney General, to investigate fraud and to charge fraud, and we make them comply with statutes in bringing those allegations, then indeed we have a duty not to at the same time give away taxpayer dollars to them while they are accused in a civil or criminal proceeding with fraud in the action itself. For those who object to that, I wonder what their motives are. It does concern me.

Mr. Chairman, it seems to me that we can look throughout the Federal Government. There are dozens of incidents, hundreds of incidents, thousands of incidents. Let me pick one from the Medicare field. A physician improperly billed $350,000 over a 2-year period for comprehensive physical exams of residents of a home care institution without ever seeing a single resident. He was charged with fraud. Should he have had the right under the presumption of innocence not just to contest his guilt or innocence on that question, but to get a new contract; to get yet an additional contract so we pay him more money not to see people while we litigate the issue of his fraud under the prior contract? I suggest that if we are properly stewarding the taxpayers' dollars, we should not do that.

A psychotherapist working in a nursing facility manipulated Medicare billing codes to charge for 3 hours of therapy to each resident, when, in fact, he spent only a few minutes with each resident. Again, a charge or an allegation administratively of fraud was brought, yet we renew the contract to this psychotherapist.

We have a duty to steward these moneys. We can raise points of order, we can hang ourselves on technicalities if we want, but, Mr. Chairman, I assert that we have a duty to protect taxpayers' funds. The presumption of innocence does not extend to the right to have a contract with the Federal Government to get even more money when your practices have been seriously called into question.

Some argue that this ought to go to any entity under investigation for fraud, and that was one of the issues brought to me. I rejected that proposal, because indeed if you are simply under an investigation for fraud, no formal charge has been brought, perhaps it would not be fair to turn you down, because you could have an abuse of the investigative power. But once an entity of the Federal Government, the inspector general or the Attorney General, actually charges fraud, it seems to me that taxpayers have a right to say, until that matter is resolved, we are going to suspend further contracts and further payments to that individual.

Let me conclude by saying after surfacing this amendment, individuals at each of the agencies which would have been affected under the Labor-HHS bill contacted my office and said they would love to have this kind of tool to put a cold bar in place and to ensure that where there has been a proceeding, criminal, civil, or administrative, already filed alleging fraud, they would like to be able to deny the funds.

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

Mr. Chairman, I learned the hard way a long time ago when I was in the State legislature and the Republican floor leader of our legislature lost his seat because a Democratic attorney general falsely accused him of breaking the law. He was indicted. He was convicted. And his conviction was overturned, justifiably so, by a State supreme court. That decision taught me the hard way that no matter how high up the power is, no person ought to be able to cause another person economic injury or personal reputation injury without having it proven. That is my motivation in taking this action.

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

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES (1)						
Grants to States:						
Adult Training	895,000	1,063,990	1,042,990	+147,990	-21,000	D
Youth Training	126,672	129,965	129,965	+3,293	---	D
Summer Youth Program (2)	871,000	871,000	871,000	---	---	D
Dislocated Worker Assistance	1,286,200	1,350,510	1,350,510	+64,310	---	D
Federally administered programs:						
Native Americans	52,502	52,502	52,502	---	---	D
Migrant and Seasonal Farmworkers	69,285	69,285	69,285	---	---	D
Job Corps:						
Operations	1,064,824	1,127,726	1,127,726	+62,902	---	D
Construction and Renovation (3)	88,685	118,491	118,491	+29,806	---	D
Subtotal, Job Corps	1,153,509	1,246,217	1,246,217	+92,708	---	
Veterans' employment	7,300	7,300	7,300	---	---	D

(1) Forward funded except where noted.

(2) Current funded.

(3) 3 year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National activities:						
Pilots and Demonstrations	27,140	23,717	42,500	+15,360	+18,783	D
Research, Demos, evaluation	6,196	10,196	8,196	+2,000	-2,000	D
Opportunity Areas for Youth	---	250,000	---	---	-250,000	D
Opportunity for Youth, advance FY 1999	---	---	100,000	+100,000	+100,000	D
Other	13,489	10,489	13,489	---	+3,000	D
Subtotal, National activities	46,825	294,402	164,185	+117,360	-130,217	
Current year	(46,825)	(294,402)	(64,185)	(+17,360)	(-230,217)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Subtotal, Federal activities	1,329,421	1,669,706	1,539,489	+210,068	-130,217	
Current year	(1,329,421)	(1,669,706)	(1,439,489)	(+110,068)	(-230,217)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Total, Job Training Partnership Act	4,508,293	5,085,171	4,933,954	+425,661	-151,217	
Current year	(4,508,293)	(5,085,171)	(4,833,954)	(+325,661)	(-251,217)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Women in Apprenticeship (1)	610	647	647	+37	---	D
Skills Standards	7,000	7,000	7,000	---	---	D
Subtotal, National activities, TES	(54,435)	(302,049)	(171,832)	(+117,397)	(-130,217)	

(1) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
School-to-Work (1)	200,000	200,000	200,000	---	---	D
Homeless Veterans (2)	---	2,500	---	---	-2,500	D
Total, Training and Employment Services	4,715,903	5,295,318	5,141,601	+425,698	-153,717	
Current year	(4,715,903)	(5,295,318)	(5,041,601)	(+325,698)	(-253,717)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Subtotal, forward funded	(3,844,293)	(4,421,171)	(4,169,954)	(+325,661)	(-251,217)	
Community Serv. Employment Older Americans (3)	463,000	440,200	440,200	-22,800	---	D
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	276,100	304,700	304,700	+28,600	---	M
NAFTA Activities	48,400	44,300	44,300	-4,100	---	M
Total	324,500	349,000	349,000	+24,500	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation (Trust Funds):						
State Operations	(2,115,125)	(2,204,125)	(2,115,125)	---	(-89,000)	TF*
National Activities	(10,000)	(10,000)	(10,000)	---	---	TF*
Year 2000 Computer conversion	---	(200,000)	(183,000)	(+183,000)	(-17,000)	TF*
Contingency	(216,333)	(216,333)	(196,333)	(-20,000)	(-20,000)	TF*
Subtotal, Unemployment Comp (trust funds)	(2,341,458)	(2,630,458)	(2,504,458)	(+163,000)	(-126,000)	

(1) 15-month forward funded availability.

(2) Current funded.

(3) The budget request proposed transfer of this funding to the Administration on Aging.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D
Trust Funds	(738,283)	(738,283)	(738,283)	---	---	TF*
Subtotal	761,735	761,735	761,735	---	---	
National Activities:						
Trust Funds (1)	(62,735)	(62,735)	(62,735)	---	---	TF*
Subtotal, Employment Service	824,470	824,470	824,470	---	---	
Federal funds	23,452	23,452	23,452	---	---	
Trust funds	(801,018)	(801,018)	(801,018)	---	---	
One Stop Career Centers	150,000	150,000	150,000	---	---	D
Total, State Unemployment	3,315,928	3,604,928	3,478,928	+163,000	-126,000	
Federal Funds	173,452	173,452	173,452	---	---	
Trust Funds	(3,142,476)	(3,431,476)	(3,305,476)	(+163,000)	(-126,000)	
Advances to the UI and Other Trust Funds (2)	373,000	392,000	392,000	+19,000	---	M

(1) Includes $20 million related to the Work Opportunity Tax Credit which is unauthorized for FY98.

(2) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PROGRAM ADMINISTRATION						
Adult Employment and Training	25,842	26,486	26,100	+258	-386	D
Trust Funds	(2,237)	(2,331)	(2,259)	(+22)	(-72)	TF*
Youth Employment and Training	29,607	31,871	29,903	+296	-1,968	D
Employment Security	6,081	4,601	6,142	+61	+1,541	D
Trust Funds	(37,324)	(39,807)	(37,697)	(+373)	(-2,110)	TF*
Apprenticeship Services	16,271	17,367	16,434	+163	-933	D
Executive Direction	5,672	5,889	5,729	+57	-160	D
Trust Funds	(1,316)	(1,291)	(1,329)	(+13)	(+38)	TF*
Welfare to Work	---	6,200	---	---	-6,200	D
Subtotal, Program Administration	124,350	135,843	125,593	+1,243	-10,250	
Federal funds	83,473	92,414	84,308	+835	-8,106	
Trust funds	(40,877)	(43,429)	(41,285)	(+408)	(-2,144)	
Subtotal, Employment & Training Administration	9,316,681	10,217,289	9,927,322	+610,641	-289,967	
Federal funds	6,133,328	6,742,384	6,580,561	+447,233	-161,823	
Current year	(6,133,328)	(6,742,384)	(6,480,561)	(+347,233)	(-261,823)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Trust funds	(3,183,353)	(3,474,905)	(3,346,761)	(+163,408)	(-128,144)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	61,476	67,463	66,100	+4,624	-1,363	D
Policy, Regulation and Public Service	11,781	13,158	12,281	+500	-877	D
Program Oversight	3,583	3,686	3,619	+36	-67	D
Subtotal, PWBA	76,840	84,307	82,000	+5,160	-2,307	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF) (1)	(10,330)	(10,625)	(10,433)	(+103)	(-192)	TF
Termination services not subject to limitation (NA)	(125,338)	(137,376)	(137,376)	(+12,038)	---	NA
Subtotal, PBGC new BA	(10,330)	(10,625)	(10,433)	(+103)	(-192)	
Subtotal, PBGC (Program level)	(135,668)	(148,001)	(147,809)	(+12,141)	(-192)	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards	117,904	124,505	121,213	+3,309	-3,292	D
Office of Labor-Management Standards	25,489	26,382	26,709	+1,220	+327	D
Federal Contractor EEO Standards Enforcement	58,972	68,728	60,618	+1,646	-8,110	D
Federal Programs for Workers' Compensation	75,670	81,199	77,783	+2,113	-3,416	D
Trust Funds (1)	(983)	(1,760)	(993)	(+10)	(-767)	TF
Program Direction and Support	11,366	11,629	11,684	+318	+55	D
Subtotal, ESA salaries and expenses	290,384	314,203	299,000	+8,616	-15,203	
Federal funds	289,401	312,443	298,007	+8,606	-14,436	
Trust funds	(983)	(1,760)	(993)	(+10)	(-767)	
SPECIAL BENEFITS						
Federal employees compensation benefits	209,000	197,000	197,000	-12,000	---	M
Longshore and harbor workers' benefits	4,000	4,000	4,000	---	---	M
Subtotal, Special Benefits	213,000	201,000	201,000	-12,000	---	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	961,665	960,650	960,650	-1,015	---	M
Employment Standards Adm. S&E	26,053	26,147	26,147	+94	---	M
Departmental Management S&E	19,621	19,551	19,551	-70	---	M
Departmental Management, Inspector General	287	296	296	+9	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,007,626	1,006,644	1,006,644	-982	---	
Treasury Adm. Costs (Indefinite)	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund	1,007,982	1,007,000	1,007,000	-982	---	
Total, Employment Standards Administration	1,511,366	1,522,203	1,507,000	-4,366	-15,203	
Federal funds	1,510,383	1,520,443	1,506,007	-4,376	-14,436	
Trust funds	(983)	(1,760)	(993)	(+10)	(-767)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	11,971	12,566	12,091	+120	-475	D
Federal Enforcement	125,907	135,689	127,166	+1,259	-8,523	D
State Enforcement Programs	77,169	79,175	77,941	+772	-1,234	D
Technical Support	17,417	17,617	17,591	+174	-26	D
Compliance Assistance: Federal Assistance	37,351	46,285	45,725	+8,374	-560	D
State Consultation Grants	34,477	35,373	34,822	+345	-551	D
Safety and Health Statistics	14,142	14,460	14,283	+141	-177	D
Executive Direction and Administration	6,521	6,640	6,586	+65	-54	D
Total, OSHA	324,955	347,805	336,205	+11,250	-11,600	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	106,993	107,419	108,063	+1,070	+644	D
Metal/Non-Metal Enforcement	41,994	44,315	42,414	+420	-1,901	D
Standards Development	1,008	1,426	1,018	+10	-408	D
Assessments	3,497	3,578	3,532	+35	-46	D
Educational Policy and Development	14,782	14,834	14,930	+148	+96	D
Technical Support	21,268	24,870	21,481	+213	-3,389	D
Program Administration	7,645	9,362	7,721	+76	-1,641	D
Total, Mine Safety and Health Administration	197,187	205,804	199,159	+1,972	-6,645	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	102,169	109,955	109,955	+7,786	---	D
Labor Market Information (Trust Funds)	(52,053)	(52,848)	(52,848)	(+795)	---	TF*
Prices and Cost of Living	100,134	107,028	108,028	+7,894	+1,000	D
Compensation and Working Conditions	56,834	58,909	58,909	+2,075	---	D
Productivity and Technology	7,263	7,248	7,248	-15	---	D
Economic Growth and Employment Projections	4,640	4,728	4,728	+88	---	D
Executive Direction and Staff Services	21,584	23,311	23,311	+1,727	---	D
Consumer Price Index Revision (1)	16,145	15,430	15,430	-715	---	D
Total, Bureau of Labor Statistics	360,822	379,457	380,457	+19,635	+1,000	
Federal Funds	308,769	326,609	327,609	+18,840	+1,000	
Trust Funds	(52,053)	(52,848)	(52,848)	(+795)	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	20,029	19,714	18,209	-1,820	-1,505	D
Legal Services	59,911	64,813	64,813	+4,902	---	D
Trust Funds	(297)	(282)	(282)	(-15)	---	TF*
International Labor Affairs	9,465	11,095	13,095	+3,630	+2,000	D
Administration and Management	13,904	14,259	14,043	+139	-216	D
Adjudication	20,483	20,979	20,688	+205	-291	D
Promoting Employment of People with Disabilities	4,358	4,439	4,402	+44	-37	D
Women's Bureau	7,743	7,569	7,569	-174	---	D
Civil Rights Activities	4,535	4,598	4,580	+45	-18	D
Chief Financial Officer	4,394	4,930	4,800	+406	-130	D
Total, Salaries and expenses	145,119	152,678	152,481	+7,362	-197	
Federal funds	144,822	152,396	152,199	+7,377	-197	
Trust funds	(297)	(282)	(282)	(-15)	---	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	(81,993)	(80,040)	(80,040)	(-1,953)	---	TF*
Local Veterans Employment Program	(75,125)	(77,078)	(77,078)	(+1,953)	---	TF*
Subtotal, State Administration	(157,118)	(157,118)	(157,118)	---	---	
Federal Administration	(22,733)	(22,837)	(24,837)	(+2,104)	(+2,000)	TF*
National Veterans Training Institute	(2,000)	(2,000)	---	(-2,000)	(-2,000)	TF*
Total, Veterans Employment & Training (TF)	(181,851)	(181,955)	(181,955)	(+104)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	37,480	37,345	36,345	-1,135	-1,000	D
Trust Funds	(3,543)	(3,645)	(3,645)	(+102)	---	TF*
Executive Direction and Management	5,958	5,760	5,760	-198	---	D
Total, Office of the Inspector General	46,981	46,750	45,750	-1,231	-1,000	
Federal funds	43,438	43,105	42,105	-1,333	-1,000	
Trust funds	(3,543)	(3,645)	(3,645)	(+102)	---	
Total, Departmental Management	373,951	381,383	380,186	+6,235	-1,197	
Federal funds	188,260	195,501	194,304	+6,044	-1,197	
Trust funds	(185,691)	(185,882)	(185,882)	(+191)	---	
Total, Labor Department	12,172,132	13,148,873	12,822,762	+650,630	-326,111	
Federal funds	8,739,722	9,422,853	9,225,845	+486,123	-197,008	
Current year	(8,739,722)	(9,422,853)	(9,125,845)	(+386,123)	(-297,008)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Trust funds	(3,432,410)	(3,726,020)	(3,596,917)	(+164,507)	(-129,103)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Consolidated health centers	802,009	809,868	826,000	+23,991	+16,132	D
National Health Service Corps:						
Field placements	37,244	37,244	37,244	---	---	D
Recruitment	78,166	78,166	82,756	+4,590	+4,590	D
Subtotal, National Health Service Corps	115,410	115,410	120,000	+4,590	+4,590	
Health Professions						
Grants to Communities for Scholarships	532	---	545	+13	+545	D
Health Professions data systems	236	---	241	+5	+241	D
Research on Health Professions Issues	450	---	461	+11	+461	D
Nurse loan repayment for shortage area service	2,197	---	2,251	+54	+2,251	D
Workforce Development Cluster (proposed legis.)	---	623	---	---	-623	D
Centers of excellence	24,714	---	27,300	+2,586	+27,300	D
Health careers opportunity program	26,779	---	30,000	+3,221	+30,000	D
Exceptional financial need scholarships	11,332	---	11,610	+278	+11,610	D
Faculty loan repayment	1,061	---	1,087	+26	+1,087	D
Fin. Assistance for disadvantaged HP students	6,718	---	6,883	+165	+6,883	D
Scholarships for disadvantaged students	18,673	---	21,100	+2,427	+21,100	D
Minority/Disadvantaged Cluster (proposed leg.)	---	89,277	---	---	-89,277	D
Family medicine training/departments	49,256	---	50,464	+1,208	+50,464	D
General internal medicine and pediatrics	17,618	---	18,050	+432	+18,050	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Physician assistants	6,376	---	6,532	+156	+6,532	D
Public health and preventive medicine	7,998	---	8,194	+196	+8,194	D
Health administration traineeships/projects	1,095	---	1,122	+27	+1,122	D
Primary Care Medicine & Pub Health Cluster (proposed)	---	7,700	---	---	-7,700	D
Area health education centers	28,490	---	29,189	+699	+29,189	D
Border health training centers	3,752	---	3,844	+92	+3,844	D
General dentistry residencies	3,785	---	3,878	+93	+3,878	D
Allied health special projects	3,832	---	3,926	+94	+3,926	D
Geriatric education centers and training	8,881	---	9,099	+218	+9,099	D
Rural interdisciplinary traineeships	4,153	---	4,255	+102	+4,255	D
Podiatric Medicine	677	---	694	+17	+694	D
Chiropractic demonstration grants	1,025	---	1,050	+25	+1,050	D
Enhanced Area Health Education Cluster (proposed)	---	24,700	---	---	-24,700	D
Advanced Nurse Education	12,467	---	12,773	+306	+12,773	D
Nurse practitioners/nurse midwives	17,586	---	18,017	+431	+18,017	D
Special projects	10,564	---	10,823	+259	+10,823	D
Nurse disadvantaged assistance	3,865	---	3,960	+95	+3,960	D
Professional nurse traineeships	15,941	---	16,332	+391	+16,332	D
Nurse anesthetists	2,765	---	2,833	+68	+2,833	D
Nurse Education / Practice Init Cluster (proposed)	---	7,700	---	---	-7,700	D
Subtotal, Health professions	292,818	130,000	306,513	+13,695	+176,513	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Other HRSA Programs:						
Hansen's Disease Services Cluster (1)	17,094	16,469	17,094	---	+625	D
Maternal & Child Health Block Grant	681,000	681,000	685,000	+4,000	+4,000	D
Healthy Start	95,982	95,982	95,982	---	---	D
Organ Transplantation	2,278	3,891	2,278	---	-1,613	D
Health Teaching Facilities Interest Subsidies	297	225	225	-72	---	D
Bone Marrow Program	15,270	15,270	15,270	---	---	D
Rural outreach grants	27,796	25,092	27,796	---	+2,704	D
Emergency medical services for children	12,493	12,000	13,000	+507	+1,000	D
Black lung clinics	4,000	1,906	5,000	+1,000	+3,094	D
Alzheimer's demonstration grants (2)	5,999	---	5,999	---	+5,999	D
Payment to Hawaii, treatment of Hansen's (1)	2,045	---	2,045	---	+2,045	D
Subtotal, Other HRSA programs	864,254	851,835	869,689	+5,435	+17,854	

(1) Proposed for consolidation.

(2) Proposed for transfer to AoA.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Ryan White AIDS Programs:						
Emergency Assistance	449,943	454,943	471,663	+21,720	+16,720	D
Comprehensive Care Programs	416,954	431,954	560,994	+144,040	+129,040	D
AIDS Drug Assistance Program (ADAP) (NA)	167,000	167,000	299,000	+132,000	+132,000	NA
Early Intervention Program	69,568	84,568	72,928	+3,360	-11,640	D
Pediatric Demonstrations	36,000	40,000	37,720	+1,720	-2,280	D
AIDS Dental Services	7,500	7,500	7,860	+360	+360	D
Education and Training Centers	16,287	17,287	17,087	+800	-200	D
Subtotal, Ryan White AIDS programs	996,252	1,036,252	1,168,252	+172,000	+132,000	
Family Planning	198,452	203,452	194,452	-4,000	-9,000	D
Rural Health Research	8,713	8,713	8,713	---	---	D
Health Care Facilities	12,902	---	---	-12,902	---	D
Buildings and Facilities (1)	828	---	2,500	+1,672	+2,500	D
National Practitioner Data Bank	6,000	8,000	8,000	+2,000	---	D
User Fees	-6,000	-8,000	-8,000	-2,000	---	D
Program Management	112,929	110,949	110,949	-1,980	---	D
Total, Health resources and services	3,404,567	3,266,479	3,607,068	+202,501	+340,589	

(1) Proposed for consolidation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program	7,000	6,000	6,000	-1,000	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
New loan subsidies	477	1,020	1,020	+543	---	M
Liquidating account (NA)	(37,608)	(29,566)	(29,566)	(-8,042)	---	NA
HEAL loan limitation (NA)	(140,000)	(85,000)	(85,000)	(-55,000)	---	NA
Program management	2,688	2,688	2,688	---	---	D
Total, HEAL	3,165	3,708	3,708	+543	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims (TF)	50,476	42,448	42,448	-8,028	---	M
HRSA administration (TF)	3,000	3,000	3,000	---	---	M
Subtotal, Vaccine injury compensation trust fund	53,476	45,448	45,448	-8,028	---	
VACCINE INJURY COMPENSATION:						
Pre-FY89 claims (appropriation)	110,000	---	---	-110,000	---	M
Total, Vaccine injury	163,476	45,448	45,448	-118,028	---	
Total, Health Resources & Services Admin	3,578,208	3,321,635	3,662,224	+84,016	+340,589	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
CENTERS FOR DISEASE CONTROL AND PREVENTION						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant	153,994	143,940	155,000	+1,006	+11,060	D
Prevention Centers	8,099	8,099	8,099	---	---	D
Childhood immunization (1)	467,583	427,312	440,030	-27,553	+12,718	D
HCFA vaccine purchase (NA)	372,534	437,104	437,104	+64,570	---	NA
Subtotal, CDC/HCFA vaccine program level	467,583	427,312	440,030	-27,553	+12,718	
AIDS	616,790	634,266	621,790	+5,000	-12,476	D
Tuberculosis	119,294	119,236	119,236	-58	---	D
Sexually Transmitted Diseases	106,203	111,171	111,171	+4,968	---	D
Chronic and Environmental Disease Prevention	166,874	191,039	228,039	+61,165	+37,000	D
Breast and Cervical Cancer Screening	139,659	141,897	145,000	+5,341	+3,103	D
Infectious Diseases	87,720	112,428	118,000	+30,280	+5,572	D
Lead Poisoning Prevention	38,181	38,154	38,200	+19	+46	D
Injury Control	43,182	49,033	55,933	+12,751	+6,900	D
Occupational Safety and Health (NIOSH)	141,340	148,463	148,840	+7,500	+377	D
Mine Safety and Health	31,913	32,000	32,000	+87	---	D
Epidemic Services	69,608	69,322	69,322	-286	---	D

(1) Request includes bill language exempting from the excise tax vaccine purchased with appropriated funds; savings are estimated at $25 million.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Center for Health Statistics:						
Program Operations	37,612	18,963	37,612	---	+18,649	D
1% evaluation funds (NA)	(48,400)	(70,063)	(48,400)	---	(-21,663)	NA
Subtotal, health statistics	(86,012)	(89,026)	(86,012)	---	(-3,014)	
Buildings and Facilities	30,553	23,007	20,000	-10,553	-3,007	D
Program Management	2,563	2,465	2,465	-98	---	D
Subtotal, Centers for Disease Control	2,261,168	2,270,795	2,350,737	+89,569	+79,942	
Crime Bill Activities:						
Rape Prevention and Education	35,000	45,000	45,000	+10,000	---	D
Domestic Violence Community Demonstrations	6,000	---	---	-6,000	---	D
Subtotal, Crime bill activities	41,000	45,000	45,000	+4,000	---	
Total, Disease Control	2,302,168	2,315,795	2,395,737	+93,569	+79,942	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	2,389,065	2,217,482	2,513,020	+123,955	+295,538	D
AIDS (NA)	---	(224,256)	---	---	(-224,256)	NA
Subtotal, NCI	(2,389,065)	(2,441,738)	(2,513,020)	(+123,955)	(+71,282)	
National Heart, Lung, and Blood Institute	1,431,830	1,404,770	1,513,004	+81,174	+108,234	D
AIDS (NA)	---	(62,419)	---	---	(-62,419)	NA
Subtotal, NHLBI	(1,431,830)	(1,467,189)	(1,513,004)	(+81,174)	(+45,815)	
National Institute of Dental Research	197,063	190,081	209,403	+12,340	+19,322	D
AIDS (NA)	---	(12,750)	---	---	(-12,750)	NA
Subtotal, NIDR	(197,063)	(202,831)	(209,403)	(+12,340)	(+6,572)	
National Institute of Diabetes and Digestive and Kidney Diseases	813,149	821,164	874,337	+61,188	+53,173	D
AIDS (NA)	---	(12,638)	---	---	(-12,638)	NA
Subtotal, NIDDK	(813,149)	(833,802)	(874,337)	(+61,188)	(+40,535)	
National Institute of Neurological Disorders & Stroke	729,259	722,712	763,325	+34,066	+40,613	D
AIDS (NA)	---	(25,116)	---	---	(-25,116)	NA
Subtotal, NINDS	(729,259)	(747,828)	(763,325)	(+34,066)	(+15,497)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Institute of Allergy and Infectious Diseases.	1,257,794	634,272	1,339,459	+81,665	+705,187	D
AIDS (NA).....	---	(678,230)	---	---	(-678,230)	NA
Subtotal, NIAID.....	(1,257,794)	(1,312,502)	(1,339,459)	(+81,665)	(+26,957)	
National Institute of General Medical Sciences.....	995,471	992,032	1,047,963	+52,492	+55,931	D
AIDS (NA).....	---	(28,160)	---	---	(-28,160)	NA
Subtotal, NIGMS.....	(995,471)	(1,020,192)	(1,047,963)	(+52,492)	(+27,771)	
National Institute of Child Health & Human Development	631,628	582,032	666,682	+35,054	+84,650	D
AIDS (NA).....	---	(65,247)	---	---	(-65,247)	NA
Subtotal, NICHD.....	(631,628)	(647,279)	(666,682)	(+35,054)	(+19,403)	
National Eye Institute.....	331,606	330,955	354,032	+22,426	+23,077	D
AIDS (NA).....	---	(9,476)	---	---	(-9,476)	NA
Subtotal, NEI.....	(331,606)	(340,431)	(354,032)	(+22,426)	(+13,601)	
National Institute of Environmental Health Sciences...	307,562	313,583	328,583	+21,021	+15,000	D
AIDS (NA).....	---	(6,324)	---	---	(-6,324)	NA
Subtotal, NIEHS.....	(307,562)	(319,907)	(328,583)	(+21,021)	(+8,676)	
National Institute on Aging.....	484,326	495,202	509,811	+25,485	+14,609	D
AIDS (NA).....	---	(1,874)	---	---	(-1,874)	NA
Subtotal, NIA.....	(484,326)	(497,076)	(509,811)	(+25,485)	(+12,735)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	256,228	258,932	269,807	+13,579	+10,875	D
AIDS (NA)	---	(4,310)	---	---	(-4,310)	NA
Subtotal, NIAMS	(256,228)	(263,242)	(269,807)	(+13,579)	(+6,565)	
National Institute on Deafness and Other Communication Disorders	188,273	192,447	198,373	+10,100	+5,926	D
AIDS (NA)	---	(1,774)	---	---	(-1,774)	NA
Subtotal, NIDCD	(188,273)	(194,221)	(198,373)	(+10,100)	(+4,152)	
National Institute of Nursing Research	59,554	55,692	62,451	+2,897	+6,759	D
AIDS (NA)	---	(5,360)	---	---	(-5,360)	NA
Subtotal, NINR	(59,554)	(61,052)	(62,451)	(+2,897)	(+1,399)	
National Institute on Alcohol Abuse and Alcoholism	211,254	208,112	226,205	+14,951	+18,093	D
AIDS (NA)	---	(11,234)	---	---	(-11,234)	NA
Subtotal, NIAAA	(211,254)	(219,346)	(226,205)	(+14,951)	(+6,859)	
National Institute on Drug Abuse	490,113	358,475	525,641	+35,528	+167,166	D
AIDS (NA)	---	(163,440)	---	---	(-163,440)	NA
Subtotal, NIDA	(490,113)	(521,915)	(525,641)	(+35,528)	(+3,726)	
National Institute of Mental Health	700,701	629,739	744,235	+43,534	+114,496	D
AIDS (NA)	---	(98,510)	---	---	(-98,510)	NA
Subtotal, NIMH	(700,701)	(728,249)	(744,235)	(+43,534)	(+15,986)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Human Genome Research Institute	188,957	202,197	211,772	+22,815	+9,575	D
AIDS (NA)	---	(2,990)	---	---	(-2,990)	NA
Subtotal, NHGRI	(188,957)	(205,187)	(211,772)	(+22,815)	(+6,585)	
National Center for Research Resources	414,049	333,868	436,961	+22,912	+103,093	D
AIDS (NA)	---	(77,053)	---	---	(-77,053)	NA
Subtotal, NCRR	(414,049)	(410,921)	(436,961)	(+22,912)	(+26,040)	
John Fogarty International Center	26,504	16,755	27,620	+1,116	+10,865	D
AIDS (NA)	---	(10,413)	---	---	(-10,413)	NA
Subtotal, FIC	(26,504)	(27,168)	(27,620)	(+1,116)	(+452)	
National Library of Medicine	150,376	152,689	161,171	+10,795	+8,482	D
AIDS (NA)	---	(3,279)	---	---	(-3,279)	NA
Subtotal, NLM	(150,376)	(155,968)	(161,171)	(+10,795)	(+5,203)	
Office of the Director	286,081	234,247	298,339	+12,258	+64,092	D
AIDS (NA)	---	(35,912)	---	---	(-35,912)	NA
Subtotal, OD	(286,081)	(270,159)	(298,339)	(+12,258)	(+28,180)	
Buildings and Facilities	200,000	190,000	223,100	+23,100	+33,100	D
Office of AIDS Research	---	1,540,765	---	---	-1,540,765	D
Total N.I.H.	12,740,843	13,078,203	13,505,294	+764,451	+427,091	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Knowledge development and application	57,964	58,032	58,032	+68	---	D
Mental Health Performance Partnership	275,420	275,420	275,420	---	---	D
Children's Mental Health	69,896	69,927	72,927	+3,031	+3,000	D
Grants to States for the Homeless (PATH)	20,000	20,000	23,000	+3,000	+3,000	D
Protection and Advocacy	21,957	21,957	21,957	---	---	D
Subtotal, mental health	445,237	445,336	451,336	+6,099	+6,000	
Substance Abuse Treatment:						
Knowledge Development and Application	155,868	156,000	159,000	+3,132	+3,000	D
Substance Abuse Performance Partnership -- (BA)	1,310,107	1,320,107	1,320,107	+10,000	---	D
P.L. 104-121 funding	(50,000)	(50,000)	(50,000)	---	---	NA
Subtotal, Substance Abuse Treatment (BA)	1,465,975	1,476,107	1,479,107	+13,132	+3,000	
Total, Treatment program level	(1,515,975)	(1,526,107)	(1,529,107)	(+13,132)	(+3,000)	
Substance Abuse Prevention:						
Knowledge Development and Application	155,869	151,000	151,000	-4,869	---	D
Program Management and Buildings and Facilities	54,431	55,500	55,500	+1,069	---	D
Data Collection	---	28,000	15,000	+15,000	-13,000	D
Total, Substance Abuse and Mental Health (BA)	2,121,512	2,155,943	2,151,943	+30,431	-4,000	
Total, Program level	(2,171,512)	(2,205,943)	(2,201,943)	(+30,431)	(-4,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						
Retirement payments	139,299	149,217	149,217	+9,918	---	M
Survivors benefits	10,417	11,643	11,643	+1,226	---	M
Dependents' medical care	26,363	27,470	27,470	+1,107	---	M
Military services credits	2,556	2,409	2,409	-147	---	M
Total, Retirement pay and medical benefits	178,635	190,739	190,739	+12,104	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH						
Research on Health Care Systems Cost & Access:						
Federal Funds	35,650	17,170	35,573	-77	+18,403	D
1% evaluation funding (NA)	(8,750)	(29,515)	(11,112)	(+2,362)	(-18,403)	NA
Subtotal	(44,400)	(46,685)	(46,685)	(+2,285)	---	
Health Insurance & Expenditure Surveys:						
Federal Funds	224	10,000	---	-224	-10,000	D
1% evaluation funding (NA)	(38,662)	(26,300)	(36,300)	(-2,362)	(+10,000)	NA
Subtotal	(38,886)	(36,300)	(36,300)	(-2,586)	---	
Research on Health Care Outcomes & Quality:						
Federal Funds	57,963	57,600	63,785	+5,822	+6,185	D
1% evaluation funding (NA)	---	(6,185)	---	---	(-6,185)	NA
Subtotal	(57,963)	(63,785)	(63,785)	(+5,822)	---	
Program Support	2,230	2,230	2,230	---	---	D
Total, AHCPR	143,479	149,000	149,000	+5,521	---	
Federal Funds	96,067	87,000	101,588	+5,521	+14,588	
1% evaluation funding (non-add)	(47,412)	(62,000)	(47,412)	---	(-14,588)	
Total, Public Health Service	21,017,433	21,149,315	22,007,525	+990,092	+858,210	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	98,210,228	99,144,000	99,144,000	+933,772	---	M
State and local administration	4,633,884	4,874,546	4,874,546	+240,662	---	M
Vaccines for Children	522,904	365,104	365,104	-157,800	---	M
Subtotal, Medicaid program level, FY 1997 / 1998	103,367,016	104,383,650	104,383,650	+1,016,634	---	
Carryover balance	-2,155,048	-4,864,228	-4,864,228	-2,709,180	---	M
Less funds advanced in prior year	-26,155,350	-27,988,993	-27,988,993	-1,833,643	---	M
Total, request, FY 1997 / 1998	75,056,618	71,530,429	71,530,429	-3,526,189	---	
New advance 1st quarter, FY 98/99	27,988,993	27,800,689	27,800,689	-188,304	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	59,456,000	63,416,000	63,416,000	+3,960,000	---	M
Hospital insurance for the uninsured	405,000	-52,000	-52,000	-457,000	---	M
Federal uninsured payment	76,000	86,000	86,000	+10,000	---	M
Program management	142,000	131,000	131,000	-11,000	---	M
Total, Payments to Trust Funds, current law	60,079,000	63,581,000	63,581,000	+3,502,000	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation:						
Regular Program	(44,000)	(45,000)	(49,000)	(+5,000)	(+4,000)	TF*
Medicare Contractors	(1,207,200)	(1,223,000)	(1,134,000)	(-73,200)	(-89,000)	TF*
H.R. 3103 funding (non-add)	(440,000)	(500,000)	(500,000)	(+60,000)	---	NA
Subtotal, Contractors program level	(1,647,200)	(1,723,000)	(1,634,000)	(-13,200)	(-89,000)	
State Survey and Certification	(158,000)	(148,000)	(148,000)	(-10,000)	---	TF*
Federal Administration	(327,173)	(360,434)	(350,369)	(+23,196)	(-10,065)	TF*
User Fees	(-1,932)	(-1,934)	(-1,934)	(-2)	---	TF*
Subtotal, Federal Administration	(325,241)	(358,500)	(348,435)	(+23,194)	(-10,065)	
Total, Program management	(1,734,441)	(1,774,500)	(1,679,435)	(-55,006)	(-95,065)	
Medicare Trust Fund Activity:						
Hospital Insurance TF (1)	(-12,800,000)	(-20,100,000)	(-20,100,000)	(-7,300,000)	---	NA
Supplemental Medical Insurance TF (2)	(4,000,000)	(500,000)	(500,000)	(-3,500,000)	---	NA
Total, Health Care Financing Administration	164,859,052	164,686,618	164,591,553	-267,499	-95,065	
Federal funds	163,124,611	162,912,118	162,912,118	-212,493	---	
Current year, FY 1997 / 1998	(135,135,618)	(135,111,429)	(135,111,429)	(-24,189)	---	
New advance, 1st quarter, FY 1998 / 1999	(27,988,993)	(27,800,689)	(27,800,689)	(-188,304)	---	
Trust funds	(1,734,441)	(1,774,500)	(1,679,435)	(-55,006)	(-95,065)	

(1) Intermediate estimates: page 40 of the 1997 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: page 29 of the 1997 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES (1)						
Payments to territories	---	26,741	26,741	+26,741	---	M
Repatriation	---	1,000	1,000	+1,000	---	M
Undistributed	9,600,000	---	---	-9,600,000	---	M
Subtotal, Welfare payments	9,600,000	27,741	27,741	-9,572,259	---	
Child Support Enforcement: (2) Net welfare reform child support appropriation	2,158,000	---	---	-2,158,000	---	M
Total, Payments, FY 1997 / 1998 program level	11,758,000	27,741	27,741	-11,730,259	---	
Less funds advanced in previous years	-4,800,000	---	---	+4,800,000	---	M
Total, payments, current request, FY97/98	6,958,000	27,741	27,741	-6,930,259	---	
New advance, 1st quarter, FY98/99	607,000	660,000	660,000	+53,000	---	M

(1) Funds for these activities for FY98 are provided through permanent appropriations in the Personal Responsibility & Work Opportunity Reconciliation Act of 1996. The President's budget does not request funding for these programs in FY98; the Congressional justification indicates a budget amendment will be transmitted to Congress to request indefinite appropriations for these programs in FY98.

(2) Carry over funds from FY97 and the first quarter advance appropriation for FY98 are estimated to be sufficient to cover necessary costs of this program for FY98.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Job Opportunities and Basic Skills (JOBS)	300,000	---	---	-300,000	---	M
LOW INCOME HOME ENERGY ASSISTANCE						
Advance from prior year (NA)	---	(1,000,000)	(1,000,000)	(+1,000,000)	---	NA
Adjustment	1,000,000	---	---	-1,000,000	---	D
FY 1997 / 1998 program level	(1,000,000)	(1,000,000)	(1,000,000)	---	---	
Emergency Allocation -- Advance from prior year (NA)	(300,000)	---	---	(-300,000)	---	NA
New Emergency Allocation (NA)	---	(300,000)	(300,000)	(+300,000)	---	NA
Advance funding (FY98/99)	1,000,000	1,000,000	1,000,000	---	---	D
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services	246,502	227,138	230,698	-15,804	+3,560	D
Social Services	110,882	110,882	129,990	+19,108	+19,108	D
Preventive Health	4,835	4,835	4,835	---	---	D
Targeted Assistance	49,857	49,477	49,477	-380	---	D
Total, Refugee and entrant assistance (BA)	412,076	392,332	415,000	+2,924	+22,668	
CHILD CARE AND DEVELOPMENT BLOCK GRANT:						
Advance funding FY98/99	937,000	1,000,000	1,000,000	+63,000	---	D
Forward funding provided in prior year	(934,642)	---	---	(-934,642)	---	NA
Advance funding from prior year (NA)	---	(937,000)	(937,000)	(+937,000)	---	NA
Adjustment (current funding)	19,120	63,000	---	-19,120	-63,000	D
Current year program level (FY97/98)	(953,762)	(1,000,000)	(937,000)	(-16,762)	(-63,000)	
Social Services Block Grant (Title XX)	2,500,000	2,380,000	2,245,000	-255,000	-135,000	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start	3,980,546	4,305,000	4,305,000	+324,454	---	D
Consolidated Runaway, Homeless Youth Prog	---	58,602	---	---	-58,602	D
Runaway and Homeless Youth	43,653	---	43,653	---	+43,653	D
Runaway Youth -- Transitional Living	14,949	---	14,949	---	+14,949	D
Subtotal, runaway	58,602	58,602	58,602	---	---	
Child Abuse State Grants	21,026	21,026	21,026	---	---	D
Child Abuse Discretionary Activities	14,154	14,154	14,154	---	---	D
Abandoned Infants Assistance	12,251	12,251	12,251	---	---	D
Child Welfare Services	291,989	291,989	291,989	---	---	D
Child Welfare Training	4,000	4,000	4,000	---	---	D
Adoption Opportunities	13,000	13,000	13,000	---	---	D
Adoption Initiative	---	21,000	---	---	-21,000	D
Family Violence (1)	62,000	---	---	-62,000	---	D
Social Services and Income Maintenance Research	44,000	18,043	21,000	-23,000	+2,957	D
Community Based Resource Centers	32,835	32,835	32,835	---	---	D

(1) The request and the bill provide funding for this activity in the Battered Women's Shelter program.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Developmental disabilities program:						
State Councils	64,803	64,803	64,803	---	---	D
Protection and Advocacy	26,718	26,718	26,718	---	---	D
Developmental Disabilities Special Projects	5,250	5,250	---	-5,250	-5,250	D
Developmental Disabilities University Affiliated	17,461	17,461	17,461	---	---	D
Subtotal, Developmental disabilities	114,232	114,232	108,982	-5,250	-5,250	
Native American Programs	34,933	34,933	34,933	---	---	D
Community services:						
Grants to States for Community Services	489,600	414,720	489,600	---	+74,880	D
Community initiative program:						
Economic Development	27,332	---	30,065	+2,733	+30,065	D
Rural Community Facilities	3,500	---	3,500	---	+3,500	D
Subtotal, discretionary funds	30,832	---	33,565	+2,733	+33,565	
National Youth Sports	12,000	---	14,000	+2,000	+14,000	D
Community Food and Nutrition	4,000	---	---	-4,000	---	D
Subtotal, Community services	536,432	414,720	537,165	+733	+122,445	
Program Direction	143,061	143,115	143,115	+54	---	D
Rescission of permanent appropriations	-27,000	---	-21,000	+6,000	-21,000	D
Total, Children & Families Services Programs	5,336,061	5,498,900	5,577,052	+240,991	+78,152	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
VIOLENT CRIME REDUCTION PROGRAMS:						
Community Schools	12,800	12,800	---	-12,800	-12,800	D
Runaway Youth Prevention	8,000	15,000	15,000	+7,000	---	D
Domestic Violence Hotline	1,200	1,200	1,200	---	---	D
Battered Women's Shelters	10,800	70,000	82,800	+72,000	+12,800	D
Total, Violent crime reduction programs	32,800	99,000	99,000	+66,200	---	
Family Support and Preservation	240,000	255,000	255,000	+15,000	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE						
Foster Care	3,807,143	3,540,300	3,540,300	-266,843	---	M
Adoption Assistance	567,888	700,700	700,700	+132,812	---	M
Independent living	70,000	70,000	70,000	---	---	M
Total, Program level: Payment to States	4,445,031	4,311,000	4,311,000	-134,031	---	
Less Advances from Prior Year	---	-1,111,000	-1,111,000	-1,111,000	---	M
Total, request, FY 1997 / 1998	4,445,031	3,200,000	3,200,000	-1,245,031	---	
New Advance, 1st quarter, FY 1998/1999	1,111,000	1,157,500	1,157,500	+46,500	---	M
Total, Administration for Children and Families	24,898,088	15,733,473	15,636,293	-9,261,795	-97,180	
Current year, FY 1997 / 1998	(21,243,088)	(11,915,973)	(11,818,793)	(-9,424,295)	(-97,180)	
FY 1998 / 1999	(3,655,000)	(3,817,500)	(3,817,500)	(+162,500)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	300,556	291,375	309,819	+9,263	+18,444	D
Preventive Health	15,623	15,623	---	-15,623	-15,623	D
Title VII	---	9,181	---	---	-9,181	D
Nutrition:						
Congregate Meals	364,535	359,810	364,535	---	+4,725	D
Home Delivered Meals	105,339	110,064	110,064	+4,725	---	D
Frail Elderly In-Home Services	9,263	9,263	---	-9,263	-9,263	D
Grants to Indians	16,057	16,057	16,057	---	---	D
Aging Research, Training and Special Projects	4,000	4,000	---	-4,000	-4,000	D
Program Administration	14,758	14,795	14,795	+37	---	D
Alzheimer's Initiative	---	8,000	---	---	-8,000	D
Total, Administration on Aging	830,131	838,168	815,270	-14,861	-22,898	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	96,135	96,517	101,329	+5,194	+4,812	D
Trust Funds	(5,851)	(5,851)	(5,851)	---	---	TF*
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	---	---	NA
Subtotal	(122,538)	(122,920)	(127,732)	(+5,194)	(+4,812)	
Adolescent Family Life (Title XX)	14,206	14,209	14,209	+3	---	D
Physical Fitness and Sports	998	1,000	998	---	-2	D
Minority health	34,584	23,100	23,100	-11,484	---	D
Office of women's health	12,495	12,500	12,500	+5	---	D
Anti-Terrorism	13,764	10,000	7,500	-6,264	-2,500	D
Total, General Departmental Management	178,033	163,177	165,487	-12,546	+2,310	
Federal funds	172,182	157,326	159,636	-12,546	+2,310	
Trust funds	(5,851)	(5,851)	(5,851)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	34,790	31,921	30,921	-3,869	-1,000	D
H.R. 3103 funding (non-add)	(60,000)	(80,500)	(80,500)	(+20,500)	---	NA
Total, Office of the Inspector General	34,790	31,921	30,921	-3,869	-1,000	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	16,183	17,216	16,345	+162	-871	D
Trust Funds	(3,307)	(3,314)	(3,314)	(+7)	---	TF*
Total, Office for Civil Rights	19,490	20,530	19,659	+169	-871	
Federal funds	16,183	17,216	16,345	+162	-871	
Trust funds	(3,307)	(3,314)	(3,314)	(+7)	---	
Policy Research	18,486	9,000	14,000	-4,486	+5,000	D
Total, Office of the Secretary	250,799	224,628	230,067	-20,732	+5,439	
Federal funds	241,641	215,463	220,902	-20,739	+5,439	
Trust funds	(9,158)	(9,165)	(9,165)	(+7)	---	
Public Health & Social Services Emergency Fund	15,000	---	---	-15,000	---	D
Total, Department of Health and Human Services	211,870,503	202,632,202	203,280,708	-8,589,795	+648,506	
Federal Funds	210,126,904	200,848,537	201,592,108	-8,534,796	+743,571	
Current year, FY 1997 / 1998	(178,482,911)	(169,230,348)	(169,973,919)	(-8,508,992)	(+743,571)	
FY 1998 / 1999	(31,643,993)	(31,618,189)	(31,618,189)	(-25,804)	---	
Trust funds	(1,743,599)	(1,783,665)	(1,688,600)	(-54,999)	(-95,065)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM (1)						
Goals 2000: Educate America Act:						
State & Local Ed. Systemic Improvement Grants.....	476,000	603,500	370,665	-105,335	-232,835	D
State & Local Ed. Systemic Improvement Grants (2).	---	1,500	1,500	+1,500	---	D
Parental Assistance (2).....	15,000	15,000	15,000	---	---	D
Subtotal, Goals 2000.....	491,000	620,000	387,165	-103,835	-232,835	
School-to-work opportunities:						
State Grants and Local Partnerships.....	199,973	200,000	200,000	+27	---	D
Education Technology (2).....	200,000	425,000	435,000	+235,000	+10,000	D
Subtotal, Non-Goals 2000 Ed Reform.....	399,973	625,000	635,000	+235,027	+10,000	
Total.....	890,973	1,245,000	1,022,165	+131,192	-222,835	
Subtotal, Forward funded.....	(675,973)	(803,500)	(570,665)	(-105,308)	(-232,835)	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EDUCATION FOR THE DISADVANTAGED (1)						
Grants to Local Education Agencies (LEAs):						
Basic Grants	6,269,712	6,187,350	6,187,850	-81,862	+500	D
Basic Grants (2)	3,500	4,000	3,500	---	-500	D
Subtotal, Basic grants	6,273,212	6,191,350	6,191,350	-81,862	---	
Concentration Grants	1,022,020	999,249	949,249	-72,771	-50,000	D
Targeted Grants	---	350,000	400,000	+400,000	+50,000	D
Whole School Reform	---	---	150,000	+150,000	+150,000	D
Subtotal, Grants to LEAs	7,295,232	7,540,599	7,690,599	+395,367	+150,000	
Capital Expenses for Private School Children	41,119	41,119	41,119	---	---	D
Even Start	101,992	108,000	108,000	+6,008	---	D
State agency programs:						
Migrant	305,473	319,500	305,473	---	-14,027	D
Neglected and Delinquent/High Risk Youth	39,311	40,333	39,311	---	-1,022	D
State School Improvement	---	8,000	---	---	-8,000	D
Evaluation (2)	6,977	10,000	10,000	+3,023	---	D
Total, ESEA	7,790,104	8,067,551	8,194,502	+404,398	+126,951	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Migrant education:						
High School Equivalency Program (1)	7,441	7,634	7,634	+193	---	D
College Assistance Migrant Program (1)	2,028	2,081	2,081	+53	---	D
Subtotal, migrant education	9,469	9,715	9,715	+246	---	
Total, Compensatory education programs	7,799,573	8,077,266	8,204,217	+404,644	+126,951	
Subtotal, forward funded	(7,779,627)	(8,053,551)	(8,181,002)	(+401,375)	(+127,451)	
IMPACT AID						
Basic Support Payments	615,500	584,000	667,000	+51,500	+83,000	D
Payments for Children with Disabilities	40,000	40,000	40,000	---	---	D
Payments for Heavily Impacted Districts (Sec. f)	52,000	20,000	62,000	+10,000	+42,000	D
Subtotal	707,500	644,000	769,000	+61,500	+125,000	
Facilities Maintenance (Sec. 8008)	---	10,000	---	---	-10,000	D
Construction (Sec. 8007)	5,000	4,000	7,000	+2,000	+3,000	D
Payments for Federal Property (Sec. 8002)	17,500	---	20,000	+2,500	+20,000	D
Total, Impact aid	730,000	658,000	796,000	+66,000	+138,000	

(1) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SCHOOL IMPROVEMENT PROGRAMS						
Professional development (1)	310,000	360,000	310,000	---	-50,000	D
Program innovation (1)	310,000	---	350,000	+40,000	+350,000	D
Safe and drug-free schools:						
State Grants (1)	530,978	590,000	531,000	+22	-59,000	D
National Programs	25,000	30,000	25,000	---	-5,000	D
Subtotal, Safe and drug-free schools	555,978	620,000	556,000	+22	-64,000	
Inexpensive Book Distribution (RIF)	10,265	12,000	12,000	+1,735	---	D
Arts in Education	9,000	9,500	9,500	+500	---	D
Other school improvement programs:						
Magnet Schools Assistance	95,000	95,000	105,000	+10,000	+10,000	D
Education for Homeless Children & Youth (1)	25,000	27,000	27,000	+2,000	---	D
Women's Education Equity	2,000	4,000	2,000	---	-2,000	D
Training and Advisory Services (Civil Rights)	7,334	14,334	7,334	---	-7,000	D
Ellender Fellowships/Close Up (1)	1,500	---	1,500	---	+1,500	D
Education for Native Hawaiians	15,000	15,000	---	-15,000	-15,000	D
Alaska Native Education Equity	8,000	8,000	---	-8,000	-8,000	D
Charter Schools	50,987	100,000	100,000	+49,013	---	D
Subtotal, other school improvement programs	204,821	263,334	242,834	+38,013	-20,500	
Comprehensive Regional Assistance Centers	25,554	34,388	27,054	+1,500	-7,334	D
Total, School improvement programs	1,425,618	1,299,222	1,507,388	+81,770	+208,166	
Subtotal, forward funded	(1,177,478)	(977,000)	(1,219,500)	(+42,022)	(+242,500)	

(1) Forward funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LITERACY INITIATIVE						
Current year	---	260,000	---	---	-260,000	D
1999 advance funding	---	---	260,000	+260,000	+260,000	D
Total, Literacy initiative	---	260,000	260,000	+260,000	---	
INDIAN EDUCATION (1)						
Grants to Local Educational Agencies	58,050	59,750	59,750	+1,700	---	D
Office of Indian Education	2,943	2,850	2,850	-93	---	D
Total, Indian Education	60,993	62,600	62,600	+1,607	---	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual education:						
Instructional Services	141,700	160,000	160,000	+18,300	---	D
Support Services	10,000	14,000	14,000	+4,000	---	D
Professional Development	5,000	25,000	25,000	+20,000	---	D
Immigrant Education	100,000	150,000	150,000	+50,000	---	D
Foreign Language Assistance	5,000	5,000	5,000	---	---	D
Total, Bilingual and Immigrant Education	261,700	354,000	354,000	+92,300	---	

(1) Funding for this account for FY97 was provided in the Interior Appropriations Bill and is shown here for purposes of comparability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SPECIAL EDUCATION						
State grants: (1)						
Grants to States Part B	3,107,522	3,240,750	3,425,911	+318,389	+185,161	D
Preschool Grants	360,409	374,825	388,985	+28,576	+14,160	D
Grants for Infants and Families	315,754	323,964	340,790	+25,036	+16,826	D
Evaluation	1,873	6,300	6,300	+4,427	---	D
Evaluation (2)	---	1,700	1,700	+1,700	---	D
Subtotal, State grants	3,785,558	3,947,539	4,163,686	+378,128	+216,147	
IDEA National Programs (P.L. 105-17):						
State Program Improvement Grants (1)	26,988	35,200	35,200	+8,212	---	D
Research and Innovation to Improve Services	62,803	64,508	64,508	+1,705	---	D
Technical Assistance and Dissemination	34,337	35,056	35,056	+719	---	D
Personnel Preparation	80,735	82,139	82,139	+1,404	---	D
Parent Information Centers	15,535	15,535	15,535	---	---	D
Technology and Media Services	30,023	30,023	32,523	+2,500	+2,500	D
Subtotal, IDEA special programs reauthorization	250,421	262,461	264,961	+14,540	+2,500	
Total, Special education	4,035,979	4,210,000	4,428,647	+392,668	+218,647	
Subtotal, Forward funded	(3,812,546)	(3,981,039)	(4,197,186)	(+384,640)	(+216,147)	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants	2,176,038	2,246,888	2,246,888	+70,850	---	M
Client Assistance State grants	10,392	10,714	10,714	+322	---	M
Training	39,629	39,629	39,629	---	---	M
Special demonstration programs	18,942	16,942	15,942	-3,000	-1,000	M
Migratory workers	1,850	2,350	2,350	+500	---	M
Recreational programs	2,596	2,596	2,596	---	---	M
Protection and advocacy of individual rights (PAIR)	7,657	7,894	9,894	+2,237	+2,000	M
Projects with industry	22,071	22,071	22,071	---	---	M
Supported employment State grants	38,152	38,152	38,152	---	---	M
Independent living:						
State grants	21,859	21,859	21,859	---	---	M
Centers	42,876	44,205	44,205	+1,329	---	M
Services for older blind individuals	9,952	9,952	9,952	---	---	M
Subtotal, Independent living	74,687	76,016	76,016	+1,329	---	
Program Improvement	2,391	3,900	2,900	+509	-1,000	M
Evaluation	1,587	1,587	1,587	---	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults	7,337	7,528	7,528	+191	---	M
National Institute for Disability and Rehabilitation Research (NIDRR)	69,990	71,000	76,800	+6,810	+5,800	M
Subtotal, mandatory programs	2,473,319	2,547,267	2,553,067	+79,748	+5,800	
Assistive Technology	36,109	36,109	36,109	---	---	D
Total, Rehabilitation services	2,509,428	2,583,376	2,589,176	+79,748	+5,800	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND.....	6,680	6,680	8,186	+1,506	+1,506	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.....	43,041	43,041	43,841	+800	+800	D
GALLAUDET UNIVERSITY.....	79,182	79,182	80,682	+1,500	+1,500	D
Total, Special Inst for Persons with Disabilities.	128,903	128,903	132,709	+3,806	+3,806	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
VOCATIONAL AND ADULT EDUCATION (1)						
Vocational education:						
Basic State Grants	1,015,550	1,043,550	1,035,550	+20,000	-8,000	D
Tech-Prep Education	100,000	105,000	105,000	+5,000	---	D
Tribally Controlled Postsecondary Vocational Institutions (2)	2,919	2,919	3,100	+181	+181	D
National Progams: Research	13,497	20,497	13,497	---	-7,000	D
Subtotal, Vocational education	1,131,966	1,171,966	1,157,147	+25,181	-14,819	
Adult education:						
State Programs	340,339	382,000	340,339	---	-41,661	D
National programs:						
Evaluation and Technical Assistance	4,998	6,000	4,998	---	-1,002	D
National Institute for Literacy	4,491	6,000	4,491	---	-1,509	D
Subtotal, National programs	9,489	12,000	9,489	---	-2,511	
Literacy Programs for Prisoners	4,723	---	---	-4,723	---	D
Subtotal, adult education	354,551	394,000	349,828	-4,723	-44,172	
Total, Vocational and adult education	1,486,517	1,565,966	1,506,975	+20,458	-58,991	
Subtotal, forward funded	(1,483,598)	(1,563,047)	(1,503,875)	(+20,277)	(-59,172)	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grant -- maximum grant (NA)	(2,700)	(3,000)	(3,000)	(+300)	---	NA
Pell Grants -- Regular Program	5,919,000	7,635,000	7,438,000	+1,519,000	-197,000	D
Federal Supplemental Educational Opportunity Grants	583,407	583,407	583,407	---	---	D
Federal Work Study	830,000	857,000	860,000	+30,000	+3,000	D
Federal Perkins loans:						
Capital Contributions	158,000	158,000	135,000	-23,000	-23,000	D
Loan Cancellations	20,000	30,000	30,000	+10,000	---	D
Subtotal, Federal Perkins loans	178,000	188,000	165,000	-13,000	-23,000	
State Student Incentive Grants	50,000	---	---	-50,000	---	D
Total, Student financial assistance	7,560,407	9,263,407	9,046,407	+1,486,000	-217,000	
FEDERAL FAMILY EDUCATION LOANS PROGRAM						
Federal Administration	46,482	47,688	47,688	+1,206	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions	55,450	55,450	55,450	---	---	D
Hispanic Serving Institutions	10,800	12,000	12,000	+1,200	---	D
Hispanic serving institutions (Agriculture bill)	(2,000)	(2,000)	(2,000)	---	---	NA
Subtotal, Hispanic serving institutions	(12,800)	(14,000)	(14,000)	(+1,200)	---	
Strengthening Historically Black Colleges (HBCUs)	108,990	113,000	120,000	+11,010	+7,000	D
Strengthening historically black graduate insts	19,606	19,606	25,000	+5,394	+5,394	D
Endowment Challenge Grants, HBCU set-aside	---	2,015	---	---	-2,015	D
Subtotal, Institutional development	194,846	202,071	212,450	+17,604	+10,379	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)	18,000	18,000	18,000	---	---	D
Minority Teacher Recruitment	2,212	3,727	2,500	+288	-1,227	D
Minority Science Improvement	5,255	5,255	5,255	---	---	D
International educ & foreign language studies:						
Domestic Programs	53,481	53,481	54,481	+1,000	+1,000	D
Overseas Programs	5,270	5,770	5,770	+500	---	D
Institute for International Public Policy	1,000	1,000	---	-1,000	-1,000	D
Subtotal, International education	59,751	60,251	60,251	+500	---	
Urban Community Service	9,200	---	---	-9,200	---	D
Subtotal, Program development	94,418	87,233	86,006	-8,412	-1,227	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Interest Subsidy Grants for Prior Year Const.....	15,673	13,700	13,700	-1,973	---	D
Special grants:						
Mary McLeod Bethune Memorial Fine Arts Center.....	1,400	---	6,620	+5,220	+6,620	D
Federal TRIO Programs.....	499,994	525,000	532,000	+32,006	+7,000	D
National Early Intervention Scholarships and Partn	3,600	---	---	-3,600	---	D
Advanced Placement Fees.....	---	6,000	---	---	-6,000	D
Scholarships:						
Byrd Honors Scholarships.....	29,117	39,288	29,117	---	-10,171	D
Presidential Honors Scholarships.....	---	132,000	---	---	-132,000	D
George Bush Fellowships.....	3,000	---	---	-3,000	---	D
Edmund Muskie Foundation.....	3,000	---	---	-3,000	---	D
Pell Institute for International Relations.....	3,000	---	---	-3,000	---	D
Calvin Coolidge Memorial Foundation.....	1,000	---	---	-1,000	---	D
Subtotal, Scholarships.....	39,117	171,288	29,117	-10,000	-142,171	
Graduate fellowships:						
Javits Fellowships.....	5,931	---	---	-5,931	---	D
Graduate Assistance in Areas of National Need.....	24,069	30,000	30,000	+5,931	---	D
Subtotal, Graduate fellowships.....	30,000	30,000	30,000	---	---	
Total, Higher education.....	879,048	1,035,292	909,893	+30,845	-125,399	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
HOWARD UNIVERSITY						
Academic Program	166,511	162,981	180,511	+14,000	+17,530	D
Endowment Program	---	3,530	---	---	-3,530	D
Howard University Hospital	29,489	29,489	29,489	---	---	D
Total, Howard University	196,000	196,000	210,000	+14,000	+14,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:						
Federal Administration	698	1,069	698	---	-371	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM						
Federal Administration	104	104	104	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	72,567	81,035	81,035	+8,468	---	D
Regional Education Laboratories	51,000	53,500	57,000	+6,000	+3,500	D
Statistics	50,000	66,250	66,250	+16,250	---	D
Assessment:						
National Assessment	29,752	35,502	35,502	+5,750	---	D
National Assessment Governing Board	2,865	2,871	2,865	---	-6	D
Subtotal, Assessment	32,617	38,373	38,367	+5,750	-6	
Subtotal, Research and statistics	206,184	239,158	242,652	+36,468	+3,494	
Fund for the Improvement of Education	40,000	40,000	80,000	+40,000	+40,000	D
International Education Exchange	5,000	5,000	---	-5,000	-5,000	D
21st Century Community Learning Centers	1,000	---	50,000	+49,000	+50,000	D
Civics Education	4,500	4,500	5,500	+1,000	+1,000	D
Eisenhower Professional Dvp. National Activities	13,342	30,000	21,000	+7,658	-9,000	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	---	---	D
Javits Gifted and Talented Education	5,000	7,000	6,000	+1,000	-1,000	D
National Writing Project	3,100	---	3,100	---	+3,100	D
After School Learning Centers	---	50,000	---	---	-50,000	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Education technology:						
Technology for Education	66,965	85,000	85,000	+18,035	---	D
Star Schools	30,000	26,000	---	-30,000	-26,000	D
Ready to Learn Television	7,000	7,000	---	-7,000	-7,000	D
Telcom Demo Project for Mathematics	1,035	2,035	---	-1,035	-2,035	D
Subtotal, Education technology	105,000	120,035	85,000	-20,000	-35,035	
Total, ERSI	398,126	510,693	508,252	+110,126	-2,441	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LIBRARIES						
Public libraries:						
Services	100,636	---	---	-100,636	---	D
Construction	16,369	---	---	-16,369	---	D
Interlibrary Cooperation	11,864	---	---	-11,864	---	D
Library Education and Training	2,500	---	---	-2,500	---	D
Research and Demonstrations	5,000	---	---	-5,000	---	D
Institute of Museum and Library Services	---	136,369	142,000	+142,000	+5,631	D
Total, Libraries	136,369	136,369	142,000	+5,631	+5,631	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	326,217	341,039	329,579	+3,362	-11,460	D
OFFICE FOR CIVIL RIGHTS	54,900	61,500	55,449	+549	-6,051	D
OFFICE OF THE INSPECTOR GENERAL	29,943	32,000	30,242	+299	-1,758	D
Total, Departmental management	411,060	434,539	415,270	+4,210	-19,269	
STUDENT LOANS						
New Annual Loan Volume (including consolidation):						
Federal Family Education Loans (FFEL)	(23,038,000)	(22,995,000)	(22,995,000)	(-43,000)	---	NA
Federal Direct Student Loans (FDSL)	(13,789,000)	(16,930,000)	(16,930,000)	(+3,141,000)	---	NA
Total Outstanding Loan Volume:						
Federal Family Education Loans (FFEL)	(88,864,000)	(101,148,000)	(101,148,000)	(+12,284,000)	---	NA
Federal Direct Student Loans (FDSL)	(23,153,000)	(36,829,000)	(36,829,000)	(+13,676,000)	---	NA
Total, Department of Education	28,957,978	32,069,494	32,144,189	+3,186,211	+74,695	
Current year	(28,957,978)	(32,069,494)	(31,884,189)	(+2,926,211)	(-185,305)	
1999 advance	---	---	(260,000)	(+260,000)	(+260,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance: TF Limitation.....	55,663	55,452	55,452	-211	---	D
Capital Program: TF Limitation.....	432	24,525	14,825	+14,393	-9,700	D
Total, AFRH.....	56,095	79,977	70,277	+14,182	-9,700	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						
Domestic Volunteer Service Programs: (1)						
Volunteers in Service to America (VISTA).....	41,235	54,000	41,235	---	-12,765	D
National Senior Volunteer Corps:						
Foster Grandparents Program.....	77,812	85,972	84,106	+6,294	-1,866	D
Senior Companion Program.....	31,244	35,449	34,669	+3,425	-780	D
Retired Senior Volunteer Program.....	35,708	45,043	39,408	+3,700	-5,635	D
Senior Demonstration Program.....	---	10,000	---	---	-10,000	D
Subtotal, Senior Volunteers.....	144,764	176,464	158,183	+13,419	-18,281	
Program Administration.....	27,850	29,836	28,129	+279	-1,707	D
Total, Domestic Volunteer Service Programs.....	213,849	260,300	227,547	+13,698	-32,753	
Corporation for Public Broadcasting:						
FY2000 (current request) with FY99 comparable.....	250,000	325,000	300,000	+50,000	-25,000	D
FY99 advance with FY98 comparable (NA).....	(250,000)	(250,000)	(250,000)	---	---	NA
FY98 advance with FY97 comparable (NA).....	(260,000)	(250,000)	(250,000)	(-10,000)	---	NA
Federal Mediation and Conciliation Service.....	32,525	33,481	33,481	+956	---	D
Federal Mine Safety and Health Review Comm'n.....	6,049	6,060	6,060	+11	---	D

(1) The request earmarks $38 million for America Reads. Appropriations for Americorps are included in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Commission on Libraries and Info Science.....	897	1,123	1,000	+103	-123	D
National Council on Disability.....	1,791	1,793	1,793	+2	---	D
National Education Goals Panel.....	1,495	2,000	2,000	+505	---	D
National Commission on Cost of Higher Education.....	650	---	---	-650	---	D
National Labor Relations Board.....	174,661	186,434	174,661	---	-11,773	D
National Mediation Board.....	8,284	8,100	8,400	+116	+300	D
Occupational Safety and Health Review Comm'n.....	7,738	7,800	7,900	+162	+100	D
Physician Payment Review Commission (TF).....	(3,258)	(3,578)	(3,258)	---	(-320)	TF*
Prospective Payment Assessment Commission (TF).....	(3,257)	(3,579)	(3,257)	---	(-322)	TF*
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account.....	223,000	206,000	206,000	-17,000	---	D
Less Income Tax Receipts on Dual Benefits.....	-9,000	-12,000	-12,000	-3,000	---	D
Subtotal, Dual Benefits.....	214,000	194,000	194,000	-20,000	---	
Federal Payment to the RR Retirement Account.....	300	50	50	-250	---	M
Limitation on administration:						
Consolidated Account.....	(87,728)	(88,800)	(85,728)	(-2,000)	(-3,072)	TF*
Inspector General.....	(5,394)	(5,400)	(5,000)	(-394)	(-400)	TF*

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds	20,923	20,308	20,308	-615	---	M
Additional Administrative Expenses (1)	10,000	---	---	-10,000	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	625,450	581,470	581,470	-43,980	---	M
Administration	4,620	4,620	4,620	---	---	M
Subtotal, Black Lung, FY97/98 program level	630,070	586,090	586,090	-43,980	---	
Less funds advanced in prior year	-170,000	-160,000	-160,000	+10,000	---	M
Total, Black Lung, current request, FY97/98	460,070	426,090	426,090	-33,980	---	
New advances, 1st quarter FY98/99	160,000	160,000	160,000	---	---	M

(1) No-year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	26,559,100	23,710,300	23,710,300	-2,848,800	---	M
Beneficiary services	100,000	46,000	46,000	-54,000	---	M
Research and demonstration	7,000	16,700	16,700	+9,700	---	M
Administration	1,946,015	2,037,000	2,037,000	+90,985	---	D
Automation investment initiative	19,895	50,000	50,000	+30,105	---	D
Subtotal, SSI FY97/98 program level	28,632,010	25,860,000	25,860,000	-2,772,010	---	
Less funds advanced in prior year	-9,260,000	-9,690,000	-9,690,000	-430,000	---	M
Subtotal, regular SSI current year, FY 1997 / 1998	19,372,010	16,170,000	16,170,000	-3,202,010	---	
User Fee Appropriation	---	35,000	35,000	+35,000	---	D
Additional CDR funding	25,000	75,000	75,000	+50,000	---	D
SSI reforms (welfare)	150,000	100,000	100,000	-50,000	---	D
Total, SSI, current request, FY 1997 / 1998	19,547,010	16,380,000	16,380,000	-3,167,010	---	
New advance, 1st quarter, FY98/99	9,690,000	8,680,000	8,680,000	-1,010,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES (1)						
OASDI Trust Funds	(3,068,300)	(2,992,440)	(2,934,440)	(-133,860)	(-58,000)	TF
HI/SMI Trust Funds	(846,099)	(965,000)	(965,000)	(+118,901)	---	TF*
Social Security Advisory Board	(1,268)	(1,600)	(1,600)	(+332)	---	TF
SSI	(1,946,015)	(2,037,000)	(2,037,000)	(+90,985)	---	TF
Subtotal, regular LAE	(5,861,682)	(5,996,040)	(5,938,040)	(+76,358)	(-58,000)	
User Fee Appropriation	---	(35,000)	(35,000)	(+35,000)	---	TF
OASDI Automation	(215,000)	(150,000)	(150,000)	(-65,000)	---	TF
SSI Automation	(19,895)	(50,000)	(50,000)	(+30,105)	---	TF
Subtotal, automation initative	(234,895)	(200,000)	(200,000)	(-34,895)	---	
TOTAL, REGULAR LAE	(6,096,577)	(6,231,040)	(6,173,040)	(+76,463)	(-58,000)	
Additional CDR funding (2)	(160,000)	(190,000)	(145,000)	(-15,000)	(-45,000)	TF
SSI reforms (welfare)	(150,000)	(100,000)	(100,000)	(-50,000)	---	TF
TOTAL, LAE	(6,406,577)	(6,521,040)	(6,418,040)	(+11,463)	(-103,000)	

(1) All trust fund limitations will be scored as BA in FY 98. Comparable adjustments for FY 97 and FY 98 displayed as scorekeeping adjustments.

(2) The request is $45 million above the authorized amount. The recommendation is for the full authorized amount.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	6,265	10,164	10,164	+3,899	---	D
Trust Funds	(31,089)	---	---	(-31,089)	---	TF
Portion treated as budget authority	---	(34,260)	(42,260)	(+42,260)	(+8,000)	TF*
Total, Office of the Inspector General	37,354	44,424	52,424	+15,070	+8,000	
Federal funds	6,265	10,164	10,164	+3,899	---	
Trust funds	(31,089)	(34,260)	(42,260)	(+11,171)	(+8,000)	
Total, Social Security Administration	36,331,934	32,231,862	32,136,862	-4,195,072	-95,000	
Federal funds	29,894,268	25,676,562	25,676,562	-4,217,706	---	
Current year FY 1997 / 1998	(20,044,268)	(16,836,562)	(16,836,562)	(-3,207,706)	---	
New advances, 1st quarter FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	
Trust funds	(6,437,666)	(6,555,300)	(6,460,300)	(+22,634)	(-95,000)	
United States Institute of Peace	11,149	11,160	11,160	+11	---	D
Total, Title IV, Related Agencies	37,411,054	33,450,497	33,272,434	-4,138,620	-178,063	
Federal Funds (all years)	30,873,751	26,793,840	26,714,891	-4,158,860	-78,949	
Current year, FY 1997 / 1998	(20,773,751)	(17,628,840)	(17,574,891)	(-3,198,860)	(-53,949)	
FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	
FY 1999 / 2000	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)	
Trust funds	(6,537,303)	(6,656,657)	(6,557,543)	(+20,240)	(-99,114)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
SUMMARY					
Title I - Department of Labor:					
Federal Funds	8,739,722	9,422,853	9,225,845	+486,123	-197,008
Current year	(8,739,722)	(9,422,853)	(9,125,845)	(+386,123)	(-297,008)
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)
Trust Funds	(3,432,410)	(3,726,020)	(3,596,917)	(+164,507)	(-129,103)
Title II - Department of Health and Human Services:					
Federal Funds	210,126,904	200,848,537	201,592,108	-8,534,796	+743,571
Current year	(178,482,911)	(169,230,348)	(169,973,919)	(-8,508,992)	(+743,571)
1999 advance	(31,643,993)	(31,618,189)	(31,618,189)	(-25,804)	---
Trust Funds	(1,743,599)	(1,783,665)	(1,688,600)	(-54,999)	(-95,065)
Title III - Department of Education:					
Federal Funds	28,957,978	32,069,494	32,144,189	+3,186,211	+74,695
Current year	(28,957,978)	(32,069,494)	(31,884,189)	(+2,926,211)	(-185,305)
1999 advance	---	---	(260,000)	(+260,000)	(+260,000)
Title IV - Related Agencies:					
Federal Funds	30,873,751	26,793,840	26,714,891	-4,158,860	-78,949
Current year	(20,773,751)	(17,628,840)	(17,574,891)	(-3,198,860)	(-53,949)
1999 advance	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---
2000 advance	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)
Trust Funds	(6,537,303)	(6,656,657)	(6,557,543)	(+20,240)	(-99,114)
Total, all titles:					
Federal Funds	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Current year	(236,954,362)	(228,351,535)	(228,558,844)	(-8,395,518)	(+207,309)
1999 advance	(41,493,993)	(40,458,189)	(40,818,189)	(-675,804)	(+360,000)
2000 advance	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)
Trust Funds	(11,713,312)	(12,166,342)	(11,843,060)	(+129,748)	(-323,282)

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
BUDGET ENFORCEMENT ACT RECAP					
Federal Funds (all years)	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Mandatory, total in bill	211,774,424	198,701,281	198,572,081	-13,202,343	-129,200
Less advances for subsequent years	-39,556,993	-38,458,189	-38,458,189	+1,098,804	---
Plus advances provided in prior years	40,385,350	38,949,993	38,949,993	-1,435,357	---
Adjustment for savings related to CDRs	-100,000	---	---	+100,000	---
Total, mandatory, current year	212,502,781	199,193,085	199,063,885	-13,438,896	-129,200
Discretionary, total in bill	66,923,931	70,433,443	71,104,952	+4,181,021	+671,509
Less advances for subsequent years	-2,187,000	-2,325,000	-2,660,000	-473,000	-335,000
Plus advances provided in prior years	260,000	2,187,000	2,187,000	+1,927,000	---
Scorekeeping adjustments:					
Trust funds considered budget authority	6,110,432	6,597,917	6,378,594	+268,162	-219,323
Childcare welfare reform rescission	-6,120	---	---	+6,120	---
Title I advance funding, 1997/1998	1,298,239	1,298,386	1,298,239	---	-147
Title I advance funding, 1998/1999	-1,298,239	-1,298,386	-1,298,239	---	+147
LIHEAP 1997 Contingency	300,000	---	---	-300,000	---
Adjustment to balance with FY97 bill	-9,778	---	---	+9,778	---
Community schools transfer	(12,800)	---	---	(-12,800)	---
Adjustment for leg cap on Title XX SSBGs	120,000	---	---	-120,000	---
Emer designations, child care & terrorism	-28,575	---	---	+28,575	---

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
Reclassification of non-BA trust funds (1)....	3,461,970	3,271,425	3,167,466	-294,504	-103,959
Supplemental Child Care provision.....	1,000	---	---	-1,000	---
HEAL provision.....	499	---	1,000	+501	+1,000
SSA user fee collection.....	---	-35,000	-35,000	-35,000	---
Direct Loan Administration limitation.....	-218,000	---	---	+218,000	---
Total, discretionary, current year.....	74,728,359	80,129,785	80,144,012	+5,415,653	+14,227
Crime trust fund.....	61,000	144,000	144,000	+83,000	---
General purposes.....	74,667,359	79,985,785	80,000,012	+5,332,653	+14,227
Grand total, current year.....	287,231,140	279,322,870	279,207,897	-8,023,243	-114,973
Total amount provided in this bill.....	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Total 602(b) adjustments.....	8,532,785	10,188,146	9,530,864	+998,079	-657,282
Grand total, current year.....	287,231,140	279,322,870	279,207,897	-8,023,243	-114,973

(1) Reflects adjustments in scoring adopted in FY98. These adjustments are included in the FY97 comparable figures only for the purposes of comparability.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998''.

Ms. LOFGREN. Mr. Chairman, there are many elements of this legislation that are very favorable and deserving of our support, such as additional funding for Pell grants, Head Start, and other education programs. However, I reluctantly must oppose the bill due to the adoption of the Goodling amendment prohibiting the Department of Education from developing national standards for reading and mathematics.

Education of our Nation's young people, the future workers and leaders of this country, must be our highest priority. If America is to remain competitive in the global economy, we must have the best educated and best trained work force in the world. In order to ensure this, it is incumbent on the Federal Government to ensure that children across America are receiving adequate instruction, particularly in the core subjects of reading and math. The Goodling amendment will prevent this and may allow many students to fall through the cracks and deny them the education that is critical for their own success and for America's prosperity.

I am hopeful that the conference committee will delete the Goodling amendment from the conference report, and that we are ultimately presented with an appropriations bill for the Departments of Labor, Health and Human Services, and Education that provides adequate funding for the educational needs of our young people, and ensures that these resources are actually utilized to prepare them for their future.

The CHAIRMAN pro tempore. If there are no further amendments, under the order of the House of Thursday, July 31, 1997, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COLLINS) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore 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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, pursuant to the previous order of the House of Thursday, July 31, 1997, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

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.

The SPEAKER pro tempore. The question is on the 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 346, nays 80, not voting 7, as follows:

[Roll No. 402]

YEAS—346

Abercrombie
Ackerman
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Goss
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—80

Aderholt
Archer
Bachus
Barr
Bartlett
Barton
Brady
Bryant
Burton
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Doolittle
Everett
Goode
Goodlatte
Graham
Granger
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Largent
Linder
Lofgren
Manzullo
McCollum
McInnis
McIntosh
Mica
Moran (KS)
Myrick
Neumann
Norwood
Paul
Paxon
Pease
Petri
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shuster
Smith (MI)
Snowbarger
Souder
Stearns
Stump
Talent
Taylor (MS)
Thornberry
Tiahrt
Wamp
Weldon (FL)

NOT VOTING—7

Condit
Furse
Gonzalez
Gutierrez
Kasich
Schiff
Yates

☐ 1404

Messrs. WAMP, ADERHOLT, COX of California, BACHUS, and TAYLOR of Mississippi changed their vote from ''yea'' to ''nay.''

Ms. SANCHEZ, and Messrs. HILLIARD, SUNUNU, PORTMAN, and Ms. CARSON changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Whereas, former Representative Robert Dornan has abused his privileges as a former

Member of the House of Representatives, and has conducted himself on the floor in a manner which brings discredit to the House;

Whereas in the course of Representative Menendez of New Jersey representing his constituents, exercising his rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Robert Dornan, a former Member of this House, verbally assaulted Representative Menendez of New Jersey, using profane language, accused Representative Menendez of religious bigotry, called his integrity into question, and by the tone of voice and the context of his remarks clearly attempted to lure Representative Menendez off the floor into a physical altercation;

Whereas Representative Menendez' family did not face persecution and come to this land, the home and cradle of democracy, so that anyone could attempt to intimidate his constitutional exercise of the democratic process on behalf of the people of his district;

Whereas, clause 2 of rule I of the Rules of the House of Representatives calls upon the Speaker of the House to preserve order and decorum on the House floor Therefore, be it

Resolved that, the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto, and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the 46th District of California is resolved.

The SPEAKER pro tempore (Mr. LAHOOD).

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedent only at a time or place designated by the Chair in the legislative schedule within 2 legislative days of its being properly noticed.

The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, in view that the House is in pro forma session Friday, presuming that the interpretation is that this is an appropriate privileged resolution, would that mean that the resolution would have to be considered within the next 2 days, meaning either today or tomorrow?

The SPEAKER pro tempore. Under the rule, within the next 2 legislative days.

Mr. MENENDEZ. Further parliamentary inquiry. A legislative day in which we are in pro forma session and on which there is no one here, is that considered to be a legislative day in the context of the ruling of the Chair?

The SPEAKER pro tempore. Yes. The gentleman is correct.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1609 FOR THE PURPOSE OF ADDING COSPONSORS AND REQUESTING REPRINTS

Mr. WELLER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1609, a bill originally introduced by Representative MOLINARI of New York, for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

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

There was no objection.

AUTHORIZING CONGRESS TO AWARD CONGRESSIONAL GOLD MEDAL TO ECUMENICAL PATRIARCH BARTHOLOMEW

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill, H.R. 2248, to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. LAFALCE. Mr. Speaker, reserving the right to object, I do so for the purposes of an explanation.

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

Mr. LAFALCE. I yield to the gentleman from Iowa.

Mr. LEACH. Under the gentleman's reservation, Mr. Speaker, in response, let me state that H.R. 2248 was introduced by myself, the gentleman from Texas [Mr. GONZALEZ], the gentleman from New York [Mr. LAFALCE], the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. RUSH], and is cosponsored by 327 Members. It authorizes President Clinton to present Ecumenical Patriarch Bartholomew a gold medal on behalf of Congress in recognition of his enduring contributions towards religious understanding and peace.

Yesterday the House passed House Concurrent Resolution 134, introduced by the distinguished gentleman from Florida [Mr. BILIRAKIS], to authorize the use of the Capitol Rotunda for a congressional ceremony honoring the Patriarch Bartholomew later this month.

Patriarch Bartholomew is the spiritual leader of nearly 300 million Orthodox Christians around the world. Through his ministry he has devoted his life to world peace, religious understanding, and protecting the global environment. Patriarch Bartholomew's first visit to our country as Patriarch will provide an opportunity for him to meet with many Americans who comprise the more than 5 million Orthodox Christians in the United States, and to convey his message of reconciliation to citizens of all faiths. Patriarch Bartholomew has been formally recognized for his outstanding achievements by numerous governments and academic institutions around the world.

At this time I ask for the support of this House in awarding the Patriarch a gold medal on behalf of the U.S. Congress and the citizens of the United States. This will be a fitting symbol of our appreciation for his admirable work towards world peace, and I urge my colleagues on a bipartisan basis to support this legislation.

Mr. LAFALCE. Mr. Speaker, further reserving the right to object, I want to point out that I am very, very proud to be a cosponsor of this bill, H.R. 2248, as I was of House Concurrent Resolution 134 yesterday, sponsored by the gentleman from Florida [Mr. BILIRAKIS.]

The gentleman from Florida, myself, and a number of others, the gentleman from New Jersey, [Mr. MICHAEL PAPPAS], the gentleman from Pennsylvania, [Mr. RON KLINK], the gentleman from Colorado, [Mr. DAN SCHAEFER], and the gentleman from California, [Mr. DUKE CUNNINGHAM] recently went to Greece in the last week in August. We know how proud the people of Greece are of their Patriarch Bartholomew, but not just the people of Greece, the 300 million Orthodox Christians across the entire globe.

The people of Greece are also proud of so many other things going on in their country presently, and in the years to come. They rejoiced and sang and danced in the streets of Athens, Salonika when the decision was made to award Athens as the site for the Olympics in the year 2004.

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It is most fitting, most appropriate, that the Congress award a gold medal to Patriarch Bartholomew and President Clinton present that medal to him.

Mr. RUSH. Mr. Speaker, I rise today in strong support of H.R. 2248, to authorize President Clinton to present his all Holiness Ecumenical Patriarch Bartholomew of Constantinople with a congressional gold medal to honor his leadership in promoting world peace and interfaith understanding.

Patriarch Bartholomew has promoted peace in the war torn countries of the Balkans, helping to advance reconciliation among the Catholic, Muslim, and Orthodox communities. He has been a leader in defense of human rights worldwide, in promoting global environmental protection and in strengthening interfaith relations.

Patriarch Bartholomew has been a champion of religious unity and cooperation, encouraging interfaith dialogue between the Orthodox Church, the Roman Catholic Church, leading Protestant denominations and Muslim leaders. He has also sought to strengthen bonds between Judaism and Orthodox Christianity. In 1994 he worked with Rabbi David Schneier and the Appeal of Conscience Foundation to cosponsor the Peace and Tolerance Conference.

He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation and adherence to international law. He also cares deeply about

the environmental legacy we will leave our children, cosponsoring an annual conference devoted to the protection of the environment.

I am honored to be a co-sponsor of this bill. Patriarch Bartholomew is truly an outstanding world leader whose dedication to promoting religious tolerance and unity is an inspiration to all of us.

Mr. LAFALCE. Mr. Speaker, with those remarks, I join with the distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH] and I withdraw my reservation of objection.

The SPEAKER pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ecumenical Patriarch Bartholomew—

(A) is the spiritual leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians in America; and

(B) is recognized in the United States and abroad as a leader in the quest for world peace, respect for the earth's environment, and greater religious understanding;

(2) the extraordinary efforts of Ecumenical Patriarch Bartholomew continue to bring people of all faiths closer together in America and around the world;

(3) the courageous leadership of Ecumenical Patriarch Bartholomew for peace in the Balkans, Eastern Europe, the Middle East, the Eastern Mediterranean, and elsewhere inspires and encourages people of all faiths toward his dream of world peace in the new millennium; and

(4) the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental, academic, and other institutions around the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions to religious understanding and peace.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2248, the bill just passed.

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

There was no objection.

PERMISSION TO FILE SUPPLEMENTARY REPORT ON H.R. 10, ENHANCEMENT OF COMPETITION IN THE FINANCIAL SERVICES INDUSTRY

Mr. LEACH. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Banking and Financial Services a supplemental report to accompany the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes.

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

There was no objection.

25TH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES, FISCAL YEAR 1996—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 Government Reform and Oversight:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92–463; 5 U.S.C., App. 2, 6(c)), I am submitting the Twenty-Fifth Annual Report on Federal Advisory Committees, covering fiscal year 1996.

The executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 501, or 37 percent fewer than those 801 committees in existence at the beginning of my Administration. Savings achieved through the elimination of discretionary committees during fiscal year 1996 totalled $2.5 million.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the total number of advisory committees specifically mandated by statute. The 407 such groups supported at the end of fiscal year 1996 represents a modest 7 percent decrease over the 439 in existence at the beginning of my Administration. However, more can be done to assure that the total costs to fund these groups in fiscal year 1997, or $38.5 million, are dedicated to support high-priority public involvement efforts.

During fiscal year 1996, the General Services Administration (GSA) initiated a process for collaborating with executive departments and agencies to increase public participation opportunities at all levels of American society. Building upon my Administration's commitment to expand access to Federal decisionmakers, managers at all levels will be provided with more timely guidance that includes enhanced options for achieving objectives, better training, and exposure to a variety of tools and techniques, which when used in conjunction with advisory committees, offer additional flexibility to address a wide variety of public participation needs.

Actions to broaden the scope and effectiveness of public participation within the Federal sector will continue during fiscal year 1997. During the year, GSA will develop newly updated guidance implementing FACA. At the same time, GSA will continue to support and work closely with such agencies as the Council on Environmental Quality and the Departments of Agriculture and the Interior to align its efforts with key Administration policies relating to ecosystem and land management priorities.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining committees are instrumental in achieving national interests.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

REPORT ON DEVELOPMENTS CONCERNING CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—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 International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national

emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize, through specific licensing, certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

3. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of Executive Order 13059 was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) reexportation from a third country of controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and (7) any evasion, avoidance, or attempt to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses, or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

4. The Iranian Transactions Regulations, 31 CFR Part 560 (the ''ITR''), were amended on April 18, 1997 (62 Fed. Reg. 19670, April 23, 1997), on July 30, 1997 (62 Fed. Reg. 41851, August 4, 1997), and on August 25, 1997 (62 Fed. Reg. 45098, August 25, 1997). In April 1997, Section 560.603 was amended to require a United States person to file a transaction report as to each foreign affiliate that engages in reportable oil-related transactions involving Iran of $1,000,000 or more during the calendar quarter.

In July 1997, sections 560.510(d)(1) and (d)(2) were amended to generally license all payments of awards against Iran issued by the Iran-U.S. Claims Tribunal in The Hague, irrespective of

the source of funds for payment, and to generally license implementation (except exports or reexports that are subject to export license application requirements of Federal agencies other than the Department of the Treasury's Office of Foreign Assets Control (OFAC)) as well as payment of awards or settlements in cases to which the United States Government is a party.

Sections 560.525(a)(3) and (a)(5)(i) were amended to generally license the provision of legal services to initiate and conduct U.S. court and other domestic legal proceedings on behalf of persons in Iran or the Government of Iran and to initiate proceedings to resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national, notwithstanding the prohibition on exportation of services to Iran. On August 25, 1997, general reporting, record keeping, licensing, and other procedural regulations were moved from the ITR to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 Fed. Reg. 45098, August 25, 1997). A copy of these amendments is attached.

5. During the current 6-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, including those relating to disposal of U.S.-owned goods located in Iran and extension of, but not payment under, standby letters of credit. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. On March 20, 1997, a seven-count indictment was returned by a grand jury in the District of Maryland against a U.S. resident and two Iranian co-conspirators. The March indictment superseded a two-count indictment handed down on February 13, 1997. Each indictment charged violations of IEEPA and the ITR involving the attempted exportation from the United States to Iran of sophisticated state-of-the-art gas chromotographs used in the electric power industry, which were prevented from reaching Iran.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report on March 14, 1997, OFAC has collected four civil monetary penalties totaling nearly $22,000. The violations relate to the unlicensed import from or export of goods to Iran. Civil penalty action is pending against 37 companies, financial institutions, and individuals for violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2378, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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

There was no objection.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Maryland [Mr. HOYER] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. KOLBE].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from California [Mr. DREIER] as Chairman of the Committee of the Whole, and requests the gentleman from Ohio [Mr. LATOURETTE] to assume the chair temporarily.

□ 1425

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. 2378, with Mr. LATOURETTE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the order of today, the bill is considered as having been read the first time.

Under the unanimous consent agreement, the gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

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

Mr. Chairman, today I present to the House H.R. 2378, the fiscal year 1998 Treasury, Postal Service and General Government appropriations bill, a bill that is consistent with our objectives of achieving a balanced budget by 2002, a bill strong on oversight of the agencies that come under this subcommittee's jurisdiction. I present to my colleagues legislation that very dramatically changes and improves the way the White House accounts for political events held there; a bill that continues the aggressive oversight over the Internal Revenue Service's modernization program; and a bill that tackles important issues of integrity in the Customs Service.

Mr. Chairman, this bill balances the competing demands of being fiscally responsible and providing what is needed to fully fund drug and law enforcement programs under our jurisdiction. As reported, H.R. 2378 provides $12.5 billion in budget authority and is exactly as it's 602(b) allocation in both budget authority and outlays. At the same time, we continue our strong commitment to counter-narcotic and law enforcement programs, providing $3.4 billion for these efforts, an increase of $287 million over fiscal year 1997 funding.

This includes $1.5 billion for drug-related activities, including $195 million for the Office of National Drug Control Policy's proposed media campaign that is targeted to the youth of this country—that is $20 million more than the President requested. It also includes $10 million for the recently authorized Drug-Free Communities Act, and $47 million for additional Customs Service equipment for drug interdiction and passenger processing.

I am also pleased to report a bill that I think makes a strong stand on oversight. During the fiscal year 1998 hearing cycle, the committee learned of instances of taxpayer subsidization of political events in the White House, overspending in GSA's Federal Building Fund, vulnerability within the Customs Service operations, and an ongoing need to get the Internal Revenue Service on track in the development of a modernized tax collection system. H.R. 2378 addresses each of these issues.

Let me just highlight a couple of the ways in which we do that. First, there is a moratorium on construction and major repair projects within GSA's Federal Building Program. There are no GSA construction projects funded in this bill.

Mr. Chairman, I cannot think of a time when we have had a bill that had no Federal building projects in it.

It includes a requirement that the Office of Professional Responsibility within the Treasury Department undertake a comprehensive and aggressive review of Customs Service operations in order to address concerns that agents and inspectors may be vulnerable to corruption, and it includes a continuation of the requirement that IRS complete and submit a comprehensive capital investment blueprint prior to obligating a penny toward computer modernization.

Let me briefly address one issue all Members should be aware of. As I mentioned earlier, we did discover in our hearing process that taxpayers have traditionally, this is not a new thing, subsidized the cost of political fundraisers in the Executive residence of the White House. I fully acknowledge the political hat that the President wears, and I have no intention of limiting the President's duties as the head of his political party. However, all of us in this body and as American citizens should be opposed to using Federal dollars to pay for political events. Apparently, and despite initial protests, the White House now agrees with that position and supports the changes in this bill that would ensure that taxpayers no longer support political events in the Executive residence.

This bill establishes an entirely new appropriation account to be used for official and political events within the White House. It requires that all political events be paid for up front without the use of taxpayer funds. It requires prompt reimbursements for political and official events held in the Executive residence. It requires the Executive to develop a standard definition for the classification of political or nonpolitical events and, based on input from the minority side, it establishes a $25,000 revolving fund, capitalized by the national political party of the President who sits in the White House, to accommodate those political events which cannot be scheduled in advance, such as the spontaneous meetings on legislation that the President may have with congressional leaders from his party.

The changes made to the accounting structure of the Executive residence are based on good budgeting, good government and the fundamental principles of appropriation laws. The changes proposed here are the exact ones I would have proposed for a Republican administration, had we known about this practice of Federal taxpayers paying for political events in the White House.

Mr. Chairman, before I yield back my time I do want to thank the gentleman from Maryland, Mr. STENY HOYER, my ranking member, who has worked with me and my staff to produce a bill that all Members can support. I have never had a Member that I have worked with as closely as the gentleman from Maryland [Mr. HOYER] and I appreciate the cooperation that he has shown.

Mr. Chairman, I would like also to note the work that has been done by our staff. I think the really exceptional work by our staff, two of them of course are now national media figures with the Wall Street Journal, are: The clerk of the subcommittee, Michelle Mrdeza, and Betsy Phillips, who is also the staff assistant. Without their work and the work of our other staff, Jeff Ashford, Melanie Marshall, Jennifer Rouse, and from the minority side Pat Schlueter, we would not have the bill that we have today.

Let me finally mention the personal work of my assistant Jason Isaak and Mr. HOYER's assistant Seth Statler, who have been instrumental in getting this bill to us.

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

□ 1430

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

Mr. Chairman, I want to begin by complimenting the chairman, the gentleman from Arizona [Mr. KOLBE], for the fine job he and his staff have done in producing this bill. This bill represents a measured and responsible effort to allocate sufficient funds to each of the agencies covered by the bill so that they can carry out the duties assigned to them in an effective way.

Very frankly, I believe this is the best bill that we have passed in last 3 years; and I congratulate the chairman, the gentleman from Arizona [Mr. KOLBE], and our famous staff and others for this accomplishment.

Overall, within the constraints of the Budget Act, our allocation in this bill includes a reduction of $596 million in budget authority from the 1998 requested sum.

Mr. Chairman, basically this bill deals adequately with the IRS. We have had problems with that. That is the biggest component of the bill. Unfortunately, it does not fund law enforcement quite as much as I would like to see done. That is because of the fiscal constraints that confront us. That is understandable.

With respect to other portions of the bill, the gentleman from Arizona [Mr. KOLBE] has pointed out that there are no, I repeat, no GSA projects in this bill. That is unfortunate, I know, from the standpoint of many Members who know that there are needs in their districts. But again, the fiscal constraints that have confront us have compelled us to that objective.

Mr. Chairman, I simply want to restate that the gentleman from Arizona [Mr. KOLBE] has done an outstanding

job. The members of the committee have worked very hard on this bill. I think it is a bill that Members can be proud of and will feel meets the Congress' responsibility to fund the important agencies that come within the ambit of this bill.

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

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time in general debate.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for general debate has expired.

Pursuant to the order of the House today, the bill shall be considered for amendment under the 5-minute rule. 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. 2378

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, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $113,410,000: *Provided,* That section 113(3) of the Fiscal Year 1997 Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Public Law 104–208 (110 Stat. 3009–22) is amended by striking ''12 months'' and inserting in lieu thereof ''2 years'': *Provided further,* That $200,000 are provided to conduct a comprehensive study of gambling's effects on bankruptcies in the United States.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, $1,500,000: *Provided,* That the Under Secretary of Treasury for Enforcement shall task the Office of Professional Responsibility to conduct a comprehensive review of integrity issues and other matters related to the vulnerability of the U.S. Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $25,989,000, of which $11,500,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, of which $5,600,000 shall be available to Departmental Offices for the International Trade Data System, and of which $8,789,000 shall be available to Departmental Offices to modernize its information technology infrastructure and for business solution software: *Provided,* That these funds shall remain available until September 30, 1999: *Provided further,* That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated shall be used to support or supplement Internal Revenue Service appropriations for Information Systems: *Provided further,* That of the $27,000,000 provided under this heading in Public Law 104–208, $12,000,000 shall remain available until September 30, 1999: *Provided further,* That none of the funds appropriated for the International Trade Data System may be obligated until the Department has submitted a report on their system development plan to the Committees on Appropriations: *Provided further,* That none of the $11,500,000 appropriated for the Automated Commercial Environment may be obligated until the systems architecture plan has been reviewed by the General Accounting Office and approved by the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $30,927,000, of which $26,034 shall be transferred to the ''Departmental Offices'' appropriation for the reimbursement of Secret Service personnel in accordance with section 117 of this Act.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $6,484,000, to remain available until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,835,000: *Provided,* That funds appropriated in this account may be used to procure personal service contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $88,000,000; of which $21,528,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including $3,000,000 for administering the Gang Resistance Education and Training program, $6,000,000 for firearms trafficking initiatives (including the Youth Crime Gun Initiative, Project LEAD, and the National Tracing Center), $5,458,000 for increased explosives inspections, $462,000 for laboratory and investigative supplies, $5,000,000 for vehicles and laboratory, communication, and information technology equipment, and $1,608,000 for collection of information on arson and explosives; of which $1,000,000 shall be available to the Financial Crimes Enforcement Network; of which $16,837,000 shall be available to the United States Secret Service, including $9,323,000 for expenses related to White House Security, $5,000,000 for investigations of counterfeiting, and $2,514,000 for forensic support of investigations of missing and exploited children, of which $514,000 shall be available as a grant on September 30, 1998, for activities related to the investigations of exploited children and shall remain available until expended; of which $43,635,000 shall be available for the United States Customs Service, including $15,000,000 for high energy container x-ray systems and automated targeting systems, $4,000,000 for redeploying agents and inspectors to high threat drug zones, $5,735,000 for laboratory modernization, $10,000,000 for vehicle replacement, $7,800,000 for automated license plate readers, and $1,100,000 for construction of canopies for inspection of outbound vehicles along the Southwest border; and of which $5,000,000 shall be available to the Counterdrug Technology Assessment Center for a program to transfer technology to State and local law enforcement agencies.

(b) As authorized by section 32401, $8,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided,* That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

(c) As authorized by section 180103, $1,000,000 to the Federal Law Enforcement Training Center for specialized training for rural law enforcement officers.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $64,663,000, of which up to $13,034,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2000: *Provided,* That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value

which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,548,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $73,794,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $199,675,000, of which not to exceed $13,235,000 shall remain available until September 30, 2000 for information systems modernization initiatives: *Provided,* That beginning in fiscal year 1998 and thereafter, there are appropriated such sums as may be necessary to reimburse Federal Reserve banks in their capacity as depositaries and fiscal agents for the United States for all services required or directed by the Secretary of the Treasury to be performed by such banks on behalf of the Treasury or other Federal agencies.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $477,649,000; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1998: *Provided further,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

LABORATORY FACILITIES

For necessary expenses for construction of a new facility or facilities to house the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, not to exceed 185,000 occupiable square feet, to remain available until expended $55,022,000: *Provided,* That these funds shall not be available until a prospectus of authorization for the Laboratory Facilities is approved by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,526,078,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research and not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081 and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $97,258,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1998 without the prior approval of the House and Senate Committees on Appropriations.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Beginning in fiscal year 1998 and thereafter, such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and

merged with the Customs ''Salaries and Expenses'' account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,826,000, of which $2,000,000 shall remain available until September 30, 2000 for information systems modernization initiatives: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 1998 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $169,426,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: *Provided further*, That notwithstanding any other provisions of law, effective upon enactment, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in Public Law 101–136, title I, section 104, 103 Stat. 789 for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing tax law and account assistance to taxpayers by telephone and correspondence; matching information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $2,915,100,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING RESCISSION)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,108,300,000: *Provided*, That of the funds made available under this heading in Public Law 104–208, $10,000,000 are rescinded and in Public Law 104–52, $4,500,000 are rescinded.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,292,500,000, which shall be available until September 30, 1999: *Provided*, That under the heading ''Information Systems'' in Public Law 104–208 (110 Stat. 3009), the following is deleted: ''of which no less than $130,075,000 shall be available for Tax Systems Modernization (TSM) development and deployment''.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including contractual costs associated with operations as authorized by 5 U.S.C. 3109, $326,000,000, which shall remain available until September 30, 2000: *Provided*, That none of these funds is available for obligation until September 30, 1998: *Provided further*, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submits to Congress for approval, a plan for expenditure that (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget in the fiscal year 1998 budget; (3) has been reviewed and approved by the Internal Revenue Service's Investment Review Board, the Office of Management and Budget, and the Department of the Treasury's Modernization Management Board, and has been reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692.)

SEC. 105. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase not to exceed 705 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; for sponsorship of a conference for the Women in Federal Law Enforcement, to be held during fiscal year 1998; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $555,736,000.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $5,775,000, to remain available until expended for the Secret Service's Headquarters Building.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 111. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1998, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 112. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1998 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs Service, and U.S. Secret Service may be transferred between such appropriations upon the advance approval of the

House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13(TN) or Solicitation No. BEP–96–13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper ''bridge'' contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any ''bridge'' contract is fair and reasonable and that the terms of any ''bridge'' contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any ''bridge'' contract at the time of certification.

SEC. 117. The Secretary of the Treasury shall pay from amounts transferred to the ''Departmental Offices'' appropriation, up to $26,034 to reimburse Secret Service personnel for any attorney fees and costs they incurred with respect to investigation by the Department of the Treasury, Inspector General concerning testimony provided to Congress: *Provided*, That the Secretary of the Treasury shall pay an individual in full upon submission by the individual of documentation verifying the attorney fees and costs: *Provided further*, That the liability of the United States shall not be inferred from enactment of or payment under this provision: *Provided further*, That the Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of enactment of this Act: *Provided further*, That payment under this provision, when accepted, shall be in full satisfaction of all claims of, or on behalf of, the individual Secret Service agent who was the subject of said investigation.

SEC. 118. (a)(1) Effective beginning on the date determined under paragraph (2), the compensation and other emoluments attached to the Office of Secretary of the Treasury shall be those that would then apply if Public Law 103–2 (107 Stat. 4; 31 U.S.C. 301 note) had never been enacted.

(2) Paragraph (1) shall become effective on the later of—

(A) the day after the date on which the individual holding the Office of Secretary of the Treasury on January 1, 1997, ceases to hold that office; or

(B) the date of the enactment of this Act.

(3) Nothing in this subsection shall be considered to affect the compensation or emoluments due to any individual in connection with any period preceding the date determined under paragraph (2).

(b) Subsection (b) of the first section of the public law referred to in subsection (a)(1) of this section shall not apply in the case of any appointment the consent of the Senate to which occurs on or after the date of the enactment of this Act.

(c) This section shall not be limited (for purposes of determining whether a provision of this section applies or continues to apply) to fiscal year 1998.

SEC. 119. (a) REQUIREMENT OF ADVANCE SUBMISSION OF TREASURY TESTIMONY.—During the fiscal year covered by this Act, any officer or employee of the Department of the Treasury who is scheduled to testify before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees, shall, not less than 7 calendar days (excluding Saturdays, Sundays, and Federal legal public holidays) preceding the scheduled date of the testimony, submit to the committee or subcommittee—

(1) a written statement of the testimony to be presented, regardless of whether such statement is to be submitted for inclusion in the record of the hearing; and

(2) any other written information to be submitted for inclusion in the record of the hearing.

(b) LIMITATION ON TREASURY CLEARANCE PROCESS.—None of the funds made available in this Act may be used for any clearance process within the Department of the Treasury that could cause a submission beyond the specified time, as officially transmitted by the committee, of—

(1) any corrections to the transcript copy of testimony given before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees; or

(2) any information to be provided in writing in response to an oral or written request by such committee or subcommittee for specific information for inclusion in the record of the hearing.

(b) EXCEPTION.—The time periods established in subsections (a) and (b) shall not apply to any specific testimony, or corrections, if the Secretary of the Treasury—

(1) determines that special circumstances prevent compliance; and

(2) submits to the committee or subcommittee involved a written notification of such determination, including the Secretary's estimate of the time periods required for specific testimony, information, or corrections.

SEC. 120. (a) NEW RATES OF BASIC PAY FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4–416), is amended—

(1) in subsection (b)(1), by striking ''Interior'' and all that follows through ''Treasury,'' and inserting instead ''Interior'';

(2) by redesignating subsection (c) as subsection (b)(3);

(3) in subsection (b)(3) (as redesignated)—

(A) by striking ''or to officers and members of the United States Secret Service Uniformed Division''; and

(B) by striking ''subsection (b) and inserting instead ''this subsection'';

(4) by adding after subsection (b) the following new subsection:

''(c)(1) The annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division, serving in classes corresponding or similar to those in the salary schedule in section 101, shall be fixed in accordance with the following schedule of rates:

''SALARY SCHEDULE

''Salary class and title	Service Steps								
	1	2	3	4	5	6	7	8	9
''Class 1: Private	29,215	30,088	31,559	33,009	35,331	37,681	39,128	40,593	42,052
''Class 4: Sergeant	39,769	41,747	43,728	45,718	47,715	49,713			
''Class 5: Lieutenant	45,148	47,411	49,663	51,924	54,180				
''Class 7: Captain	52,523	55,155	57,788	60,388					
''Class 8: Inspector	60,886	63,918	66,977	70,029					
''Class 9: Deputy Chief	71,433	76,260	81,113	85,950					
''Class 10: Assistant Chief	84,694	90,324	95,967						
''Class 11: Chief of the U.S. Secret Service Uniformed Division	98,383	104,923							

''(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5, United States Code (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any pay system that may supersede such schedule), the annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division shall be adjusted by the Secretary of the Treasury by an amount equal to the percentage of such annual rate of pay which corresponds to the overall percentage of the adjustment made in the rates of pay under the General Schedule.

''(3) Locality-based comparability payments authorized under section 5304 of title 5, United States Code, shall be applicable to the basic pay under this section. However, locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the officer or member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

''(4) Pay may not be paid, by reason of any provision of this subsection (disregarding any comparability payment payable under Federal law), at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

''(5) Any reference in any law to the salary schedule in section 101 with respect to officers and members of the United States Secret Service Uniformed Division shall be considered to be a reference to the salary schedule in paragraph (1) of this subsection as adjusted in accordance with this subsection.

''(6)(A) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title or under title 5, United States Code, may be paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such officer or member for service performed in such calendar year as an officer or member, such payment would cause the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

''(B) This paragraph shall not apply to any payment under the following provisions of title 5, United States Code;

''(i) Subchapter III or VII of chapter 55, or section 5596;

''(ii) Chapter 57 (other than section 5753, 5754, or 5755); or

''(iii) chapter 59 (other than section 5928).

''(7)(A) Any amount which is not paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year because of the limitation under paragraph (6) shall be paid to such officer or member in a lump sum at the beginning of the following calendar year.

''(B) Any amount paid under this paragraph in a calendar year shall be taken into account for purposes of applying the limitations under paragraph (6) with respect to such calendar year.

''(8) The Office of Personnel Management shall prescribe regulations as may be necessary (consistent with section 5582 of title 5, United States Code) concerning how a lump-sum payment under paragraph (7) shall be made with respect to any employee who dies before an amount payable to such employee under paragraph (7) is made.''.

(b) CONVERSION TO NEW SALARY SCHEDULE.—

(1) Effective on the first day of the first pay period beginning after the date of enactment of this section, the Secretary of the Treasury shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division as follows: Each officer and member receiving basic compensation, immediately prior to the effective date of this section, at one of the scheduled rates in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as adjusted by law and as in effect prior to the effective date of this section, shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule outlined in section 501(c) of such Act as added by subsection (a) of this section; except that (A) the Assistant Chief and the Chief of the United States Secret Service Uniformed Division shall be placed in and receive basic compensation in salary class 10 and salary class 11, respectively, in the appropriate service step in the new salary class in accordance such section 501(c), and (B) each member whose position is to be converted to the salary schedule under such section 501(c), and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before he or she is placed in the corresponding service step in the salary schedule under such section 501(c).

(2) Except in the cases of the Assistant Chief and the Chief of the United States Secret Service Uniformed Division, the conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Fireman's Salary Act of 1958 (D.C. Code, sec. 4–416(c)), as amended by subsection (a) of this section, and the initial adjustments of rates of basic pay of those positions and individuals, in accordance with paragraph (1) of this subsection, shall not be considered to be transfers or promotions within the meaning of section 304 of such Act.

(3) Each member whose position is converted to the salary schedule under such section 501(c) shall be granted credit for purposes of his or her first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the member since his or her last increase in basic pay prior to the adjustment under that section.

(c) LIMITATION ON PAY PERIOD EARNINGS.—The first section of the Act of August 15, 1950 (64 Stat. 447), as amended (D.C. Code, section 4–1104), is amended—

(1) in subsection (h), by striking the phrase ''any officer or member'' each place it appears and inserting instead ''an officer or member of the Metropolitan Police force, of the Fire Department of the District of Columbia, or of the United States Park Police'';

(2) by redesignating subsection (h)(3) as subsection (i); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) No premium pay provided by this section shall be paid to, and no compensatory time is authorized for, any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, equals or exceeds the lesser of (I) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law) or (II) the rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

''(B) In the case of any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, is less than the lesser of—

''(i) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

''(ii) the rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, such premium pay may be paid only to the extent that such payment would not cause such officer or member's aggregate rate of compensation to exceed such lesser amount with respect to any pay period.''.

(d) SAVINGS PROVISION.—On the effective date of this section, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under section 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustment under sections 403–405 of the Federal Law Enforcement Pay Reform Act of 1990, as amended, applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

(e) CONFORMING AMENDMENT.—Sections 405(b)(1) and 405(c)(1) of the Federal Law Enforcement Pay Reform Act of 1990 (104 Stat. 1466) are hereby repealed.

(f) EFFECTIVE DATE.—The provisions of this section shall become effective on the first day of the first pay period beginning after the date of enactment.

SEC. 121. Section 117 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208) is hereby repealed.

SEC. 122. In tax-year 1998, and each tax-year thereafter, the Internal Revenue Service shall pay qualified transmitters who electronically forward and file tax returns (form 1040 and related information returns) properly formatted and accepted by the Internal Revenue Service, up to $3.00 per return so filed: *Provided*, That the transmitter provides the necessary electronic filing service without charge to the taxpayer whose return is so filed: *Provided further*, That in those instances where the transmitter receives a tax return from an electronic return originator (ERO) and/or a paid preparer, the transmitter may only accept the payment from the Internal Revenue Service if the ERO and/or the paid preparer has certified to the Internal Revenue Service that no fee was charged to the taxpayer for electronic filing of the return: *Provided further*, That the Internal Revenue Service shall reduce its paper returns processing seasonal workforce commensurate with any increase in electronic filing resulting from this initiative.

SEC. 123. Subsection (a) of section 5378, title 5 U.S.C., is amended to read as follows:

''(a) The Secretary of the Department of the Treasury, or his designee, shall fix the rates of basic pay for positions within the police forces of the United States Mint and the Bureau of Engraving and Printing without regard to the provisions of title 5, United States Code, except that no entry-level police officer shall receive basic pay for a calendar year that is less than the basic rate of pay for General Schedule GS–7 and no executive security official shall receive basic compensation for a calendar year that exceeds the basic rate of pay for General Schedule GS–15.''

SEC. 124. (a) Notwithstanding any other provision of law, paragraph (3)(A) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking ''1996, and 1997'';

(2) by inserting in lieu thereof ''and 1996''; and

(3) by adding at the end of the first sentence of (3)(A) the following new sentence: ''No further transfers from the Treasury Forfeiture Fund will be made to the Special Forfeiture Fund after those amounts transferred from excess unobligated balances at the end of fiscal year 1996.''

(b) Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended—

(1) by adding after the last sentence of that paragraph as amended by Public Law 104–208, the following sentence: ''Unobligated balances remaining pursuant to section 4(B) of 9703(g) shall also be carried forward.''

(c) Paragraph (4)(B) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking '', subject to subparagraph (C),'' from the first and only sentence of that paragraph.

This title may be cited as the ''Treasury Department, Appropriations Act, 1998''.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

PAYMENT TO THE POSTAL SERVICE FUND FOR REVENUE FORGONE

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $86,274,000: *Provided*, That mail for overseas voting and mail for the blind shall continue

to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1998.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 United States Code 2004, $34,850,000.

This title may be cited as the ''Postal Service Appropriations Act, 1998''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $51,199,000: *Provided,* That $873,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the systems architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan: *Provided further,* That $9,800,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,045,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall (1) implement a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical; and (2) prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, by not later than December 1, 1997, a report setting forth a detailed description of such system and a schedule for its implementation: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $200,000, to remain available until expended for renovation and relocation of the White House laundry, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,378,000: *Provided,* That $69,800 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the systems architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,542,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,983,000: *Provided,* That $30,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the system architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $28,883,000, of which $2,000,000 shall remain available until expended for a capital investment plan which provides for the modernization of the information technology infrastructure: *Provided,* That $2,023,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the system architecture plan, and an estimate of the funds required to support the fiscal year 1998

capital investments associated with that plan.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $57,240,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $43,516,000, of which $25,500,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $24,500,000 for the Counter-Drug Technology Assessment Center for counternarcotics research and development projects of which $1,000,000 shall be obligated for state conferences on model State drug laws and of which $7,500,000 shall be available for a program to transfer technology to State and local law enforcement agencies: *Provided,* That the $24,500,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $146,207,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in the three State area of Kentucky, Tennessee, and West Virginia; of which $1,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in central Florida; of which no less than $77,000,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $69,207,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided,* That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the fiscal year 1997 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, as authorized by Public Law 100–690, as amended, $205,000,000, to remain available until expended: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further,* That of the amount provided, $195,000,000 shall be to support a national media campaign, to reduce and prevent drug use among young Americans: *Provided further,* That none of the funds provided for the support of a national media campaign may be obligated until the Director, Office of National Drug Control Policy, submits a strategy for approval to the Committees on Appropriations of the House of Representatives and the Senate that includes (1) a certification that funds will supplement and not supplant current anti-drug community based coalitions; (2) a certification that none of the funds will be used for partisan political purposes; (3) an implementation plan for securing private sector contributions including, but not limited to, in-kind contributions; and (4) a system to measure outcomes of success of the national media campaign: *Provided further,* That of the funds provided for the support of a national media campaign, $46,000,000 shall not be obligated prior to September 30, 1998: *Provided further,* That of the amount provided, $10,000,000 shall be to initiate a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.

This title may be cited as the ''Executive Office Appropriations Act, 1998''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $1,940,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $30,350,000, of which no less than $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: *Provided,* That of the amounts appropriated for salaries and expenses, $750,000 shall be transferred to the General Accounting Office for the sole purpose of entering into a contract with the private sector for a management review, and technology and performance audit, of the Federal Election Commission, and $300,000 may be transferred to the Government Printing Office.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,803,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,835,934,000, of which (1) $300,000,000 shall remain available until expended, for Basic Repairs and Alterations which includes associated design and construction services: *Provided,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further,* That funds made available in this Act or any previous Act for Repairs and Alterations shall, for prospectus projects, be limited to the amount originally made available, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further,* That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any

projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (2) $142,542,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (3) $3,607,129,000, to remain available until expended, for building operations, leasing activities, and rental of space; and (4) $680,543,000 which shall remain available until expended for projects and activities previously requested and approved under this heading in prior fiscal years: *Provided further,* That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 1998, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,835,934,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $107,487,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,870,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,208,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1998 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided,* That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 1999 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 1999 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Section 10 of the General Services Administration General Provisions, Public Law 100–440, is hereby repealed.

SEC. 407. Funds provided to other Government agencies by the Information Technology Fund, GSA, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 408. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse facade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.

SEC. 409. (a) The Act entitled ''An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (3 U.S.C. 102 note), is amended by striking section 2.

(b) Section 3214 of title 39, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Subject to subsection (b), a'' and inserting ''A''; and

(2) by striking subsection (b).

SEC. 410. There is hereby appropriated to the General Services Administration such sums as may be necessary to repay debts to the United States Treasury incurred pursuant to section 6 of the Pennsylvania Avenue Development Corporation Act of 1972, as amended (Public Law 92–578, 86 Stat. 1266, 40 U.S.C. 875), and in addition such amounts as are necessary for payment of interest and premiums, if any, related to such debts.

SEC. 411. From funds made available under the heading ''Federal Buildings Fund Limitations on Revenue,'' claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House and Senate.

SEC. 412. (a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell the property described in subsection (b) through a process of competitive bidding, in accordance with procedures and requirements applicable to such a sale under section 203(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)).

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Bakersfield Federal Building, located at 800 Truxton Avenue in Bakersfield, California, including the land on which the building is situated and all improvements to such building and land.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 65, line 11, 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 Arizona?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order to that portion of the bill through page 65 line 11?

POINT OF ORDER

Mr. COLLINS. Mr. Chairman, I make a point of order against an item within the bill found on page 15, line 7 through 11, on the ground that it violates clause 2(b) of rule XXI of the Rules of the House.

The CHAIRMAN pro tempore. Will the gentleman identify the proviso that begins on line 7.

Mr. COLLINS. On page 15, line 7 through 11.

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

Mr. HOYER. Mr. Chairman, we would concede to the point of order that the gentleman from Georgia [Mr. COLLINS] has raised.

Mr. KOLBE. Mr. Chairman, I concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained. The proviso that begins on line 7 is stricken from the bill.

Are there any further points of order against that portion of the bill through page 65, line 11?

Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. BLAGOJEVICH

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

The CHAIRMAN pro tempore. Has the gentleman from Illinois supplied the desk with the amendment?

Mr. BLAGOJEVICH. Yes. We have plenty of copies.

Mr. KOLBE. Mr. Chairman, I would reserve a point of order, not being sure which amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAGOJEVICH:

Page 5, line 6, after the first dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 12, line 2, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Mr. BLAGOJEVICH. Mr. Chairman, I will be very brief.

The amendment that I am sponsoring today with my colleague, the gentleman from Massachusetts [Mr. MEEHAN], is simple and straightforward. Our amendment will appropriate $1 million in the Treasury-Postal appropriations bill to be used to expand the Bureau of Alcohol, Tobacco and Firearms Youth Crime Gun Interdiction Initiative, an initiative which works with local law enforcement officials to trace the source of illegal guns found in the possession of juvenile criminals.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his amendment. And on our behalf, we would certainly accept the amendment.

I yield back to the gentleman.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I withdraw my reservation of a point of order, and I accept the amendment of the gentleman from Illinois [Mr. BLAGOJEVICH]. But I would like to note that I do have concerns about other high priorities in this bill that are not being met at this time.

The amendment would rescind, as the gentleman from Illinois [Mr. BLAGOJEVICH] has pointed out, the $1 million funding for the Inspector General of the Treasury and place that money in the Bureau of Alcohol, Tobacco and Firearms for funding of the youth programs. And I would accept that amendment.

Mr. BLAGOJEVICH. I thank the gentleman from Arizona [Mr. KOLBE], and again, I want to thank the ranking member.

Before yielding back the balance of my time, I would simply close by saying that both the gentleman from Arizona [Mr. KOLBE], the chairman, and the gentleman from Maryland [Mr. HOYER] are great Members worth emulating; and since they were complimentary to their staffs, I would like to thank my staffer, Deanne Benos, for her work, as well as the staffer of the gentleman from Massachusetts [Mr. MEEHAN], Glen. I do not know his last name. I only met him 7 minutes ago. But he seemed to be very devoted and diligent, and I want to thank Glen for his help, as well.

Mr. Chairman, I rise to urge support for an amendment I am offering in conjunction with Mr. MEEHAN to increase funding for the Bureau of Alcohol, Tobacco and Firearms Youth Crime Gun Interdiction Initiative by $1 million. This successful program has proven to be an effective blueprint for local law enforcement in shutting the doors of the black market of illegal guns that supplies juvenile criminals.

Crimes committed with increasingly accessible available guns account almost entirely for the terrible surge of violent crime by youths that the Nation has experienced over the past decade. In my hometown of Chicago, where 15,000 to 20,000 crime guns are confiscated by police each year, the plague of gun violence has become the leading cause of death for teenagers, and individuals too young to purchase handguns legally, commit the largest number of firearm homicides than any other age group.

As a matter of fact, gun crime is virtually the only type of juvenile crime that is on the rise in our Nation. While juvenile arrests for homicides with guns have quadrupled, arrests for most crimes without guns haven't risen since 1984.

Now more than ever, law enforcement officials need to get to the source of these guns. We are learning that combating juvenile crime goes beyond simply apprehending the culprit. There are deeper layers to this problem that must be examined: Most notably, cutting off the illegal flow of these weapons to young criminals and gang members through both black markets and the iron pipeline that supplies guns to criminals in States with tough guns laws from States with weaker gun laws.

For the past year, the Youth Crime Gun Interdiction Initiative has created partnerships in 17 cities throughout our Nation to trace guns used in juvenile crimes. In the program's first year, 37,000 crime guns were traced back to their sources. On many occasions, this information has led to the arrest of individuals who supply guns to young people—young people who later use them to commit violent crimes.

By expanding the volume of tracing, participating cities have not only provided data needed to identify community crime patterns, but have contributed important analyses that can be useful in deciding how best to focus investigative resources to reduce the illegal firearms supply that has had such a devastating effect on our Nation's youth.

Studies from the program have also led us to some startling, yet helpful information that is leading local law enforcement officials in communities across our Nation to decide how best to focus investigative resources to reduce the illegal firearms supply used in violent crime.

As a representative of the city of Chicago, I look forward to the expansion of this successful program, which will give our law enforcement officials more tools to stop violent juvenile crime I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. BLAGOJEVICH].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the portion of the bill read through page 65, line 11?

AMENDMENT OFFERED BY MR. SUNUNU

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

The CHAIRMAN pro tempore. Will the gentleman supply the Clerk with a copy of the amendment.

Mr. HOYER. Reserving a point of order, Mr. Chairman, I do not have the amendment in front of me.

The CHAIRMAN pro tempore. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SUNUNU:

Page 50, line 7, after ''chapter 35'' insert the following: ''including $200,000 to be used under those provisions to coordinate implementation of chapter 8 of title 5, United States Code (popularly known as the Congressional Review Act)''.

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

Mr. SUNUNU. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, if the gentleman is amenable to this, we quickly reviewed the amendment. We believe if his staff indicates that there may be flex, because this is a very small number, that we would not object to this amendment.

Mr. SUNUNU. Mr. Chairman, I am pleased that the gentleman will accept the amendment, and I will yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Maryland withdraw his reservation of a point of order?

Mr. HOYER. Yes, sir, I do.

Mr. KOLBE. Mr. Chairman, I also accept the amendment. I would like to reserve the option to review the resource requirements that OMB has when this bill proceeds to conference with the Senate. I realize it does not create any new money, but it earmarks money within the OMB.

What the gentleman from New Hampshire [Mr. SUNUNU] is trying to do I think is correct, to provide for efficient implementation of the Congressional Review Act, but I would simply like to review this issue when it does get to conference. But I would accept the amendment of the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, if the gentleman will yield, I thank him very much. Just to emphasize that point, this allocates $200,000 of the $5 million reserved for administrative cost at

OMB to implement an important piece of the legislation, the Congressional Review Act, that was passed as part of the 104th Congress to try to ensure proper congressional oversight on new rules and regulations that have a tremendous effect on small business.

The CHAIRMAN pro tempore. The question is on amendment offered by the gentleman from New Hampshire [Mr. SUNUNU].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this portion of the bill as read?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 413. Section 201(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) as amended to read as follows:

''(b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in chapter 91 of title 31, United States Code), or the District of Columbia, upon its request.''.

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order against language on page 65, lines 12 through 20, because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, that ''no amendment to a general appropriation bill shall be in order if changing existing law.''

The amendment modifies existing powers and duties and changes existing law. I would ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentlewoman from Kentucky [Ms. NORTHUP] desire to be heard on the point of order?

Ms. NORTHUP. Mr. Chairman, regarding the point of order, I understand that this probably will be considered legislating on appropriations, to be subject to the point of order. However, I want to reserve my right to strike the last word and speak to the merits of it when this is concluded.

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

Mr. HOYER. Mr. Chairman, we concede the point of order.

Mr. KOLBE. Mr. Chairman, we also concede the point of order. This was a spirited debate in our subcommittee and full committee, but it is clearly, given the fact of the circumstances under which this bill has been brought to the floor, it is legislation on an appropriation and clearly would not be protected as a result of that.

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

Mr. MORAN of Virginia. Mr. Chairman, I would ask be heard on the point of order. I will not take but a few seconds.

As the Chair and ranking member have said, this was fully debated in the full committee consideration. It clearly is legislation on an appropriation bill. It belongs in government operations. It does not belong on an appropriations bill. I personally think the Cooperative Purchasing Agreement is a good government measure. I am glad that it is in this bill, and it certainly does not deserve to be taken out by an amendment that is not in order for debate.

So I strongly support the point of order having been raised, and I thank the chairman for his attention.

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

If not, the point of order is conceded and sustained and section 413 is stricken from the bill.

Ms. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, recognizing that the provisions of the Cooperative Purchasing Agreement have been struck, I do want to bring to the attention of the House that the language that was struck was passed in its entirety by the Senate and that that language was also voted by the Committee on Appropriations to be included in this bill.

So while it has been struck on the technical provisions, I do think that the intent and the interest and the perspective of the Committee on Appropriations, the entire committee in the House and the Senate, are clear on this issue. And so I look forward in the conference committee to look at this again and to see if we cannot resolve the questions that divide us.

In particular, I want to bring up that the blind community is very concerned about the fact that the complete repeal repealed provisions that have allowed them for many years, under other statutes, to engage in certain business arrangements with the Federal Government and local and State governments.

While I understand that they support the repeal with regard to State and local governments, they do have concerns about their continued operations of the supply depots. I think it is very important, when we iron out these substantive problems that we have, that we make sure that we do not do anything that would upset the existing arrangement with that community.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for purposes of Public Law 102–259, $2,000,000, to remain available until expended.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For the necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $1,600,000: *Provided*, That $100,000 shall be available only for the purposes of the prompt and orderly termination of the John F. Kennedy Assassination Records Review Board, to be concluded no later than September 30, 1998.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,290,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $202,354,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, and to provide adequate storage for holdings, $10,650,000, to remain available until September 30, 1999.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended. $5,500,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where

Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further,* That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1998, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $8,116,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,921,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 1998''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. 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. 502. 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. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1998 and hereafter, for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 505. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 506. The Office of Personnel Management may, during the fiscal year ending September 30, 1998, and hereafter, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 507. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 508. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 509. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 510. 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, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to 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. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1998 from appropriations made available for salaries and expenses for fiscal year 1998 in this Act, shall remain available through September 30, 1999, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official

background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Notwithstanding any other provision of law, no part of any appropriation contained or otherwise made available in this Act for any fiscal year shall be available for paying Sunday premium or night differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay, except that differential pay may be paid to an employee in a paid leave status if that employee is permanently assigned to work a shift entitled to such pay and has been in night differential pay status for a minimum of 26 weeks immediately prior to the date of paid leave.

SEC. 514. In addition to any other amount appropriated for the salaries and expenses of the Federal Election Commission in this Act, for necessary expenses of the Commission for internal automated data processing systems, $4,200,000, to remain available until expended except that such amount shall not be available for obligation until the conditions set forth in section 515(a) (requiring the filling of Commission vacancies and prohibiting the reappointment of Commission members) have been satisfied.

SEC. 515. (a) CONDITIONS ON ADDITIONAL FUNDS FOR FEC.—The additional amount provided in this Act under the heading ''Federal Election Commission—Salaries and Expenses'' for internal automated data processing systems of the Federal Election Commission shall not be available for obligation until—

(1) all vacancies that existed in the membership of the Commission as of July 15, 1997, have been filled; and

(2) there is enacted into law a prohibition on the reappointment of members of the Commission.

(b) PROHIBITING REAPPOINTMENT OF MEMBERS OF FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—Section 306(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended by striking ''for terms of 6 years'' and inserting ''for a single term of 6 years''.

(2) EFFECTIVE DATE; TRANSITION RULE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply with respect to individuals appointed as members of the Federal Election Commission on or after the date of the enactment of this Act.

(B) TREATMENT OF CURRENT COMMISSIONERS.—No individual serving as a member of the Federal Election Commission as of the date of the enactment of this Act may be reappointed as a member of the Commission after the expiration of the individual's current term of service.

(3) COORDINATION OF PROVISIONS.—The amendment made by paragraph (1) shall be considered to satisfy the condition set forth in subsection (a)(2).

□ 1445

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 80, line 6, up to but not including section 516, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order to the portion of the bill now read, from section 502 to 516, up to but not including section 516? Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 516. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

AMENDMENT OFFERED BY MRS. LOWEY

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

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

Page 80, strike lines 7 through 15.

The CHAIRMAN pro tempore. The Chair would note that the gentlewoman's amendment touches not only section 516, but also section 517. Is there objection to its being considered at this time?

There was no objection.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from New York [Mrs. LOWEY] and the gentleman from New Jersey [Mr. SMITH] each will control 10 minutes.

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

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

Mr. Chairman, the Lowey-Hoyer-Morella amendment will allow Federal employees to choose a health care plan that covers the full range of reproductive health care services just like other American workers. Right now women working for the Federal Government are the only group of American women legally prohibited from obtaining employer-provided insurance that includes abortion coverage. These women cannot use their own money. Remember, it is their salary. They cannot use their own money to purchase such coverage.

Let me be very clear. Congress has taken away the right to choose for more than 1 million American women of reproductive age who rely on FEHBP for their medical care. Two years ago, before we enacted this ban, just about half of the plans covered abortion services. Now women relying on FEHBP for health care must go to an abortion provider on their own and pay for the services out of their own pocket. This prohibition has made it more difficult and more dangerous for Federal employees to get an abortion.

Let me give Members an example, real life, what this is all about. I received a letter from a woman in Alabama whose story shows how destructive lack of coverage for abortion services can be. Kim Mathis and her husband, who works for the Federal prison in their town, were expecting twins, but during the pregnancy things went terribly wrong. They learned that the twins had a rare malady with many complications, and there was a very slim chance of either twin surviving the pregnancy.

After consulting with the doctor, Kim and her husband made what she calls ''the hardest decision of my life,'' to terminate the pregnancy. Knowing that that kind of abortion could cost up to $12,000, the doctor asked them about their insurance. They went home, checked the booklet for the insurance they had through Kim's husband's job at the Federal prison, and saw that all legal abortions were covered. Unfortunately, their booklet was 1 year old.

After the procedure was done, they started getting notices from the insurance company stating that their claims were denied. They found out that because of the law enacted by Congress in November 1995, their coverage for abortion had been terminated. Soon the hospital began harassing them for payment, turned the case over to a collections agency, and after receiving threatening letters and phone calls at work, they were forced to file for bankruptcy.

As Kim wrote to me in a letter, ''Our lives and financial future have been ruined. Families like ours should not have to go bankrupt in order to receive appropriate medical care.''

We have been wrong, my colleagues, for the last 2 years to pass this restriction. I urge Members to vote for the Lowey-Hoyer-Morella amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I want to thank the gentleman from Louisiana [Mr. LIVINGSTON] for his very humane and courageous leadership in ensuring that the legislation before the body today does not have an authorization to provide money to pay for abortion. The Livingston amendment, which is a continuous effort that has been made over the years going back to the early 1980's when I first offered this amendment to the Treasury-Postal bill, ensures that taxpayers and premium payers do not subsidize abortion on demand, and that is what the issue is before us today.

Let me make it very clear that taxpayers pay into this program approximately 73 percent of the total funding for our health insurance. The premium payers, and that is all of us, myself included, and my other colleagues, we pay the remaining 27 percent. But the major share, three-fourths of the money that goes into the Federal Employees Health Benefits Program

comes from the U.S. taxpayers, and they have shown consistently in every poll that they do not want to pay for abortions on demand.

The Hyde amendment and the vote that we had last week, one of the high water marks in terms of the votes that were garnered for the Hyde amendment, make it very clear that even people who take the other side of this issue recognize that there are many of us who conscientiously believe we should have no complicity in the killing or the maiming of unborn children.

Let me also say, Mr. Chairman, and this does afford us this opportunity, that when we talk about abortion, we very often sanitize it. We try to treat it euphemistically. Some people always like to refer to it as choice, but the bottom line is abortion is violence against children. It takes the life of a baby whether it be by dismembering that unborn child or by injecting poisons like salt poison into the baby's amniotic sac, which kills the baby in a very slow and a very painful way.

As we saw earlier in this session, Mr. Chairman, there are other hideous methods of abortion as well, like the partial-birth abortion. Yes, it was banned by the House and by the Senate. The legislation has not yet gone to the White House, but that, too, could be paid for under the Federal Employees Health Benefits Program if we do not have this language contained within it.

Let me also point out to my colleagues that the language in the bill makes exceptions for rape, incest and life of the mother, but the majority of the abortions, the majority of those children who otherwise would have their lives snuffed out and subsidized by this body and by the premium payers, would not happen if this language stays in the bill.

I urge Members to vote against this amendment that has been offered. It would subsidize abortion on demand, no doubt about that.

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

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time. She has been a great leader in the prochoice movement and for Federal employees.

Mr. Chairman, I rise in strong support of the amendment. It is going to simply prevent discrimination against Federal employees. Two years ago, Congress voted to deny Federal employees coverage for abortions provided to most of the rest of the country's work force through their health insurance plans. This decision was discriminatory, and it was another example of Congress chipping away at the benefits of Federal employees in their opportunity to choose an insurance plan that best meets their own health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions are being subsidized by the Federal Government. Currently the government simply contributes to the premiums of Federal employees in order to allow them to purchase private health insurance. The many participating plans in the FEHBP may or may not choose to include coverage for abortion services, and prior to last year's decision, about half of the participating plans provided this coverage. Thus an employee who did not wish to choose a plan with abortion coverage could do just that.

Unfortunately, Congress denied Federal employees their access to abortion coverage, therefore discriminating against them and treating them differently from the vast majority of private sector employees. Currently two-thirds of private fee-for-service plans and 70 percent of HMO's provide abortion coverage. It is really insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Thousands of Federal employees struggle to make ends meet. Many Federal employees are single parents or the sole wage earners in their families. For these workers, the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. For these women, the lack of this health coverage could result in delayed abortions occurring later in the pregnancy, an outcome no one here wants to see.

Mr. Chairman, this amendment simply restores the rights of Federal employees to the same health care services covered by most private sector health plans. I urge my colleagues to support this amendment and reverse the unwise decision made 2 years ago.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER], the very distinguished ranking member of this subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I very much appreciate the leadership she has shown on this issue. I want to say that I appreciate the leadership that the gentleman from New Jersey [Mr. SMITH] has shown as well.

This is a very wrenching issue for every Member of the House. It is my perspective, as the Members know, on this particular issue that this is really not about abortion. It is about Federal employees' pay and benefits. Every other employee in America gets certain benefits from their employer. Those benefits are paid in consequence of and in consideration of the services rendered by the employee to the employer. Therefore, the benefit in this case is not the Federal Government's nor the taxpayer's any longer. It is, in fact, the compensation paid to the employee.

Having said that, Mr. Chairman, I know that there is a very serious disagreement on this issue and perception as to whether or not this is the application of taxpayers' funds towards a procedure that many taxpayers find unacceptable; in fact, most taxpayers find unacceptable, whether or not they are for Government action to prohibit it.

□ 1500

Mr. Chairman, I would simply say that it has been historically my position and continues to be that this is the Federal employees compensation package. It is not ours to control one way or the other. I know there is a significant dispute on that.

I thank the gentlewoman for offering this amendment so it could be brought again for our attention before the House.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume, just so the body is very clear that we are voting on whether or not to permit abortion on demand in the Federal Employees Health Benefits Program.

The Committee on Appropriations wisely included language that would preclude the use of funds under the Federal Employees Health Benefits plan for that, and just to remind Members that just under three-fourths of all of the funding that goes into that health plan comes from the taxpayers, and roughly a quarter of that comes from the premium payers, which, again, is us as well. For that reason, this is a publicly funded abortion scheme.

Just to follow up to what my friend from Maryland said a moment ago, it really is up to the Congress to set it. This is not a collective bargaining issue, and it is up to the Congress to establish the parameters of what this program will look like. That is in the statute. There is nothing out of the ordinary with regards to what we are doing here today.

Let me also remind Members that this pro-life rider was in effect from 1984 to 1993, and it has also been in effect for the last two years.

It has already passed in the other body, and my hope is it will continue so we have no complicity in the killing of unborn children.

I urge a no vote on the amendment Lowey-Hoyer-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from the State of Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I would like to clarify what we are talking about here. First of all, respectfully, I totally and completely disagree with the comments of the gentleman from New Jersey. We are not talking about abortion on demand. The Supreme Court decision does not allow abortion on demand and we all know that, and in the third trimester it is very hard in America to get an abortion, as it should be, and in the mid-trimester it is very difficult, as it should be.

Now, we are talking about whether or not Federal employees ought to have access to the same legal medical procedures as other Americans. Remember, these are people who are paying taxes to fund the health benefits of the people who work at General Electric. We spend $80 billion every year subsidizing private sector health plans, and our Federal employees pay that. Yet you would deny them the same benefits that they are funding for other Americans.

If you want to make abortion illegal, bring the bill to the floor and let us vote on it; but do not make Federal employees second-class citizens. Do not make the kind of woman that the gentlewoman from New York [Mrs. LOWEY] just described.

I have one here, but it takes too long to talk about it. Here was a 36-year-old mother, she and her husband dying to have a family. She had a child with no brain at all. On medical advice she was urged to abort it, did, wants to have another child. She is an older mother, there are risks. She is trying to preserve her fertility because she desperately wants to have not one child, but several. After extensive testing, the medical community said this child has no chance of life at all, it has no brain at all, and you need to abort it and go on.

So I just ask for equal treatment of Federal employees. It is only fair.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield the balance of my time to the gentlewoman from Connecticut [Ms. DELAURO], a woman who has been a fighter on this issue and so many others.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut is recognized for 30 seconds.

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment, which will end the prohibition of abortion coverage for American women, coverage under the FEHB health plan. It seems that every time we turn around we see that some on the other side of the aisle would like to draw back the line of a woman's right to choose.

This is a constitutional right to choose. This is a choice and decision that should be made by a woman, her family, in consultation with her clergy, and with her doctor. No matter what income level, no matter where she lives or what she does for a living, every woman has a right to make this decision on her own. We have no right to take that decision away.

I urge my colleagues to support this amendment. Let us stop discriminating against government workers.

The CHAIRMAN. All time under the unanimous-consent agreement has expired.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

SEC. 518. Notwithstanding any other provisions of law, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with the denial of an application for the importation of military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) submitted under section 38(b)(1)(B) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988), if the application meets the otherwise applicable requirements of section 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1996), and the application is not for the importation of articles on the United States Munitions Import List from a proscribed country. For purposes of the preceding sentence, the term ''proscribed country'' means a country with respect to which the proscriptions contained in section 47.52 of title 27, Code of Federal Regulations, apply.

POINT OF ORDER

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I make a point of order against section 518 on page 80 because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part no amendment to a general appropriations bill shall be in order if in changing law. The amendment does not apply solely to the appropriations under consideration.

I am asking for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland [Mr. HOYER] wish to be heard on the point of order?

Mr. HOYER. Yes.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, reserving the right to speak on the point of order, we will concede the point of order. We have reviewed it, and the gentlewoman is correct.

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

Mr. KOLBE. Mr. Chairman, we would concede the point of order is correct. While I strongly favor this provision, given the circumstances that this bill is brought to the floor, this provision is clearly legislation on an appropriations bill.

Mrs. MCCARTHY of New York. Mr. Chairman, if section 518 were passed as part of the Treasury and Postal Operations Appropriation bill, I believe the result would be an increase in gun violence and increased danger to the lives and safety of our Nation's police officers.

Section 518 would effectively allow foreign governments to resell millions of dangerous, high-powered M1 carbine semiautomatic weapons, M–1 garand rifles, and .45 caliber M1911 pistols in the United States as curios and relics. Importing such high-powered weapons would flood the U.S. gun market, thereby lowering the price of these military weapons, making them more affordable for dangerous criminals.

Congressman PATRICK KENNEDY and Congresswoman CAROLYN MALONEY introduced legislation earlier this year that would help keep our streets safe by permanently banning the importation of these military weapons. The point of order offered today will only prevent the importation of such weapons for 1 year. It is time for Congress to follow Mr. KENNEDY's leadership and pass his bill to provide protection for America's families and police officers by ending the importation of these high-powered military weapons once and for all.

If anyone thinks that these curios and relics are not dangerous and should be imported freely into the United States, I would like to draw their attention to two critical facts. First, with the addition of three inexpensive pieces of hardware, the M–1 carbine—a semiautomatic weapon—can be easily converted into an automatic submachine gun with the potential of firing up to 30 rounds in a matter of seconds. This would effectively squash any rapid response law enforcement officers could ever hope to give.

Second, in the last several years, police officers have been killed and crimes committed at an alarming rate by these dangerous weapons. Nine officers have lost their lives to these so-called relics since 1990. According to the Bureau of Alcohol, Tobacco and Firearms, nearly 2,000 M–1 garand rifles and M1911 pistols were traced to crime scenes in 1995 and 1996. In New York, 71 of these so-called curios and relics were linked to crimes committed during the past 2 years.

Foreign governments should not be allowed to profit off of our misery. We need to make sure that we put a stop to that while trying to reduce gun violence. It is bad policy to allow anyone, including our own Government, to profit off of the agony and pain of others.

Gun violence takes a serious financial toll on our society and on our Nation's healthcare system. According to a May 1997 Violence Policy Center study, firearm injuries cost society approximately $20.4 billion in 1990. Of that figure, at least $17.4 billion represents the value of lost productivity due to premature deaths. According to the Center to Prevent Handgun Violence, direct healthcare expenditures for firearm-related injuries in the United States in 1995 was $4 billion. This figure is high because firearm wounds are the most costly injuries to treat.

Aside from the physical healing that takes place after gun violence there is also the emotional healing. Gun violence leaves families in shambles. It leaves the loved-ones to pick up the pieces of their lives and an empty hole in the hearts of family and friends that can never again be filled. I know from my own experience that gun violence can completely alter the course of a person's life—it did mine.

Congress shouldn't allow foreign countries to dump their weapons in our country. We all

know what happens when high-powered weapons fall into the hands of the wrong people. Although some may consider these weapons collectors' items, they are lethal weapons. We need to permanently end the importation of these weapons.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to join in raising the point of order.

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

The point of order is conceded and sustained, and section 518 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 519. No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to expand the Global Package Link Service.

POINT OF ORDER

Mr. MCHUGH. Mr. Chairman, I rise to a point of order.

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

Mr. MCHUGH. Mr. Chairman, section 519, found on page 81, lines 13 through 16 of the legislation before us, applies not only to current appropriations, but incorporates by reference the permanent appropriations authority contained in title 39 United States Code section 2401(a), and thus violates clause 2 of rule XXI of the House prohibiting reporting a provision which changes existing law.

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

Mrs. NORTHUP. Mr. Chairman, regarding the point of order, I understand this provision is probably subject to a point of order and will be stricken, but I want to reserve my right to strike the last word after it is completed and make a few comments.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania [Mr. FATTAH] wish to be heard on the point of order?

Mr. FATTAH. Mr. Chairman, I rise as the ranking minority Member on Postal Service in support of the point of order, and would hope that the Chair would concur that clause 2 of rule XXI would be in play as relates to this amendment, and that it should be struck because it attempts to add legislative language to an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman from Maine [Mr. ALLEN] wish to be heard on the point of order?

Mr. ALLEN. Mr. Chairman, the point of order just made by the gentleman from New York [Mr. MCHUGH] was made against section 519 of the bill, which would restrict the U.S. Postal Service's Global Package Link System.

That provision does not belong in this bill. Not only is it inappropriate in an appropriations bill, but it is also bad policy. What this provision seeks to prohibit is the expansion of the Global Package Link System by the Postal Service.

In changing the authority governing the Postal Service's operations, it violates the House rule against legislating on an appropriations bill.

Legislation affecting the Postal Service is clearly within the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. The committee will be looking at Global Package Link as part of postal reform, and that is an appropriate course for review, rather than through this rider.

The Global Package Link, or GPL, is a valuable program that helps U.S. businesses gain new markets and opportunities overseas, which means more jobs here at home. GPL was established by the Postal Service at the request of U.S. catalog companies, who wanted a faster and better way to ship their packages to international customers.

One of these customers is L.L. Bean, which is in my districts in Freeport, Maine. GPL is good for American business and good for jobs. It is innovative. Other competitors like UPS could establish similar systems and streamline their own overseas delivery service.

The CHAIRMAN pro tempore. The Chair would ask the gentleman to confine his remarks to the point of order and not the merits of the section.

Does the gentleman from Arizona wish to be heard?

Mr. KOLBE. Just to say, reluctantly, I accept the point of order, that it is legislation on the appropriations bill. Given the circumstances of bringing this bill to the floor, this would not be in order on this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

Mr. HOYER. Mr. Chairman, we concede the point of order on this side.

The CHAIRMAN pro tempore. The point of order is conceded and sustained, and section 519 is stricken from the bill.

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

Mr. Chairman, the Global Package Link provision, authored by Representative Northrup, (R–KY) would prohibit the United States Postal Service (USPS) from expanding its Global Package Link international parcel service for one year, while a Government Accounting Office (GAO) report is completed on the issue of international mail. The GPL, an ''electronic Customs preparatory system'' was developed by the USPS in direct response to its customers demands. It allows our nation's largest and leading retailers such as Lands' End, Neiman Marcus, J.C. Penny, L.L. Bean and others to deliver merchandise to their catalog customers in the United Kingdom, Canada, and Japan. These and many other companies support and rely upon the Postal Service to send their products via the GPL service.

By way of legitimately responding to a postal matter under the jurisdiction of the Subcommittee on the Postal Service, the Subcommittee in July asked the GAO to investigate charges that the GPL service enjoys any unfair advantages over shipments by private carriers. We expect to have a report on this matter early next year.

The Blair Corporation, a large mail-order company located in my State of Pennsylvania provided some very thoughtful comments on the Northrup provisions. Thoughtful, because unlike the numerous mail-order firms currently using the Postal Service's GPL service, it is not a current user. The President of Blair Corporation states:

''We cannot believe that our Congress would stop a valuable international delivery service, which has become very important to expanding the exports of U.S. direct mail companies, and could become the means by which our company and others like it are able to enter the international market, without even a hearing before the appropriate Committees of Congress, which understand postal operations and their importance to the direct mail industry.

This attempt to prevent the Postal Service from operating as any other business would, when so many in the Congress as well as the business community have pleaded with the Postal Service to become more businesslike and more efficient, is ironic. Global Postal Link and other Postal Service innovations are a serious response by the Postal Service to those pleas. This amendment will wipe out an important Postal Service effort to become more businesslike and will represent a serious blow to many mail order companies and damage this country's export efforts. We urge you to reject this effort to end-run the authorizing committees and vote ''yes'' to strip the ''Northrup'' Amendment from H.R. 2378.''

In conclusion, the Northrup provision is framed as a limitation on funds, but contains legislative language. It does not belong on an appropriation bill. This is a violation of House Rules.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that the last provision that we struck was the Global Package Link freeze for one year, I just want to take this opportunity to comment on the importance of this issue.

We all believe that we need to expand all trading opportunities that businesses in this country have. In particular it is important that we open and expand opportunities for overnight delivery services.

The concern that the committee had and that I raised in the committee is that when we open these opportunities, we should not allow the United States Post Office to create a monopoly so that only they can deliver overnight packages.

That is what you do when our government, a government entity, negotiates with another government that this overnight link occurs only if the packages are brought in by the Postal Service.

These arrangements allow the Post Office to bypass both customs, pricewise and timewise, so that they can deliver overnight and no private carriers can. We believe all private carriers should have an opportunity to expand trade in this country.

So it is not in an effort to limit what companies in this country have and the

opportunities they have, but, rather, to expand those opportunities through multiple carriers.

We felt like the one-year freeze was a fair balance. Since that has been struck, I want to say that I am reassured by the Committee on Postal Oversight that they are going to take up this issue, that they are going to hold hearings, and that they are going to try to find the fair balance in their reauthorization bill that will come before us early next year.

We all agree that it needs to be looked at; we all agree that it needs to be examined. I look forward to the promise of the subcommittee chairman or the committee chairman of the Committee on Postal Oversight that his committee will do a fair and equitable job at looking at this.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1998, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1997, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1998, in an amount that

exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1998, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1998 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1998 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1997 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1997, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1997, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1997.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1998 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 622. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus-acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 623. No funds appropriated in this or any other Act for fiscal year 1998 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also

make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 624. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 625. (a) IN GENERAL.—No later than September 30, 1998, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

SEC. 626. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 627. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 628. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 629. Notwithstanding section 611, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.

SEC. 630. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 631. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that non-compliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES

SEC. 632. (a) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.

(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.

(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 101, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order to the portion of the bill read?

If not, are there amendments?

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Add at the end of the bill on page 101, after line 18 the following new section:

SEC. . None of the funds appropriated by this Act may be used for any tax-related mailing to any person if the social security account number issued to any individual for purposes of section 205(c)(2)(A) of the Social Security Act is included—

(1) on the outside of such mailing, or

(2) as part of the contents of such mailing unless—

(A) the contents are in an envelope (or other appropriate wrapper) which is sealed, and

(B) such number may not be viewed without opening such envelope (or wrapper).

For purposes of this section, the term ''tax-related mailing'' means any mailing related to the administration of the Internal Revenue Code of 1986.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. FILNER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am prepared from the majority side to accept this amendment. I know that the Committee on Ways and Means has expressed some concerns about some of the language, and I would advise the gentleman that I would certainly protect those interests in the conference that the Committee on Ways and Means has expressed. They have not objected and suggested that this amendment should not be accepted here today. I am prepared to accept it.

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

Mr. FILNER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thought the amendment might be offered and withdrawn, but in light of the chairman's action, I certainly am not going to object to this amendment. We will look at it and work with the gentleman between now and conference to see if it is workable, and, if it is workable, the gentleman has brought up a good idea. I understand also that Mr. BILBRAY of California is in agreement with the gentleman.

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Mr. FILNER. I thank the chairman and the ranking member.

The amendment orders the IRS, because they have refused to do it informally, to stop the printing of Social Security numbers on the front of mailings to taxpayers or on their refund checks. This allows a practice that has become known as identity theft. People steal your Social Security number and then steal your money.

So I appreciate the Chair and the ranking member for accepting this amendment to stop the IRS complicity in identity theft.

Mr. Chairman, I stand to offer an amendment to the Treasury/Postal Appropriations bill because our constituents cannot wait to have the Internal Revenue Service protect them from identity theft. It is up to Congress to safeguard them from a serious attack on personal privacy—an insidious practice that has become known as identity theft—which is facilitated by the IRS.

My amendment to the Treasury/Postal Appropriations bill will forbid the IRS from visibly printing our Social Security numbers on the mailing labels of the tax booklets the IRS mails to us every year. It will also stop the IRS from printing Social Security numbers on the refund checks that millions of people receive annually in a way that they are visible through the window envelope. Identity theft is one of the fastest growing crimes of the 1990's. Identity thieves make off with billions of dollars each year, and each day more than 1,000 people are being defrauded.

With just your name and Social Security number, a thief can open credit lines worth $10,000, rent apartments, sign up for utilities, and even earn income. Your credit rating is ruined, you risk being rejected for everything from a college loan to a mortgage, and it's up to you to fix it all.

Law enforcement generally will not pursue identity theft cases. That is why it is crucial that we act now—to prevent the IRS from making identity thieves' work even easier by

allowing public view of Social Security numbers on their mailings and refund checks.

I don't like to ask the Congress to pass judgment of a relatively simple issue. When I asked the IRS to change this practice, all I got was a bureaucratic runaround. I was told that this was a very complex issue and there is no way that they could correct it before the 1999 filing season. I find it incomprehensible that neither the agency nor its contractor can change a computer program for booklets that will be mailed in 1998. The IRS apparently has decided to be the conduit for identity theft—with the Postal Service as a de facto accomplice.

My amendment will force the IRS to make this change in time to protect one of the most precious keys to our personal information—our Social Security numbers—before the coming tax filing season.

To do any less would expose millions of us to devastating personal and financial losses, and the most important loss of all—our good name.

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

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

Mr. BILBRAY. Mr. Chairman, I appreciate the gentleman from California yielding to me.

Mr. Chairman, what we are saying is that the IRS should not be violating the rules and the procedures that we impose on everyone else; that this is a privacy issue. The IRS has got to be kept within proper boundaries. Technologies need to reflect the privacy laws of this country, and we should be leading by example. Even the IRS should be leading through example to show the rest of society how we should operate.

Posting this information on the front of a piece of mail, where anybody can look at it that opens up that mailbox, really should be addressed. The private sector would probably go to jail for doing this. I do not think those of us in the public sector should be exempt from those privacy rules.

Mr. FILNER. I thank my colleague; I thank the Chair and the ranking member.

The CHAIRMAN pro tempore [Mr. LATOURETTE]. The question is on the amendment offered by the gentleman from California [Mr. FILNER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 101, after line 18, insert the following new section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Mr. SANDERS. Mr. Chairman, my understanding is that both the majority and the minority have accepted this amendment and I thank them.

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

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

Mr. KOLBE. Mr. Chairman, yes, that is correct. I am prepared to accept the amendment by the gentleman from Vermont [Mr. SANDERS], which would amend the bill to prohibit Customs using any of its funding to allow any imports into the United States of goods that are produced by forced or indentured child labor.

This is a limitation on an expenditure and it would underscore the existing legal barrier. This is already an existing barrier that we have on imports which sometimes, however, may not be adequately enforced. I think the provision that the gentleman is suggesting here is simply a reinforcement of what is existing law, that Customs should vigorously enforce the law with regard to imported merchandise that uses forced child labor.

So in my view it supports and clarifies the current legal requirement and a practice that is very much in law, and I urge the Members to support this amendment.

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

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

Mr. HOYER. Mr. Chairman, I thank the gentleman for his amendment. I agree with the remarks of the chairman, the gentleman from Arizona [Mr. KOLBE], and we would accept the amendment on this side.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER]. Indentured child labor is one of the ugliest forms of slavery that exists in this world. This Congress should stand up for those children. We should not be importing products made by indentured child labor, and I thank both parties for their support.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the ''Treasury, Postal Service, and General Government Appropriations Act, 1998''.

Mr. SANDLIN. Mr. Chairman, it is with regret that I rise today in opposition to the Treasury-Postal appropriations bill. This bill contains many worthwhile programs that are deserving of funding. However, the manner in which this bill came to the floor denied Members the opportunity to vote for or against the cost of living pay increase for Members of Congress. I strongly believe we should be honest enough with ourselves and with the American people to openly support or oppose this increase instead of sitting silently by while it automatically goes into effect.

When I introduced my legislation, H.R. 2219, to prevent Members from receiving the 1998 pay adjustment, I did so because I believe it is irresponsible for us to increase our own pay at a time when we have not met our obligation to the American people to balance the Federal budget. Only days after I introduced my legislation, the Republican leadership in both houses was widely quoted in the press as saying the pay raise was dead for the year. But instead of letting it die a well-deserved death, they made late night, back room deals and brought this bill to the House floor in a manner accorded precious few pieces of legislation. They brought it to the floor with no rule to ensure that the pay raise would go into effect.

I made a commitment to the people of east Texas to eliminate the Federal deficit before I would agree to raise my pay. I made a commitment to ensure that Medicare is solvent before we raise our pay. I made a commitment to ensure that veterans' benefits are fully funded before we raise our pay. I made a commitment to ensure that every student has an opportunity for a college education before we raise our pay.

The infrastructure across our country is crumbling. However, this body narrowly defeated a proposal earlier this year to increase spending for the infrastructure. The Republican leadership has made it clear to members of the Transportation and Infrastructure Committee that BESTEA will break the budget agreement and that they will oppose this legislation, even though there is additional money in the highway trust fund. They want to continue to use the trust fund to mask the size of the deficit on the one hand, but on the other they are willing to raise our pay. Their logic doesn't make any sense. Why should we pass legislation to benefit 535 people when we can't get an agreement that will benefit millions of people?

The Taxpayer Relief Act raised the estate tax exemption from $600,000 to $1 million by the year 2007. There should be no estate tax. We should not be raising our pay until we have eliminated this punitive tax. Why should we pass legislation to benefit 535 people when we can't get an agreement to protect a family farm?

When I introduced my bill, I said that I hoped my fellow Members would join me in opposing a congressional pay raise until we have taken care of the people. Mr. Chairman, it seems to me that we have not taken care of the people. I can only hope that the conferees will accept the Senate language and deny this disingenuous attempt at a pay raise.

Mrs. MORELLA. Mr. Chairman, I would like to thank the gentleman from Arizona, the distinguished chairman of the Treasury, Postal Appropriations Subcommittee, and the gentleman from Florida, the distinguished chairman of the Civil Service Subcommittee, for pledging to resolve an issue that is very important to me.

In the course of our discussions about this bill, we have all agreed to resolve the issue of pay equity between administrative appeals judges and administrative law judges. I appreciate the good work that the chairman has done on this bill. He knows that I would have liked to have offered an amendment on this subject, but I appreciate his desire to resolve pay equity issues through the authorizing committee, in this case, the Civil Service Subcommittee on Government Reform and Oversight, on which I serve. It is important to raise

this issue, however, during consideration of this legislation that addresses so many Federal employee issues, and I appreciate Mr. KOLBE and Mr. MICA's pledge to resolve this issue.

Last spring, along with my colleague TOM DAVIS, I wrote to OPM in hopes that they could resolve this issue. Unfortunately, they could not; we need a legislative solution to resolve this problem. As you know, there are 23 administrative appeals judges at the Social Security Administration. These judges review numerous decisions made by administrative law judges, yet they are not compensated at the same level. The appeals council is now the only administrative appellate body whose members are paid less than the judges whose orders and decisions they review. Historically, AAJ's and ALJ's have been compensated at the same level, but in 1990, when we passed the Federal Employees Pay Comparability Act, the Congress did not include administrative appeals judges in the new administrative law judges special pay category. What I want to do is simply ensure that administrative appeals judges are paid at the same level as those judges whom they review, administrative appeals judges.

I thank Chairman MICA for his commitment to finally resolve this issue in the Civil Service Subcommittee. I look forward to working with him in this endeavor.

Mr. KUCINICH. Mr. Chairman, I rise in support of striking section 413 of H.R. 2378. As a former local official, I know that every dollar counts, and that local taxpayers are being asked to shoulder an ever-increasing burden of services the Federal Government no longer provides. That is why I support a money saving program for local and State governments, and why I now support striking its repeal in this appropriations bill.

The cooperative purchasing program, which Congress passed into law in 1994—section 1555 of the Federal Acquisition Streamlining Act—was designed to allow local and State governments, school districts, and public hospitals to purchase goods and services at the super-discounted Federal rate, saving local taxpayers hundreds of millions of dollars per year. But special interests have manipulated the legislative process in order to repeal the program and block local entities from getting the most for their tax dollars. They would have Washington let local governments be fleeced.

Here's how the cooperative purchasing program is supposed to work: A school district has to purchase computers, chalkboards and basic furniture. Thanks to the cooperative purchasing program, the school district could buy the supplies and services it needed directly from vendors at the discounted prices the General Services Administration [GSA] negotiated. GSA is the procurement agency for the Federal Government.

These GSA-negotiated prices are often the lowest anywhere. The Federal Government is a very large consumer of all kinds of goods and services. That is why it is able to negotiate discounted prices. The 1994 law simply allowed State and local governments and public agencies to benefit from those prices. It is a good example of allowing government officials to think and act efficiently.

Nursing homes and public hospitals would also benefit, since they must purchase equipment, medical devices, and life-saving drugs for elderly citizens and the ill, especially people with AIDS. Basic local government would also operate more efficiently and less expensively, since local governments could purchase many products and services at discounted prices, saving State and local taxpayers billions of dollars.

Initiated by the National Performance Review, led by Vice President Gore, cooperative purchasing aims to bring efficient practices to local and State governments without onerous regulations or government mandates. If for some reason a locality did not want to use the cooperative purchasing program, it would not have to. Cooperative purchasing is also completely voluntary for industry, and it costs the Federal Government nothing.

The bottom-line savings would be realized by local taxpayers, who pay the bill of local government. A pilot project in West Virginia demonstrated that police departments could purchase cruisers at the GSA discount price, saving local governments close to 10 percent. Furniture is available at a discount of 25 percent. Pharmaceuticals and medical devices are available at up to a 37 percent savings.

Athough saving money for local taxpayers is a good idea, there are those who oppose it. Certain industry groups benefit from government inefficiency and would like nothing more than to have the law repealed. The pharmaceutical industry wants to see the program repealed, because cooperative purchasing would entitle public hospitals and AIDS clinics to significant discounts on life-saving drugs—why sell AIDS drugs at a life-saving discount when you can sell at full price? The medical equipment industry is also mobilizing against the discounts.

I believe that a reasonable policy is to allow willing industries to participate in the cooperative purchasing program. Indeed, it has received support from a group of Fortune 500 backers, especially in the computer and software industry. In addition, every major association of elected and appointed officials has endorsed the cooperative purchasing program, from mayors to Governors, from school boards to regional hospitals.

Local police departments benefit from a similar, voluntary program administered by the Department of Defense. That program faced initial resistance from certain industry groups, but it has blossomed into a program where hundreds of local police departments are able to purchase police cars, bullet-proof vests, and other crime fighting equipment at money-saving prices.

Strong interest groups have spent large amounts in political contributions to kill the cooperative purchasing program, without even a hearing or congressional debate. Repeal of cooperative purchasing is tantamount to a tax increase on every resident in America.

We have a way to reduce the cost of government. It's called the cooperative purchasing program. Today, the House will keep this idea and this program alive by striking its repeal with a point of order. Let us hope that the House conferees may see to it to preserve the program in conference with the other body.

Mr. PORTER. Mr. Chairman, I am disappointed that this bill has been considered in a manner that has led to the language repealing section 1555 of the Federal Acquisition Streamlining Act being stricken on a point of order.

Mr. Chairman, section 1555 sounds like a good idea, but like many efforts to control the marketplace through Government price fixing, it can trigger certain law of unintended consequences. The most basic unintended consequence is pretty simple to understand—instead of leading suppliers to lower their prices charged to State and local buyers, section 1555 will lead them to raise their prices to the Federal Government. What else can be expected when the Government suddenly decrees that a discount price available to a volume buyer who constitutes 3 to 4 percent of a manufacturer's sales volume must be provided to perhaps to 30 to 40 percent of that manufacturers sales volume?

Mr. Chairman, this law should be repealed and I am certain that the votes to do so exist in this body. It is unfortunate that the provision has been removed in this manner. I urge the conferees to recede to the Senate on this issue and I am certain that a conference report repealing this unfortunate law would receive overwhelming support in the House.

Mrs. ROUKEMA. Mr. Chairman, I rise to express deep regret that the committee bill for FY 1998 would not permit waiver under the rules.

My amendment would have required the creation and enforcement of new standards of security for the firearms inventories of federally licensed gun dealers. Let me explain to the committee why this amendment is so important. First, this amendment will not infringe on the rights of any gun owner to buy a gun. This amendment only creates new Federal guidelines to secure the inventories of firearms in gun shops. It, in fact, makes gun shops safer for gun owners to go and buy a new gun.

Second, this amendment meets a pressing need to make our neighborhoods and streets safer from criminals who use guns stolen from gun shops to commit horrible crimes. On April 19, 1997, a young man named Georgio Gallara age 24 was working at Tony's Pizza and Pasta, a new small business he owned in Sussex County NJ. He was joined by his employee, 22-year-old Jeremy Giordano to go on a pizza delivery. When they arrived to deliver the pizzas, they were brutally gunned down, being shot eight times in the head and neck. When police arrested two men for the murders they found that the gun used in the crime was stolen from a local sporting goods store a couple of weeks earlier.

Guns stolen from gun shops have become a major crime problem in our communities. Since September 1994, licensed firearms dealers have reported 23,775 guns stolen, lost, or missing to the BATF. Up to 32 percent of firearms used in the commission of a crime are obtained by the criminal directly by theft. Stolen guns are a serious threat to our safety.

This amendment will require the BATF, under the direction of the Secretary of Treasury, to create security standards for gun dealers. Gun inventories will have to be secured within the store in order to prevent a common thief from stealing them. Store owners use a safe to put their money in at the end of the business day. Store owners do not leave valuable inventories sitting in window displays vulnerable to smash and grab robberies. Why shouldn't we require gun dealers to secure their inventories especially when so many guns are stolen and used in crimes.

This amendment is based on common sense. Any law abiding gun owner should welcome this improvement as a real means of reducing crime. Critics may call this another

form of gun control, but the only guns this amendment controls are the ones in the hands of violent criminals. Based on this, Mr. Chairman, I ask that my amendment be Treasury/Postal appropriations bill of 1997.

Mr. Chairman, this issue will not go away. I an others will use every means of persuasion to urge the Judiciary Committee to take this up on an expedited basis.

A copy of my amendment follows:

Page 101, after line 18, insert the following:

MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS

SEC. 633. (a) IN GENERAL.—Section 923 of title 18, United States Code, is amended hereafter by adding at the end the following:

''(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Treasury, action through the Director of the Bureau of Alcohol, Tobacco, and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

''(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

''(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

''(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

''(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).''.

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (A)—

(A) in clause (i), by striking '', and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m).''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''and the place of business of a licensed dealer'' after ''licensed dealer'';

(B) in clause (ii), by striking ''or'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).''.

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and''.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I insert this letter into the RECORD, concerning H.R. 2378, Treasury-Postal Service appropriations for fiscal year 1998.

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete ''curios and relics.'' In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire and comes equipped with a 15–30 round detachable magazine.

THIS IS A PUBLIC SAFETY ISSUE: Although the backers of the provision claim that these World War II era weapons are now harmless ''curios and relics'', in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can easily be converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

THIS IS A GOVERNMENT OVERSIGHT CONCERN: Nearly 2.5 million of these weapons were given or sold as ''security assistance'' to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before retransferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of ''U.S. origin ammunition and curio or relic firearms and parts.'' In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

This is also a taxpayer concern. The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as ''spoils of war.'' The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians; American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund.

Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director; Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary.

Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director.

National Association of Children's Hospitals & Related Institutions, Stacy Collins, Assoc. Director, Child Health Improve; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel; National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair.

New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora

Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative.

Texans Against Gun Violence-Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith In Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Handgun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Off; 20/20 Vision, Robin Caiola, Executive Director.

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the distinguished chairman and ranking member for their work in securing adequate funding for some essential antidrug initiatives. I am particularly proud to support the drug free communities matching grants, which will help community coalitions in the 37th District of California and throughout the country address the Nation's drug problem.

From 1991 to 1996, the proportion of eighth-graders using an illicit drug more than doubled from 11 to 24 percent. Ten years ago, 18.6 percent of high school students reported using at least one illicit drug over the course of a year, and now, 29 percent of high school students report using at least one illicit drug. That is a 58.6-percent increase.

Thanks to the drug-free communities grants, we can change these numbers and parents, teachers, churches, and entire communities can come together to prevent, treat and ultimately, end drug abuse. Creating opportunities for community coalitions to overcome the problem of drug abuse is essential in our effort to maintain and strengthen communities in the 37th District of California, and throughout the entire country.

Mr. MICA. Mr. Chairman, I would like to thank the authors of this bill for their work in increasing funding for drug enforcement activities.

One million dollars in funding for the designation of central Florida as a High Intensity Drug Trafficking Area [HIDTA] has been provided in the House Treasury, Postal Service and General Government appropriations bill. I made this request because I feel it is necessary that we commit every available resource to combat the drug scourge in central Florida.

A HIDTA designation would provide additional resources to help better coordinate Federal, State, and local drug activities. My intent is to support local efforts to combat the influx of drugs and the attending crime that results.

In the Orlando area, heroin overdose deaths went from zero in 1993 to 30 last year. More teens died locally of overdoses than almost any other major U.S. city. So you can see the situation we are in. In fact, my area in Orlando also ranked second behind Miami in total cocaine deaths in Florida. This situation has deteriorated to such an extent in Florida that I have asked our drug czar, Barry McCaffrey, to cooperate in qualifying central Florida as a HIDTA which would bring much needed resources to our area and into our State.

There already are HIDTA's operating in many cities and regions throughout the country—including a successful program in Miami—and they have proved successful in aiding with command and control, manpower and funding issues. Your support for adding central Florida to the HIDTA list guarantees that Florida will continue to have adequate funding to battle the increasing amount of illegal drugs that are trafficking through our state.

Following are additional alarming statistics about drug use which argue for strengthening our resolve to winning the war on drugs for the sake of our children:

1997 CASA (NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY) SURVEY OF PUBLIC OPINION

By the Time Middle School Students Reach 13—

40% know someone who has used acid, cocaine or heroin.

29% can buy marijuana within a day; 12% can buy marijuana within an hour or less.

27% have friends who use marijuana.

1 in 4 have attended a party in the last six months where marijuana was available.

15% have witnessed the sale of drugs in their neighborhood.

1 in 10 have a schoolmate who died because of drugs or alcohol.

1997 CASA (NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY) SURVEY OF PUBLIC OPINION

By the Time High School Students Reach 17.

Almost 3 out of 4 know someone personally who uses acid, cocaine or heroin.

Two thirds can buy marijuana within a day; 44% within an hour or less.

62% have friends who use marijuana; 21% will say more than half of their friends use marijuana; 34% say at least half of their friends use marijuana.

60% have attended a party in the past six months where marijuana was available; for 30%, more than half of the parties they attend have marijuana.

Half have personally seen drugs sold on their school grounds.

One third have witnessed the sale of drugs in their neighborhood.

1 out of 4 have a schoolmate who died because of drugs or alcohol.

Only 1 in 4 are willing to report a drug user in their school to school officials.

Mr. KOLBE. Mr. Chairman, I move the Committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of New Jersey) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore 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. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. 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.

The SPEAKER pro tempore. The question is on the 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 231, nays 192, not voting 10, as follows:

[Roll No. 403]

YEAS—231

Abercrombie
Ackerman
Andrews
Archer
Armey
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Coyne
Crapo
Cummings
Davis (IL)
DeGette
Delahunt
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Filner
Flake
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Green
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McKeon
McNulty
Meehan
Meek
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne
Pelosi
Pickering
Pickett
Pomeroy
Porter
Quinn
Rahall
Rangel
Regula
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sawyer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Tierney
Torres
Towns

Traficant
Upton
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—192

Aderholt
Allen
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Berry
Bono
Boswell
Brady
Bryant
Bunning
Burr
Campbell
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
Deutsch
Dickey
Duncan
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Foley
Forbes
Ford
Fox
Franks (NJ)
Gejdenson
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kelly
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Klug
Kucinich
LaHood
Lampson
Largent
Lazio
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McInnis
McIntosh
McIntyre
McKinney
Menendez
Metcalf
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Pappas
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rivers
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith, Adam
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Turner
Visclosky
Wamp
Watkins
Watts (OK)
Weller
Weygand
Whitfield
Wise

NOT VOTING—10

Davis (VA)
Foglietta
Furse
Gonzalez
Goss
Oberstar
Schiff
Smith, Linda
White
Yates

☐ 1544

Messrs. GRAHAM, BRYANT, JENKINS, RADANOVICH, LAMPSON, BOSWELL, CRAMER, BARCIA, PETERSON of Minnesota, FRANKS of New Jersey, and GIBBONS, Ms. NORTHUP, and Messrs. MCINNIS, POSHARD, PRICE of North Carolina, ETHERIDGE, and HINOJOSA, Ms. LOFGREN, and Messrs. SCHUMER, THOMPSON, PITTS, and BONO, Mrs. CUBIN, Mrs. TAUSCHER, and Messrs. HALL of Texas, CHAMBLISS, BAESLER, WATTS of Oklahoma, FORD, REYES, GOODLING, DEUTSCH, DICKEY, STENHOLM, LAZIO of New York, SESSIONS, KENNEDY of Rhode Island, and COX of California changed their vote from ''yea'' to ''nay''.

Mr. MCGOVERN, Mr. PAYNE and Ms. PELOSI changed their vote from ''nay'' to ''yea.''

☐ 1545

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Wednesday, September 17, 1997, to file a conference report on the bill (H.R. 2160) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

This request has been cleared by the minority.

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

There was no objection.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 359, not voting 17, as follows:

[Roll No. 404]

AYES—57

Allen
Andrews
Barrett (WI)
Barton
Berman
Berry
Bonior
Cardin
Clayton
Coburn
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emerson
Eshoo
Fazio
Filner
Ford
Frank (MA)
Gephardt
Goodling
Hilleary
Hinchey
Jackson (IL)
Kaptur
Largent
Levin
Lewis (GA)
Lowey
Markey
McNulty
Miller (CA)
Mink
Moakley
Olver
Owens
Pallone
Pastor
Pelosi
Sanford
Shadegg
Skaggs
Slaughter
Spratt
Stark
Torres
Towns
Vento
Waters
Waxman
Woolsey

NOES—359

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
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
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley

Rivers	Sherman	Thompson
Rodriguez	Shimkus	Thornberry
Roemer	Shuster	Thune
Rogan	Sisisky	Thurman
Rogers	Skeen	Tiahrt
Rohrabacher	Skelton	Tierney
Ros-Lehtinen	Smith (MI)	Traficant
Rothman	Smith (NJ)	Turner
Roukema	Smith (OR)	Upton
Roybal-Allard	Smith (TX)	Velazquez
Royce	Smith, Adam	Visclosky
Rush	Smith, Linda	Walsh
Ryun	Snowbarger	Wamp
Sabo	Snyder	Watkins
Salmon	Solomon	Watt (NC)
Sanchez	Souder	Watts (OK)
Sanders	Spence	Weldon (FL)
Sandlin	Stearns	Weldon (PA)
Sawyer	Stenholm	Weller
Saxton	Stokes	Wexler
Scarborough	Strickland	Weygand
Schaefer, Dan	Stump	Whitfield
Schaffer, Bob	Stupak	Wicker
Schumer	Sununu	Wise
Scott	Talent	Wolf
Sensenbrenner	Tanner	Wynn
Serrano	Tauzin	Young (AK)
Sessions	Taylor (MS)	Young (FL)
Shaw	Taylor (NC)	
Shays	Thomas	

NOT VOTING—17

Ackerman	Goss	Schiff
Dicks	Hefner	Stabenow
English	Houghton	Tauscher
Foglietta	Lewis (CA)	White
Furse	Moran (VA)	Yates
Gonzalez	Neal	

□ 1605

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2029

Mr. PAUL. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Florida [Mr. HASTINGS] be removed as cosponsor of my bill, H.R. 2029, the Selective Service Registration Privacy Act of 1997. His name was placed on this legislation in error.

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

There was no objection.

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.

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

[Mr. FARR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IN SUPPORT OF DIVERSITY IN HIGHER EDUCATION

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

Mr. DOGGETT. Mr. Speaker, I rise this afternoon in solidarity with several thousand students at the University of Texas who yesterday were on the main mall there in front of the tower at the University of Texas to express their concerns about the need for diversity in education throughout the University of Texas system and, in particular, to express their concerns about some very unfortunate comments that were made in the previous week by a member of the University of Texas faculty.

Indeed, to call them unfortunate is quite charitable. Because it appeared to me that masquerading under some form of pseudo-intellectualism, these comments demeaned African-American and Hispanic-American students, their families, and many hard-working Texan taxpayers that finance the University of Texas system and have every reason to be concerned when those who are attending the University of Texas, those who are teaching at the University of Texas, do not reflect the rich diversity of our State.

I know, from my own experience as a lifelong Texan, that the comments that were made by that professor are quite contrary to reality. Some of the hardest working people that I see, some of the people that I see in the central Texas area most concerned with educational advancement and contributing to our community, are people that were unfortunately and unwisely and unfairly attacked during the last week by the comments of that University of Texas professor.

Putting those comments behind us must be done in the context of moving forward at the university to try to assure most diversity. An all-white university is not going to be a university that gives its students, white, brown, black, yellow, or any other color, a sense of what it is to participate in a diverse society and to compete economically in the global marketplace that involves tremendous diversity.

So, for the future of all of us, without regard to race or ethnicity, we need a university educational system across this country that assures that every American has an opportunity to participate, and that puts behind us the racist days of the past and looks forward to working together to provide that educational opportunity for our citizens.

Mr. Speaker, I also wish this afternoon to address a second issue that came up on the floor today and a very closely related issue that needs to come up in the future. Today we had a very interesting matter come up. In fact, it consumed only about 10 minutes of time. And that 10 minutes, without prior announcement, dealt with a little matter of a $50 billion tax break that was stuck into page 300-and-some-odd of the balanced budget agreement to give a $50 billion tax break that was never discussed for 1 second on the floor of this Congress, in either the House or the Senate, to the major tobacco companies of this country.

□ 1615

I think it no coincidence that those same tobacco companies that got a $50 billion tax break at the expense of the rest of the American taxpayers, that they just happened to be very involved in the political process. In fact, as I looked over the figures, the No. 1 and the No. 2 corporate contributors were tobacco companies in soft money to the Republican Party this year. Though certainly not anywhere near as much as to the Republicans, they gave an ample amount of soft money to the Democratic Party as well.

It seems to me that what makes Americans cynical about the way this Congress works is to see that kind of thing happen, where hundreds of thousands of dollars, in fact I think the tobacco companies in the first 6 months of this year gave about $2 million in soft money to political parties, and then in month 7, not coincidentally in month 7, they get a $50 billion tax break.

What was particularly strange about this situation is that while no one would claim the parentage, the paternity, for this tax break, that today suddenly by unanimous consent it is now gone, and I think it tells us a lot about where we are headed as we consider this tobacco settlement that has been proposed, as we consider other issues that concern the tobacco industry. We need to have them exposed in the full light of day rather than handled in the back room.

The second thing it tells us is that we have a very, very strong need for full and complete campaign finance reform. Many of us have been out here day in and day out since we came back in September saying, give us campaign finance reform now. Only Monday in Georgia, Speaker GINGRICH was again saying he was opposed to doing that. It will only be by the demand of the American people that we get that changed.

IN MEMORY OF BILL BURNS, PITTSBURGH BROADCASTING ICON

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today on the floor of the House to lament the death and to pay tribute to a gentleman who for literally millions of people in the Pittsburgh region has been a father figure, has been a source of information and inspiration. His name is William Michael Burns.

Bill Burns, as he was known to so many of his viewers on the television

news, was for 40 years a television personality and was really the anchor and the conscience of many television journalists in a medium that was just finding itself in the 1950's and the 1960's, in the 1970's and the 1980's when Bill Burns came to anchor many of the newscasts on KDKA–TV, the CBS affiliate in Pittsburgh. It was my honor during the last 12 years of Bill's career to sit very near him, to learn from him and to work with him in that very same newsroom.

Bill Burns has passed away after so many years and is really an icon to those people in broadcasting. Walter Cronkite has said of Bill Burns that he could have come to New York to be with the network any time he wanted to, but the problem with Bill Burns, if there was indeed a problem, was that Pittsburgh was his home. It was where he always wanted to live. It was the community that he loved. It was where he wanted to serve.

Bill Burns was born in the tiny town of Houtzdale, PA, in Clearfield County. I remember doing news stories there myself when I was a young cub reporter at channel 10 in Altoona. He always joked about the fact that here he was, a used sewing machine salesman from Houtzdale, PA, and Uncle Sam gave him a gun, let him off a boat near Normandy, and told him to take on the Third Reich's greatest army. He bore the injuries of a very heavy, deep shrapnel wound to his leg. He was awarded the Purple Heart and carried a brace on that leg for the rest of his life.

It was always amazing as he carried his 6-foot-plus carriage into any news conference the respect that he commanded not only from his fellow reporters both in the print and in electronic journalism, but from the people that he interviewed as well. One newscaster, another friend of mine, Adam Lynch, talked about the story when they were all standing in an area waiting for people to come out to give them an interview and the police said to all the reporters, ''You have to stay here.'' Here comes Bill Burns with that leg brace on and that stoic walk that he had, brisked right by all of these people that were behaving dutifully, having been told to wait in a specific place. A uniformed police officer reached over and opened the door and allowed Bill Burns to go in the room. He was the only reporter that was able to have access and to get the story.

He was respected because he cared about not only delivering the news, but he cared so much about the community and the accuracy of the news that he reported. If only just a small part of that honesty and integrity that Bill Burns represented to television journalism were to exist throughout that medium today, it would be a much finer medium.

Those of us who were young reporters, who had to labor under a tough taskmaster, know that when you had to go out in the Pittsburgh market, and particularly working at KDKA with Bill Burns, and you had to cover a news story, if you could answer the questions that Bill had for you when you got back from the story, there was no problem facing the television audience that night. He was fantastic at debriefing a reporter, making sure that before you came on his newscast, that you knew what it was you were talking about, that you had done the A's, the B's and the C's of good news gathering.

And, in fact, right up to his retirement in 1989, he worked many hours every day, 5, 6, 7 days a week if he was needed, well into his seventies. If the reporters who were on the street every day had a problem gathering a news story, if they did not know who to talk to or where to go, all they had to do was talk to Bill Burns. Bill had contacts.

He was respected very much throughout the entire community by those who worked with him, those who competed against him. In fact, Bill Burns commanded the ratings in the city of Pittsburgh. I do not think that any major television news market will ever be dominated again by one particular person. It was not unlike Bill Burns to be able to achieve numbers of 60, 65 percent of the television viewing audience watching his noon newscast.

One of the greatest moments I know in Bill Burns' life came back on October 18, 1976, the year of our Nation's bicentennial, when he was able to sit shoulder to shoulder with his daughter Patty Burns. They anchored the news together. It was jokingly called the Patty and Daddy Show.

To his daughter Patty Burns, who is a wonderful lady and a great friend, I wish her all of our sympathies. To his son Michael, I wish them all of our sympathies. We will miss Bill Burns. We will miss that arching eyebrow as he gave us the news. That, of course, will never happen again.

To Bill Burns1, wherever he is, I would like to say, good night, good luck, and good news tomorrow.

FEDERAL BUREAUCRATS ON THE RISE

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

Mr. PAUL. Mr. Speaker, earlier this year, another Member severely criticized me on the House floor for declaring on C-SPAN that indeed many Americans justifiably feared their own government. This fear has come from the police state mentality that prompted Ruby Ridge, Waco and many other episodes of an errant Federal Government.

Under the constitution, there was never meant to be a Federal police force. Even an FBI limited only to investigations was not accepted until this century. Yet today, fueled by the Federal Government's misdirected war on drugs, radical environmentalism, and the aggressive behavior of the nanny state, we have witnessed the massive buildup of a virtual army of armed regulators prowling the States where they have no legal authority. The sacrifice of individual responsibility and the concept of local government by the majority of American citizens has permitted the army of bureaucrats to thrive.

We have depended on government for so much for so long that we as people have become less vigilant of our liberties. As long as the government provides largesse for the majority, the special interest lobbyists will succeed in continuing the redistribution of welfare programs that occupies most of Congress's legislative time.

Wealth is limited, yet demands are unlimited. A welfare system inevitably diminishes production and shrinks the economic pie. As this occurs, anger among the competing special interests grows. While Congress and the people concentrate on material welfare and its equal redistribution, the principals of liberty are ignored, and freedom is undermined.

More immediate, the enforcement of the interventionist state requires a growing army of bureaucrats. Since groups demanding special favors from the Federal Government must abuse the rights and property of those who produce wealth and cherish liberty, real resentment is directed at the agents who come to eat out our substance. The natural consequence is for the intruders to arm themselves to protect against angry victims of government intrusion.

Thanks to a recent article by Joseph Farah, director of the Western Journalism Center of Sacramento, CA, appearing in the Houston Chronicle, the surge in the number of armed Federal bureaucrats has been brought to our attention. Farah points out that in 1996 alone, at least 2,439 new Federal cops were authorized to carry firearms. That takes the total up to nearly 60,000. Farah points out that these cops were not only in agencies like the FBI, but include the EPA, U.S. Fish and Wildlife, and the Army Corps of Engineers. Even Bruce Babbitt, according to Farah, wants to arm the Bureau of Land Management. Farah logically asks, ''When will the NEA have its armed art cops?'' This is a dangerous trend.

It is ironic that the proliferation of guns in the hands of the bureaucrats is pushed by the antigun fanatics who hate the second amendment and would disarm every law-abiding American citizen. Yes, we need gun control. We need to disarm our bureaucrats, then abolish the agencies. If government bureaucrats like guns that much, let them seek work with the NRA.

Force and intimidation are the tools of tyrants. Intimidation with government guns, the threat of imprisonment, and the fear of harassment by government agents puts fear into the hearts of millions of Americans. Four

days after Paula Jones refused a settlement in her celebrated suit, she received notice that she and her husband would be audited for 1995 taxes. Since 1994 is the current audit year for the IRS, the administration's denial that the audit is related to the suit is suspect, to say the least.

Even if it is coincidental, do not try to convince the American people. Most Americans, justifiably cynical and untrusting toward the Federal Government, know the evidence exists that since the 1970's both Republican and Democratic administrations have not hesitated to intimidate their political enemies with IRS audits and regulatory harassment.

Even though the average IRS agent does not carry a gun, the threat of incarceration and seizure of property is backed up by many guns. All government power is ultimately gun power and serves the interests of those who despise or do not comprehend the principles of liberty. The gun in the hands of law-abiding citizens serves to hold in check arrogant and aggressive government. Guns in the hands of the bureaucrats do the opposite. The founders of this country fully understood this fact.

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

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

THE STRONG NATIONAL ECONOMY

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

Mr. WELDON of Florida. Mr. Speaker, I rise in the Chamber today to talk about a very important issue to all Americans, and that is our economy, and specifically what I would like to address is some of the questions surrounding why is our economy doing so well.

There are lots of economists, people on Wall Street, who are marveling at the low unemployment rates, the low inflation rate, the very, very strong stock market. Indeed many people are saying that this is the best economy since World War II, possibly one of the best economies in our Nation's history. Why is that? What is going on? What are the causes for this?

□ 1630

In particular, I want to address an issue that a lot of people have been bringing up, is it indeed secondary to the consequences of the policies and programs of the Clinton administration?

I have had the opportunity to hear both the Vice President and the President speak on a number of occasions, and, indeed, taking advantage of the situation with this strong economy and taking some credit for the good times that exist right now.

I would like to just, first of all, begin by extending my opinion that I personally believe the single biggest reason why the economy is as strong as it is right now is because of the hard work of the American people.

It has, in my opinion, little to do with the policies that are emanating from Washington DC, but very much everything to do with people all over this country who are willing to get up in the morning, work hard to make a living, and, in particular, those people who are willing to take a risk and invest some of their hard-earned money in a new business, start a new company or, more importantly, many of the entrepreneurs all over this country who deny themselves pay raises and instead reinvest their money back into their business, and, in so doing, they create new jobs and make the country a better place to live.

Getting back to the issue I was talking about earlier regarding what impact have the policies of the Clinton administration so far on all this, as we all know, the economy began to turn around in 1992, even before the election when Bill Clinton was elected.

There were lots of economic indicators that we were coming out of the recession of the early nineties and that the economy was going to be turning around.

After being elected, the administration put forward its economic stimulus package to help jump start, quote-unquote, the economy, even though it was beginning to take off, and that was defeated in this House. That was one of the centerpiece issues of the economic package.

The other centerpiece piece was their health care plan, and their health care plan additionally was defeated. Their rationale for their health care plan helping the economy, of course, was by lowering health care costs, our businesses would become more competitive.

One of the most compelling reasons why this economy is going so well is revealed in this chart next to me on the left. What is shown here is interest rates, long-term interest rates, and this very much impacts the ability of businesses to borrow money, their competitiveness, their ability to be profitable and reinvest money back into creating new jobs.

After Bill Clinton was elected, interest rates went up and up and up, and that is because budgets were being presented and passed by this House that increased spending, deficits as far as the eye can see.

This line right here demonstrates the November election of 1994. You can see on this chart that interest rates dropped dramatically, almost 2 points, following the election of 1994, when, for the first time in 40 years, you had a Republican Congress that was going to hold the line on spending, you were going to get the budget balanced. And when the Government is not out there borrowing $200 billion every year, the cost of borrowing money goes down, and that not only helps businesses to do better, it helps moms and dads to make ends meet better because they can get a home mortgage for less money, they can buy a car for less money.

Now, interest rates went back up over here, and that was after the government shutdown. Now they have leveled off since then. In my opinion, yes, if you wanted to say who is responsible for this strong economy, it is the hard working American people.

But if anything coming out of this city has played a role in these economic good times that we are in right now, it has been Washington holding the line on spending, getting the budget balanced, and that was a consequence of the Republican Congress coming in and holding the line on spending.

There another dividend of the Government spending less. Interest rates go down, yes, and that makes it easier for businesses to be successful and for families to be able to refinance a home mortgage. But when the Government is not spending so much money, it helps keep the inflation rate low. That is why we have this good situation, a situation that has not existed since the 1950's, the last time there was a Republican Congress, where you have low interest rates, a strong economy, low unemployment rates, and, importantly, low inflation rates, because inflation robs people of their hard-earned money.

So, Mr. Speaker, I have to say that though I believe that this economy is so strong, that there is a lot to be proud of, an economy is a fragile thing, and we need to continue to hold the line on spending, we need to continue to work toward balancing the budget.

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

[Mr. SMITH of Michigan addresed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

[Ms. MILLENDER-McDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CLEAN MONEY, CLEAN ELECTIONS BILL

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

Mr. TIERNEY. Mr. Speaker, I rise this afternoon just to speak briefly on the issue of campaign finance reform.

As the Speaker knows, we have had very little opportunity for deliberation and debate of this issue in the current Congress, over the objections of a fair number of people who really believe strongly that the American people deserve and in fact are requesting that Congress deal with this matter.

One of the bills that has been presented of the many bills that are before this Congress that could be debated and deliberated and voted upon this session, if the Republican leadership so desired, is the clean money, clean elections bill which I was proud to sponsor, H.R. 2199.

I would like to take a little bit of this time to explain some of the concepts in this bill so people will understand just what one of the proposals is that could be dealt with in this particular session.

The clean money, clean elections bill would have a privately funded candidate, if so desired, and a publicly funded candidate. That would be the option.

If you are a clean money candidate, or the publicly funded candidate, then the campaign would start six months before your primary date. That is when the effort would begin.

Anything before then would only be an opportunity to collect seed money, so-to-speak, just $35,000 or less in contributions of $100 or less to fund the operation of an office and a campaign staff to help you get your grassroots organization to get together. There would be no money involved in that small seed amount for TV or radio or other advertising.

From that period of six months prior to the primary date onward up until the thirtieth day before the election, one month before the election, candidates would seek to qualify these public funded candidates by collecting a set number of $5 contributions from individual residents of the state.

Once that amount was received and you were qualified for the primary, if in fact you won the primary, you would be qualified for the final. The total amount you could receive as a clean money candidate for the primary and the general election would be 80 percent of the national average of campaign expenditures by all winning House candidates for the previous three election cycles. That amount would be limited and set. In addition, if you opted to be a publicly funded candidate, you would receive TV and radio time free, and that would be compensation to the broadcast companies for the spectrum that they already receive from the American public.

This should be a strong incentive for people to forego the private money chase, to become a member of this system of clean money financing.

Soft money would be prohibited. And, yes, if you elect to have private funding, you can certainly go about and raise as much as you want, but there are strong disincentives for you not to do that.

Issues campaigns run for a private money candidate against a clean money candidate would count toward the private money candidate's sum. If they surpassed the limits allowed in the campaign, the clean money candidate would get offsetting moneys, so that this would always be an evenly balanced campaign.

The five objectives that are basically addressed in this particular bill, Mr. Speaker, are as follows: It would eliminate any perceived and real conflicts of interest caused by the direct financing of campaigns by private interests; it would limit campaign spending by requiring that candidates who choose to participate in the clean money system spend no more money than the fixed amount of funding that they receive; it allows qualified individuals to run for office, regardless of their economic status or their access to large contributors; it frees candidates and elected officials from the burden of the continuous money chase; last, it would shorten the effective length of campaigns by defining the point at which candidates receive clean money financing to pay for campaign expenditures.

Mr. Speaker, this bill creates a voluntary system. Candidates may choose to rely upon private financing, though the system provides strong incentives not to do that. For candidates, it also gets rid of the system of disfavored soft money.

It creates a level playing field. There would be no unilateral disarming of any party. In effect, Mr. Speaker, I find that is generally the complaint of one side of this House or another, that many of the campaign finance bills would disarm unilaterally one faction against the other. That is not the case with this bill. It sets an even, level playing field, so the candidate with the message, with the ability to organize, get their message out, put together a strong grassroots campaign, would be the candidate that would get the voters' attention.

It is, I think, Mr. Speaker, a fact that best organized candidates would prevail, and voters would in fact prevail. They would own back their own electoral process and they would once again have faith and the system would have credibility.

Mr. Speaker, I put that out there as one of the options that are available for people as they wonder why it is that this House under the Republican leadership has not dealt with the issue of campaign finance reform.

I say there are a number of other credible bills up for consideration that deserve a chance to be debated, deserve the deliberation of this great body, and deserve to come to a vote in a meaningful way.

I would urge the Republican leadership to put this matter on the floor of the House before we go home for recess this fall, and I hope that other Members who have presented their bills will take the opportunity to address to the public the substance of their bills so that we can in some fashion have a debate that I think is much deserved and long overdue.

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

[Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERSIAN GULF WAR SYNDROME STILL A MYSTERY AFTER 6 YEARS

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

Mr. SANDERS. Mr. Speaker, I want to address one of the most important issues facing American veterans and one of the great medical dilemmas facing our entire country, and that is that over 70,000 veterans of the Persian Gulf war, including hundreds in my own State of Vermont, continue to suffer from gulf war illness, and 6 years, 6 years after the completion of that war, there is still no understanding of the cause of that illness and no effective treatment for it.

Mr. Speaker, as you know, the gentleman from Connecticut [Mr. SHAYS], who is the chairman of the Subcommittee on Human Resources, has held 10 hearings on gulf war illness since March, 1996. As a member of that committee, I cannot begin to express the frustration that many of us feel regarding the ineptitude of the Department of Defense and the Veterans Administration in responding adequately and effectively to the needs of those veterans who continue to hurt.

Pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of gulf war illness or an effective treatment protocol. In fact, their record has been so inadequate that several weeks ago the Presidential Advisory Committee on Persian Gulf War Veterans Illnesses indicated that it will be recommending to the President that an independent agency outside of the Pentagon take responsibility for investigating the health effects of low level chemical and biological weapons exposure.

According to Arthur L. Kaplan, a bioethics professor at the University of

Pennsylvania, and a member of that panel, ''The Pentagon is not credible to continue inquiries that veterans and the public do not find persuasive.''

The New York Times writes in discussing that issue:

A special White House panel said today that the Pentagon had lost so much credibility in its investigation of the release of Iraqi chemical weapons in the 1991 Persian Gulf War that oversight of the investigation must be taken away from the Defense Department permanently.

Mr. Speaker, I am happy to inform my colleagues that there is language in the committee report of Labor-HHS, which passed the House today, language which I introduced, which funds an independent, scientific research program, into how chemical exposures in the Persian Gulf relate to the illnesses suffered by 70,000 of our veterans.

□ 1645

This research program is to be implemented through the Secretary of Health, with the National Institute of Environmental Health Science as the lead agency. The committee has agreed to appropriate $1.1 million for next year and $7 million over a 5-year period.

What is important here, and it is very important, is that for the first time a governmental agency outside of the Department of Defense and the Department of Veterans Affairs is going to take a hard look at the role that chemicals may have played in causing gulf war illness. This is a major breakthrough, and we have to continue in that effort.

This report language is strongly supported by the American Legion, the Veterans of Foreign Wars, and the National Gulf War Resource Center. Veterans and Americans all over this country are, to say the least, less than impressed about the role that DOD and VA have played in this entire process from the very end of the war until today.

Mr. Speaker, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium, and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines.

Further, and perhaps most importantly, as a result of a waiver from the FDA, hundreds of thousands of our troops were given pyridostigmine bromide, which was being used as an antinerve gas agent, had never been used in this capacity before. Under an agreement between the DOD and the FDA in regards to this waiver, the DOD was required to collect data on any use of pyridostigmine bromide. However, they failed to do that.

Mr. Speaker, we are beginning to make some progress by going outside of the DOD and the VA. It is a breakthrough. We have to continue in that direction in order to address this enormously serious problem.

For 5 years, the Pentagon denied that our soldiers had been exposed to any chemical warfare agents. Finally, after being forced to admit that there were exposures, they suggested that the exposures were ''limited''. The DOD's first estimates were 400 troops exposed, then 20,000 troops. In July of this year, the DOD and DIA gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of ''the Pit'' in Khamisyah, an Iraqi munitions facility. Mr. Chairman, I would not be surprised if this estimate is revised upward in the not too distant future, as more information is gathered regarding other incidents of chemical warfare exposure.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effect of chemical exposures, plus the investigational vaccine pyridostigmine bromide, may well be a major cause of the health problems affecting our soldiers:

Dr. Robert W. Haley of the University of Texas Southwestern Medical Center concludes that the gulf war syndromes are caused by low level chemical nerve agents combined with other chemicals, including pyridostigmine bromide. Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, in studies using hens, found that a combination of two pesticides used in the gulf war, in combination with pyridostigmine bromide causes neurological deficits in test animals, similar to those reported by some gulf war veterans Doctors Garth and Nancy Nicolson have completed research which concludes that gulf war veterans' illnesses may be due to combinations of chemical exposures in the Persian Gulf. Dr. Claudia Miller reports that there are similarities between the gulf war veterans' symptoms and those of some civilians exposed to organophosphate pesticides, carbamate pesticides, or low levels of volatile organic chemical mixtures. Dr. William Rea concludes that neurotoxic environmental exposures and other personal exposures prior to and during deployment in the gulf may have resulted in chronically deregulated immune and nonimmune detoxification systems, resulting in multi-symptom illness. In addition, a number of these scientists and physicians have devised treatment protocols for gulf war illnesses and some are reporting success in their treatments. These are the types of research programs and treatment protocols which our Government should be aggressively pursuing for the sake of our veterans, and what I hope will be accelerated as a result of this language.

The National Institute of Environmental Health is eager and ready to begin research and to provide its results to Congress in an expedient manner. This research program will address three areas of which are necessary to better understand the nature of the problem. These are: First, capitalizing on the existing body of knowledge of a similar disorder called multiple chemical sensitivity, second, defining individual genetic differences in the ability to metabolize environmental agents commonly encountered during Desert Storm, and third, developing a better understanding of how multiple exposures interact to exert their toxicity on an organism. Moreover, the research program is to include an investigation of treatment protocols which are being developed in the public and private sectors for illnesses resulting from chemical and other environmental exposures.

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

[Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SECRETARY OF THE ARMY'S SENIOR REVIEW PANEL ON SEXUAL HARASSMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, a number of women members of the women's caucus may be coming to the floor this afternoon to make speeches concerning the report of the Secretary of the Army's Senior Review Panel on Sexual Harassment.

The reason women Members of the House would speak to this subject relates to the fact that sexual harassment in the Armed Forces was the first issue of the 105th Congress to come to the attention of the women's caucus. We did not choose it; it chose us. We came back to find a full-blown scandal. This time it was not Tailhook and the Navy, it was Aberdeen and the Army, and it looked like a far more serious scandal than the Tailhook scandal.

We had a meeting with the Secretary of the Army. We have followed this issue, met with officials. Some of our Members have given very special attention to it. We have sought remedies, we have monitored this issue, and now a report comes through.

Mr. Speaker, what is important to note about this report is the absence of equivocation. The findings of the report are nothing short of refreshing, and the Secretary of the Army, Mr. Togo West, deserves our compliments for sending forth a panel to do a job, frank and full, so that the Armed Forces of the United States would not be disgraced by continuing allegations of sexual harassment.

Examples of findings that are bold and unequivocal are, and I am quoting: ''The Army lacks institutional commitment to the EO Program. Examples: Sexual harassment exists throughout the Army, crossing gender, rank and racial lines.'' Pretty stark, pretty frank, and the kind of straight talk that will pierce the ranks up and down. That is what we need if we want to get rid of this stuff.

The panel said, ''We are firmly convinced that leadership is the fundamental issue.'' That is indeed refreshing. At Aberdeen we saw that there were drill sergeants and others of lower rank who were prosecuted and sanctioned. Only now are we seeing that at Aberdeen some of the upper ranks have also been sanctioned. Unless that happens,

there is no credibility for sanctions at all in a command structure. If one is at the top, one is in charge and one is accountable for whatever happens throughout the ranks.

Among the conclusion and recommendations is one that says that ''It is necessary to imbed human relations training in the Army training system as a doctrinal imperative.'' That is very strong, because a doctrinal imperative means when it is part and parcel of a mission, and the mission is incomplete unless it is part of that mission.

I was struck by a recommendation that the EO Programs had to be engineered to protect those who use it and ensure that those working in it are not stigmatized. That said to me that if one was in the EO part of the program, one was not in the regular Army, or at least one did not have the same respect as those who were. This says that those people must be given credit for what they are doing, take pride in it and do it well. And when it says protect those who use it, it implies that in fact what we know to be true was true, and that is that the EO Program just as well may not have been there when it came to matters of sexual harassment because it did not do its job.

According to this report, women did not feel that they could come and report the sexual harassment at all. That is a comment on a justice system that no one ever wants to hear. The report says that a command climate assessment down to company size units, at least annually, should take place. If that had taken place, if there had been annual assessments at the company level, then it seems to me sexual harassment, which included criminal conduct, could have been found out. Unless one is willing to go down to that level, of course one is not going to find out about sexual misconduct. People do not come out, salute, and then engage in sexual harassment.

We do not think that there needs to be a witch-hunt, but one can uncover these matters if we do our job, and I congratulate the Army on this report. We will be looking to see if they carry out the report with the strength that its language implies.

SEXUAL HARASSMENT IN THE MILITARY

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

Mrs. MORELLA. Mr. Speaker, I want to thank my Women's Caucus colleagues for calling this afternoon's series of special orders dealing with sexual harassment and discrimination in the U.S. Armed Forces.

The seriousness of this problem first came to light with reports of sexual harassment and violence at the Aberdeen Proving Ground in my own State of Maryland. Not only were these reports confirmed, but, regrettably, further investigation has revealed that they were only the tip of the iceberg.

In contrast to prior such scandals within the military, the Army, and Secretary Togo West, deserve credit for their quick and serious response to these reports. The Army's Senior Review Panel on Sexual Harassment and the Inspector General's Special Inspection of Initial Entry Training concluded that sexual harassment is widespread, ''crossing gender, rank, and racial lines,'' and that job discrimination is even more pervasive. Additionally, they found that ''respect as an Army core value is not well institutionalized in the [initial Entry Training] process.''

Clearly, when 47 percent of military women experience unwanted sexual attention, when 15 percent experience sexual coercion, when 7 percent are victims of sexual assault, and the victims are not only afraid to report acts of misconduct against them, but also feel that their charges will go unheeded, the unit cohesion and personal respect necessary for peak military performance, and the defense of the Nation, are jeopardized.

As these two reports also make clear, these issues are complex, and cannot be resolved overnight. Nonetheless, we do expect the Army to undertake every possible effort to remedy these problems as quickly as possible, and to work to maintain a high standard of personal conduct for all of its soldiers and officers.

Mr. Speaker, I again want to thank my Caucus colleagues for calling this special order, and I also want to thank Congresswomen FOWLER and HARMAN, our Caucus members serving on the National Security Committee, for the work which they have done on this issue. I look forward to continuing to work with them, as well as the Chairman of the Military Personnel Subcommittee, Mr. BUYER, on gender issues in the military. I look forward to the hearings which the subcommittee will hold on this issue in October, to learn more specifically what actions the Army will take to correct its personnel problems, and what we in Congress can do to assist in their implementation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

[Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

KEEPING COSTS DOWN: COMPETITION AMONG VENDORS FOR PROCUREMENT OF POSTAL UNIFORMS

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

Mr. STRICKLAND. Mr. Speaker, I come to the floor this afternoon to talk about an issue that is of great concern not only to myself but to other Members of this body.

Under our current system, the United States Postal Service allows employees of the service to choose where to purchase their uniforms. Consequently, literally hundreds of small manufacturing companies and vendors from throughout this country are now supplying these needed uniforms on a choice basis to those who work for the Postal Service.

My concern and the concern of many of my colleagues is that the Postal Service is contemplating a change of policy, and rather than working with these large number of vendors and manufacturers, they are contemplating the selection of a single large vendor that would take over the responsibility for the procurement of postal uniforms.

Now, why does this concern me? The Postal Service contends that such a change in policy would save them money. My concern is that it would cost American jobs. I believe that the Postal Service should be required to purchase uniforms that are American-made, and that they should only purchase uniforms from companies which uphold and maintain certain high standards for the way they treat their workers and the fact that they are good corporate citizens.

In my district, in the small town of Nelsonville, OH, we have Rocky Shoes, Rocky Shoes and Boots, and a significant percentage of Rocky Shoes and Boots' business goes to provide shoes for those who work for the Postal Service. It is a good deal for Rocky Boots, and I believe it is a good deal for the men and women who work for our Postal Service.

So it troubles me that an institution, an agency such as the postal system which currently is very profitable and is realizing significant yearly profits, would in the name of cost savings take action which could cost my constituents and the constituents of many other Members of this body their livelihoods and their jobs.

Now, nearly 70 Members of this body have signed letters to the postal system and the Postmaster General expressing our concern about this proposed policy. I am happy with the fact that the postal system has at least temporarily put a moratorium on this proposed policy change. I remain concerned, however, that in the name of cost savings and efficiency, an action could be taken and is currently under consideration that would be very, very damaging to working men and women and working families in this country.

I believe that the best way to realize cost savings is to maintain a system where there is fair competition, where small manufacturers and vendors must compete for the business, rather than placing this responsibility in the hands of a single large vendor. Over 100 manufacturers and over 800 vendors are at risk.

So I come to the floor this evening to express in this venue my concern for this proposal and to ask Members of this body to join me as we request a

face-to-face meeting with the Postmaster General of this country, so that as elected representatives of the people we can sit down and express directly to the Postmaster General what our concerns are, and to seek from the Postmaster General guarantees and assurances that the people that we represent, the small American companies and these American workers, will not have to pay this heavy price in terms of job loss. So I close my remarks by saying that it is my intention within the next few days to approach other Members of this body and to ask them to join me in this effort as we carry on these discussions with the Postal Service.

U.S. POSITION IN BOSNIA

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

Mr. POSHARD. Mr. Speaker, a couple of years ago I was asked to go to Bosnia with 14 other Members of the United States Congress here to ascertain for our colleagues here what America's position should be in that war-torn country. I was honored to go there.

The first day we flew over to Serbia and met with President Milosevic and his people, and the second day we went to Croatia and met with President Tudgman and his folks. The third day we flew into Sarajevo, and not since I had been an 18-year-old kid walking around the hills of Korea with the First Division had I witnessed such devastation in a country.

□ 1700

We landed at the airport, and guards picked us up at the edge of the airport property. They began to take us through town. People lived in burned-out buildings and shells and bunkers and basements, anywhere they could live. Eighty-six percent of the water supply was gone in the city. Very little food was getting in except through the United Nations.

But I noticed as our bus was traveling under heavy security throughout state of Sarajevo, people began running up from the bunkers and clapping, because they understood that there were 15 United States Congressmen visiting their country who were going to have something to say about their future.

We eventually prevailed upon security to let us stop in a little square where just a few months before a mortar round from the surrounding mountainside had killed 57 people. The security said, no one will come out and talk to you. They are too afraid. But by the time we got off the bus, every street filtering into that little square was filled with hundreds of people rushing to the square to surround our bus.

This one elderly gentleman, in the press of that crowd, grabbed me by the arm and said something to me that made such an indelible imprint upon my mind I have never forgotten it to this day. He said to me, after telling me that he had lost every member of his family, his wife was gone, his brothers and sisters, his children, he was alone in the world, he said to me, with tears streaming down his eyes, Congressman, do you not understand that we only trust America? We only trust America.

In the press of the crowd, I did not think too much about his words. We got back on the bus and went to our appointed rounds, and as we were flying up to Germany to see the troops, I began to think about the words of that old man. Some things in this business you know innately in the gut.

He was not saying to me, Congressman, we only trust America's military prowess, or America's economic strength. What he was saying to me was, Congressman, we only trust the experience of America.

We live here in a multiracial, multiethnic, multireligious society, and because we have chosen not to tolerate each other's differences, we have killed or maimed 200,000 of our people beyond repair.

But we know America, and we know the message of America to all of the world, because you are like us. You came from every corner of the world, with different values, different cultures, different ethnicity, different religions. But for some reason or another, not perfectly so, you have made it work better than anybody else in the world, because you tolerate the differences among you. We trust you.

Two weeks to the day after I left that old man in the streets of Sarajevo, I stood before a college class of 25 21-year-old students in this country, who, one by one, rose and looked me square in the eye and said to me in no uncertain terms, Congressman, we do not trust any of you people. You are all in it for the special interests.

Mr. Speaker, to restore the trust in this country between the Representative and the represented, we must enact campaign finance reform to restore confidence from our own children and our government here.

TIME FOR CAMPAIGN FINANCE REFORM TO BE BROUGHT TO THE FLOOR OF THE HOUSE

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

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. POSHARD] for an incredibly moving statement, and thank him for his support of campaign finance reform.

Mr. Speaker, people watching the House of Representatives today should be clear about what has happened here. As we speak right now, leaders of the Republican Party and members of the Republican Party are flying to New York City in private jets to attend a fund-raising dinner. It is not even 5 o'clock, and yet we have stopped doing the legislative business for this day. The fact is that raising money is more important to the Republican Party than finishing the work that we have before us.

We are not finishing a number of important bills to make sure that government does not close at the end of this month, as we recall it closed twice in 1995 and 1996. The fact is that we have one very important piece of legislation that is not yet resolved, but which we have been repeatedly told there is just not enough time to consider. I am talking about campaign finance reform.

Mr. Speaker, my colleagues and I have been demanding for this entire year that Speaker GINGRICH schedule time on the House floor for a measure that would reform our corrupt campaign finance laws and ban soft money. The term ''soft money'' refers to large contributions to political parties that are not supposed to help elect candidates, but really do.

Some soft money has some very real impact. It comes in a variety of sizes, $25,000, $50,000, $250,000, and most recently even $1 million from a single individual or organization. We want to ban soft money because we believe it has distorted our democracy. We believe that public policy has become for sale to the highest bidder, and we believe that is wrong.

But the Speaker of the House, the gentleman from Georgia [Mr. NEWT GINGRICH] thinks it is more important to go to New York for a fund-raiser than to stay in Congress and work on legislation that will make our election laws more secure and protected from the influence of special interest money. Apparently there is time to go to New York to raise money for the Republican Party, but there is no time to stay here and work to perfect our democracy, and work to reduce the influence of special interest money, and ban soft money.

Mr. Speaker, I am troubled by this decision. I am deeply troubled by it, and I can imagine many Americans are troubled as well. The Speaker once said, we should clean this system up. In fact, over 2 years ago, many Members will remember, he shook hands with President Clinton in New Hampshire over a pledge to reform campaign finance laws, a pledge to the American people.

Do Members know what reforms have been implemented in that time? None. The Speaker has done nothing in 28 months to clean up our campaign finance laws, but he has continued to raise record amounts of money, and continues to believe that what American democracy needs is more money in politics, not less.

The fact is, money has simply overwhelmed our democracy. Too many decisions today in Congress are made based upon whether or not contributions were received with regard to a particular issue. It is not just whether

issues are brought to the floor for a vote, it is also the issues that are not brought to the floor for a vote.

Health care reform, labor protections, minimum wage increases, these issues are hard to raise in Congress, in part because of the narrow interests that have fed the political machine with cold, hard cash. Money in politics affects everything lawmakers do in Washington, even our health and our safety.

For example, the meat institute and the grocery manufacturers reportedly spent over $300,000 in the 1996 elections, and today they are actively lobbying against new proposed meat inspection standards in the wake of the E. coli concerns that all Americans share.

Then there is the infamous $50 billion tax break for the tobacco industry in the recent balanced budget and tax agreement approved by Speaker GINGRICH and TRENT LOTT, $50 billion of taxpayers' money given away in the middle of the night. Do Members think it is a coincidence that the tobacco companies are among the largest contributors to political parties and Members of Congress? I do not.

Despite the overwhelming evidence that this system needs to be changed, the leadership in Congress refuses to allow us to have a vote on a bill to reform our campaign finance reform laws. If we are serious about reform, there is still time to ban soft money in the upcoming 1998 elections. That is what I believe we should do, but we cannot get a vote on the House floor to do that. Again, we cannot do it because they say there is no time. Clearly there is time, because as we see, most Republicans have left this Chamber today early to go to New York for a fundraiser.

Mr. Speaker, I will continue and my colleagues will continue to call on Speaker GINGRICH to schedule a vote this month on a ban on soft money, and to restore the will of the people to the House of the people. Mr. Speaker, we are entitled to this vote, and the American people are entitled to this vote.

SEXUAL HARASSMENT IN THE ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I would like to say thank you to my colleagues, the gentlewoman from the District of Columbia [Ms. ELEANOR HOLMES NORTON] and the gentlewoman from Connecticut, [Mrs. NANCY JOHNSON], for the opportunity to join with them this evening from the Women's Caucus to discuss an important issue, which is sexual harassment in the Army's ranks; more importantly, what the Army is doing about this sexual harassment.

The Army released its report on the extent of sexual harassment in its ranks last Thursday. I commend the Army for conducting and for making public this extensive review of the circumstances that have led to sexual misconduct at Aberdeen Proving Ground and at other Army installations throughout the Nation. This review hammers home the need for fairness, fairness in our armed services.

According to the findings of the review, 78 percent of women in the Army have experienced crude or offensive behavior, 47 percent have received unwanted sexual attention, and 15 percent have experienced actual sexual coercion. This is a mind-boggling number of women, women who have chosen to serve their Nation in the Army, who are being sexually harrassed or even assaulted.

This kind of treatment is intolerable anywhere in society, and it is particularly disturbing to find it so prevalent in our Armed Forces, from people whose mission it is to stand up for justice, not to promote inequality or discrimination.

It is important to note that while the spotlight of harassment has focused on women, and certainly that is a tremendous problem, the review also shows that men have also been subject to unevenhanded treatment. Seventy-six percent of men questioned said they had experienced crude or offensive behavior, 30 percent have received unwanted sexual attention, and 8 percent have been subject to coercion.

The Army's review states that the U.S. Army lacks commitment, it lacks commitment to its equal opportunity program. Soldiers sometimes do not even receive sexual harassment training until they are 3 or 4 months into their service. Even more disturbing, once soldiers receive the training, there is no strong enforcement of the rules.

Harassment complaints are, and I quote from the Inspector General's report, ''generally not processed in accordance with . . . timeliness standards. Required complaint feedback is frequently not provided. Required investigation extensions are generally not done for cases exceeding regulatory timeliness. Required follow-up is generally not conducted to ensure corrective action is taken following investigation.''

Most importantly, the Army lacks commitment among its young drill sergeants to teach respect as a core army value. Drill sergeants exercise total power over their charges. They have a tremendous responsibility to exercise that power wisely and fairly, and the Army has a responsibility to see that they do so.

In the past the Army has served as a shining example to the rest of the country by leading the way in desegregation. I hope that the Army will live up to its tradition of fairness by instituting policy changes that will ensure that every member of the service is treated with fairness and with dignity.

While sensitivity training is important, it needs to go further. We need to know if the findings of this report reflect a trend throughout all branches of the military. We need to institute policies to ensure that the strong regulations and procedures which are already in place will be put into practice. Women must know that their complaints will be acted on so they will not need to be afraid to report misconduct. We need to ensure that all of our soldiers are treated with fairness and with equality.

Women serve our country with great distinction and honor throughout the ranks of all of the branches of our armed services. They play an essential role in our Armed Forces. They should be able to do so without discrimination or fear of violence of any kind.

EDUCATION SHOULD BE AMERICA'S NUMBER ONE PRIORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized for 60 minutes as the designee of the minority leader.

Mr. MCGOVERN. Mr. Speaker, as a Democrat who believes strongly that education should be this Nation's and this Congress' number one priority, I have found the past week's debate most disturbing and frustrating.

What could be more important to our children's future than providing them with a world-class education? Nothing. So why does the majority party continue to cut and cut and cut the education budget? Why do they continue to block old and positive initiatives aimed at improving the quality of education for all our kids?

□ 1715

In the Third Congressional District of Massachusetts, the district that I represent, we have children going to classes in buildings in desperate need of repair. There are school buildings in my district that were built when Ulysses S. Grant was President of the United States.

Now, Democrats applauded President Clinton earlier this year when he proposed $5 billion for school construction that would help local communities leverage up to $20 billion for school construction and repairs. One-third of American schools need extensive repair, and I bet they are not all in Democratic districts. But what happened to that proposal? Why did that proposal not become law? Well, the Republican majority killed it in the budget deal.

So let us talk about priorities for a moment. What are the priorities of the Republican majority in this Congress? Well, the Republicans said that $5 billion for school construction was too much money to spend on education. We just do not have that kind of money, they said; and yet many of us were absolutely outraged to learn that those same Members, in the very dead of night, secretly inserted into the budget

bill a $50 billion tax break for the tobacco industry.

What message can that possibly send to our children; that they are not worth the $5 billion it takes to repair the leaky roofs and the crumbling walls of your schools, but the wealthy and powerful tobacco lobby deserves a tax break of 10 times that amount? How insulting, Mr. Speaker. Tobacco tax breaks rather than investing in education. Talk about getting our national priorities out of whack.

The overcrowding of schools has become a national issue and a local crisis in towns and cities all across America. School enrollment in the United States is breaking all previous records. A new Department of Education report found that more than 52 million children just enrolled in schools this last fall. The fastest growing group is high school students, with high school enrollment expected to grow by 13 percent over the next 10 years. In Massachusetts, that growth is projected to be 23 percent.

So while Republicans are giving tax breaks to executives in corporate palaces, our children are being shoved into overcrowded classrooms with too many students for even our best teachers to provide them with a quality education. For shame, Mr. Speaker. For shame.

During the budget debate it was the Republican majority that tried to punish graduate students who are serving in our Nation's colleges and universities as teaching and research assistants by stripping away their tuition tax waivers. It was the Republicans who sought to punish the clerks, the secretaries, the janitors and the speech professors at community colleges and other academic staff and faculty by taking away tuition waivers for their children.

But Democrats fought back and saved these provisions for students and workers who dedicate their lives to making sure that our children receive a good education. It was the Democrats who fought for the $1,500 HOPE scholarship. It was the Democrats who made the Taxpayer Relief Act one that promotes lifelong learning and helps families across the country find financial relief from the burden of higher education costs.

Mr. Speaker, many of us read in the newspaper about the 200-page guide that a Republican political consultant has been circulating among party members. It contains some suggested language for how Republicans can make themselves seem less unfriendly toward education. Well, let us take a closer look at how the Republican majority really feels about education.

It has been the goal of the Republican majority, ever since they took control of this House, to destroy the Department of Education. In the last session the Democrats said no, that is not what the American people want; people want the President's Cabinet meetings to include an advocate for American education. And Americans from across the land also sent a resounding message of no, eliminating the Department of Education is not the way to improve the quality of American education.

So the Republicans were defeated in their plans to destroy funding for education. And this year they have attempted to dismantle Federal funding programs for a number of important education programs. In fact, we have seen attacks on the very programs that work the best, Safe and Drug Free Schools, School to Work, Educational Technology Challenge Grants, Goals 2000, a program initiated by President George Bush, Bilingual and Immigrant Education, and the Eisenhower Teacher Training Grants.

In school districts across this country these grants and moneys are being used for the most effective and innovative education programs. They supply computers and link classrooms together on the Internet. They support businesses, employers, and school-to-work closely together in promoting education curriculum and job creation. They hold schools accountable to high academic standards, and they help school districts provide professional development for teachers and upgrade their training.

Why do the Republicans want to break apart the very programs that are working best? Now, I understand that there can be legitimate differences of opinion and priorities between Republicans and Democrats, but I cannot understand why anyone would hold hostage the future of America's children and the Nation.

Democrats will fight to improve our country's schools and our children's education. I have decided to make education my No. 1 priority as a Member of Congress, and Democrats, I am proud to say, have fought hard to stem the education cutting frenzy that too many of my Republican colleagues continue to incite.

I call upon my Republican colleagues to abandon their education slashing ways and to join Democrats in our efforts to offer an affordable quality education to every American who wants one.

Mr. Speaker, at this time I wish to yield to my colleague and friend from Massachusetts, JOHN TIERNEY, who is a very eloquent advocate on behalf of education.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding to me. I was struck by the gentleman's remarks on education. I want to commend the gentleman for his work he has done on the floor in the last several weeks along with the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Subcommittee on Labor, Health and Human Services and Education.

When we dealt with the education matters, we did come up against a barrage of measures, all incidently from the Republican side of the House, but not all Republicans participating in that, that seemed to attack the very foundation of the Federal role in the educational system.

I, as does my colleague, go home every weekend, Friday, Saturday, Sunday, and Monday, and when we have in-district weeks, and we take that time to go from school district to school district, visiting the high schools, the junior high schools, and some of the elementary schools; going to the businesses, talking to the people that work in those businesses as well as the people that run those businesses, to find out what their thoughts are on the work force, on their own children, their own communities, and their own schools. I have yet, in the entire 6th District of Massachusetts, heard anyone telling me they are in favor of slashing the Federal role, which is already somewhat minimal in terms of what we provide for resources in education.

I think it is notable that the school-to-work program, which the gentleman just mentioned, which was targeted to be wiped out completely, except for the matter that the Member figured, I think, that he did not have the support and finally withdrew his motion, it was targeted to be wiped out completely, and every business in my district is supportive of that program, every community is supportive of that program. The Chambers of Commerce, the individual businesses, the people that work either unionized or nonunionized that participate as mentors for high school students, helping them acclimate to the adjustment that it will be going from school to work or school to work plus going back to college or junior college. These are important programs that are working that are showing success.

Two weeks ago I spent time with 14 students from the Lynn, Massachusetts High School that had been working with NYNEX, now known as Bell Atlantic, and basically they have been on that school-to-work program and they have been getting mentored by people that work within the company. And the business itself would put management people into work with that program.

The students were so impressed with what they were learning, when it came time at the end of that summer to get a week's vacation, all of them have opted not to take the week off but to stay in the program right up to the time they went back to school and asked the company if they could not work something out to do part-time, because they were learning valuable skills. They were learning valuable behaviors about the workplace and also learning what they had to know further in order to do very well in the workplace; what other schooling behind high schooling they might need, whereas before they were not everyone anything in that direction. So that is important.

Literacy in our district. We have 15,000 people in Massachusetts that are waiting in line to get into an adult literacy program; that want to help their children with mathematics skills and

with reading; that want to be able to encourage their children to go to school and do better. They want to be able to get a job of their own that earns more money for their family and gives them a better quality of life, yet they are waiting in line. Programs like that were targeted to be eliminated, when the ones that we have are working and can be made to work better.

For the first time in our district we got all of the literacy programs, public and private together, introduced them to each other, told them how the system works, how the funding works down, and got them to work cooperatively so that there was not a contest to sort of pull the funds away from each other but to maximize their use, to work with one another so that the programs would dovetail and more people could participate and benefit.

I could go on and on, but I suspect the gentleman has comments he can make of his own.

Mr. MCGOVERN. Well, Mr. Speaker, I think my colleague is absolutely right and he realizes, as I do, and as the President of the United States does, that education is really everything. It is the most important priority we can have in this Congress.

We talk about competing in the global economy, we talk about being the economic superpower of the world, but that is not going to continue if we do not have a well educated work force, if we do not invest in our young kids now. I would suggest that we need to invest starting at age zero, and we need to also focus some attention on the very important issue of early childhood development.

Mr. TIERNEY. If the gentleman would further yield, one of the more insidious aspects of this debate that happened over the last couple of weeks was the intention and the repetition that we do not want National Government to get involved with education. We do not want to nationalize education. We do not want the Federal Government doing education programs.

Nothing could be further from the truth in the programs that have been created over the last 15 years, and the resources for which are provided to States and local communities. And the superintendents and the school committees, the principals and the teachers and the parents all recognize that these resources otherwise would not be available.

These programs came into being because local communities and States either were not purposely doing things that they should have been doing or did not have the resources to work on these programs and to give these opportunities, particularly in areas or communities where money is hard to come by, where the tax rate may already be stretching the limits and the base is not big enough to expand.

The programs were designed for participation. One of the programs that people attacked on the other side of the aisle repeatedly was the whole school concept. We have debated that for several days and eventually we passed it, I am happy to say. We needed only to change the language so that others on the other side of the aisle could perhaps feel more comfortable that their efforts had gone for something. Now I believe it is known as the comprehensive school concept.

But to show how it was really not the idea of nationalizing education that they were attacking, that what they were attacking was education and the Department of Education, the project that they eventually ended up working with us to pass takes the resources and brings them down to the community. There is nothing in that package that says the Federal Government instructs them to take any particular action.

What it says is that we go down to a local community and we have to have that community working together to support the concept of building a mission and a foundation for that school or school district. Parents get together, teachers come back to the table to negotiate what changes have to be made, administrators get into the program, businesses in the community and colleges in the community. And they work together and get the kind of effort that identifies what that school's goals are going to be, what are the standards of achievement that are going to exist for those children to live up to. What are the tools that will work, in terms of curriculum and materials to provide those children. How many hours a day will they go and how many days a week in a year will they attend school.

This was a program that was put together, and there are 1200 programs across the country and it has worked.

Mr. MCGOVERN. My colleague raised an important point. Some of our friends on the other side of the aisle accuse us of trying to take the decision-making aspects with regard to education out of the hands of local communities. That is not the truth. What we are advocating here is the Federal Government to support some of the great efforts that are going on in our cities and towns all throughout this country. They need help.

When we go to a town that has a crumbling school, the cost of rebuilding that schooling is phenomenal. It can break the budget of a town. We need to provide the Federal resources to help those towns build the very best schools that are available.

The programs that the gentleman has outlined here today all deserve the support of the Federal Government. Nobody is advocating taking the decisionmaking role away from the local communities. I think that is an important point. But what we are advocating here in Washington, and I think it is appropriate, and I commend the President for doing this, is we are advocating higher standards. We are urging people to aim high and nothing could be more important.

Mr. TIERNEY. If I can interject for a second, all of the business community in my area is very, very focused on having the product of our public school system and our private school systems get up to a level where they can hire these people and put them to work and do the fine-tune finish training for their particular product or service.

But all of them expect that the school system, through the elementary and secondary level, is going to prepare these people either for a community college or college and/or work, so that they can come in and contribute and make us a productive society and make those businesses be able to perform.

In my area of Massachusetts, which the gentleman also represents a part of, we are going to need millions of jobs in the next decade. Somebody has to fill them. All these jobs will require a lot more in terms of skill and education than we have known in the past, and businesses understand that. That is why they support the school-to-work program. That is why they generally get involved in each one of these local efforts to try to make sure these schools have higher standards and the students have the bar lifted for them to meet.

One of the more inane exercises around here in the last few days was the Republicans arguing against testing on a national level and saying they do not want it, and then arguing, in fact, they want the States to set the standards, in the same breath fighting against Goals 2000, which in fact provides resources so that States can do just that, establish achievement standards and have their students meet those levels.

□ 1730

So a lot of times we get into the rhetoric of the debate. It is more about politics. It is more about trying to establish who wants bureaucracy in government versus who wants to bring the money to the classroom, and it gets obstructed that way.

One of the debates before the amendment was withdrawn, an amendment that sought to block grant all the programs and throw them down to the State, talked about wanting to take government bureaucracy out. The fact of the matter was that under the block grant up to 15 percent of the money could be spent on State bureaucracy to implement the programs, whereas if they were left alone, virtually every one of the programs required that 90 percent, usually 95 percent of the money get to the student and not be absorbed through bureaucracy or administration.

It also implies the fact that some administration is necessary. There is no program that is going to work by going out and handing a check to a kid in the 5th grade. The fact of the matter is that somebody has to construct a program and make sure that it works and that that child deserves and gets the benefits of it.

So to bring the debate to that level and to try to make it that clear is to

sort of distract the issue when we try to work on that basis. I think we have to get back down to sensible discussions about what works and what does not. And that is fine. We can disagree on that and have the debate on that level.

Mr. MCGOVERN. Reclaiming my time, let me just raise one other aspect with regard to education that I think is important, and I think Democrats can take some pride in having fought for some real accomplishments, and that is making college education more accessible to so many young people in this country.

This tax cut bill that eventually passed this House in the end was a much better bill because Democrats fought for over $35 billion in tax cuts for education that are in that bill. There is not a day that goes by when I am home in Massachusetts, when I do not bump into a family who complains about the high cost of a college education, who wonders how they are going to finance the college education of their daughter or son, and who are looking for help. One way to help them is through the tax cut system, and we have done that, I think, to a certain extent in this tax cut bill. But we need to do much more.

My first bill that I introduced in this Congress was a bill to increase the maximum amount of Pell grants from $2,700 to $5,000, which is where it should be if we kept on adjusting Pell grants for inflation. We need to make the dream of a college education not just a dream. Anybody in this country who wants a college education should be able to get one. People should not be told they cannot get a college education because they do not have the economic resources to do so.

Mr. TIERNEY. If the gentleman would continue to yield, John Kenneth Galbraith, who lives in our State and is well-known by everyone, wrote a book recently called ''The Good Society.'' Is not a difficult book to read. It is not long. He has an excellent small chapter on education.

He talks with an historical perspective about colleges being very private in nature at first because, obviously, wealthy families wanted the best for their children and society thought that education was the important instrument to obtain that. So they moved in that direction and they provided college education for their children. And at some point society woke up and decided this was a good thing for society, to have a large number of people, in fact the more people as possible, who could be trained and educated to increase our productivity and to make it a better place to live, to be better participants in the Government, and simply to raise the quality and standard of life for each individual.

So we created a public higher education system, and most States started with a State college and university system and community college system, and that works basically through a fee system also. But then we started to decide, as the economy got tougher, that we had to find other ways to encourage people and enable them to get their families and children on to college. That is the Pell Grant Program that you started, that you did not start but that you enhanced. But the basic Pell grant was an effort to give the children and families the opportunity to get that entry into college and to go.

As school became more and more expensive and there were not enough public college slots for people, we also tried to help people get into those institutions through scholarships and loans. Now the situation in front of the Subcommittee on Higher Education will be to look and see how, if at all, we can constrain the rising costs that are rising disproportionate to other rising costs, and how we can further enable families to make sure that their children get the opportunity. Because, in essence, we are helping our businesses and we are helping everybody in society.

Mr. MCGOVERN. Reclaiming my time, as the gentleman from Massachusetts [Mr. TIERNEY] knows, it is not just young people who are concerned about the cost of college education, it is people mid-career.

The Department of Labor tells us that the average person who enters the workforce today may have 7 or 8 jobs in his or her lifetime. There may be a point in that person's career where they may need to get additional education. And again, it is in our interest as a Nation to make sure that that education is available and affordable for that person. I mean, that should be a priority of this Congress. That should be a more urgent priority than it is right now.

Mr. TIERNEY. If the gentleman will yield further, I think that we are going to find that education is not an issue that is going to go away with the American public. I think that the polling that my colleague referenced that was done for the Republican party is going to have to move beyond linguistics, going to have to move beyond the idea of semantics as to what language to use. We are going to have to move in the direction of doing something substantive.

Vouchers, where you run away from the public school system, where you try to abandon it and take a few people with you on the way out, it clearly is not going to work on its face. It does not seem to make sense or reason. What we need to do is work within the public school system to improve them so that there is equal opportunity for every family and every child to go on. When we do that at the secondary level and at the elementary level, then we will also be improving the people that go into our college level and we will be able to move forward in that direction.

Mr. MCGOVERN. Reclaiming my time, let me say one thing about the public school education in this country. I spent a lot of time during my visits back home in Massachusetts touring schools. My district almost goes across the entire State, from Princeton to Dartmouth, in Massachusetts. I have visited countless schools, and I have to tell my colleagues that I am very impressed by the quality of teachers that I have encountered, by the curiosity of the students, by the eagerness to constantly challenge those students and to try to basically provide them the very best education.

I think what we need to do here in Washington is to support our teachers back home, to support our school districts, to make sure that they have the funding, to make sure that they are teaching in a classroom that is adequate, that provides the right environment so kids can learn, so there is not this problem of overcrowding, so they have the best textbooks that are available, so they have all the tools that are available, making sure that every classroom in this country is hooked up to the information super highway.

All of those things are vitally important. And we here in Washington can play a vital role in supporting some of those initiatives.

Mr. TIERNEY. If the gentleman will continue to yield, one of the important things we need to do is to focus the debate where it belongs. In order for a voucher program to get support, not only for the abandonment of public schools to get support, I think the polling that we referenced earlier of the other party shows that first they have to denigrate the system so badly that people want to walk away. They have to disparage it. They have to say all schools are bad, all teaching systems are bad, all participants are not performing.

And that simply cannot be done. My colleague knows from the tour of his schools, and I can see that we have with us a former superintendent of schools in his State, that the fact of the matter is a number of public schools are performing and performing well; a number of pilot programs are working and working extraordinarily well; that teachers are trying very hard; that, given the tools, they do perform to an extraordinary degree; that we have teacher involvement programs, the Eisenhower program being one; that we have technology programs available which allow teachers to have the technology in their classrooms and enable them be able to use them effectively in teaching students. So that the whole entire public education system is not broken.

I like to use, instead of the word ''reform,'' the word ''improvement.'' We need to improve those systems that need improvement. We need to build better schools when that is the issue. We need to have smaller classrooms where that is the issue. We need to have better materials, more teacher improvement. We need to have community involvement and parent involvement.

We have all the tools for that in the various programs that we have implemented here as a small part of the Federal budget spent on education. But it is a major impetus for communities to be able to embark on those avenues that will give them hope and equal opportunity for every public school student.

I think that block granting is the first step for the Republican party trying to eliminate education as a Federal part of the agenda, and I think we ought to move away from that.

I thank the gentleman from Massachusetts for allowing me to participate.

Mr. MCGOVERN. I thank the gentleman from Massachusetts [Mr. TIERNEY] for his remarks, and I think he has made very clear that the priority of this Congress should be education, education, education.

I would like to yield to my colleague, the gentleman from New Jersey [Mr. PALLONE], who has spoken many times on this issue.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. MCGOVERN]. I was listening to some of his comments before I came down on the floor. Obviously, both gentlemen from Massachusetts are very concerned about where we were going with the education system and want to do whatever they can to improve public education here in the United States. I know they have got some very good ideas which they articulated about how to go about that.

One of the things that I am very proud of is that our party, the Democratic party, for the last few years and historically, but the last few years particularly, has stressed the need to upgrade education, not only at the higher education level in terms of providing finance assistance, loans, grants, work study programs, which we did as part of the balanced budget agreement, and we insisted that there be more money available for assistance programs to students so that they would have access to college and university education, but also now particularly we feel as Democrats that it is important to try to improve and provide additional resources for public schools, for secondary schools.

We talked in the last few weeks on the floor about the need to upgrade infrastructure because schools are overcrowded, that we need to provide a program to provide funds to local boards of education so that they can fix up crumbling schools, address the concerns of overcrowding, because there are so many schools that need repair.

We also talked about standards. One of the major aspects of the Democrats' program for education is to upgrade standards and provide for national standards and provide for ways to help the local boards of education to improve standards.

One of the things that I think that we stress as Democrats is that this needs to be a partnership with the Federal Government. We all know that primarily States and local communities and local governments are the ones that have the primary responsibility for public schools. But there is no reason why the Federal Government cannot be a partner in that, particularly with regard to resources.

I just want to say, one of the things that has been upsetting me a great deal in this appropriations bill, the Labor, Health, Education bill that we have been dealing with in the past few weeks here in Congress, here in the House, is that the Republicans repeatedly put up amendments which seek to attack and I think ultimately reduce resources that are available for public education.

Today there was an amendment that would basically provide a block grant and eliminate Safe and Drug-Free Schools, School-to-Work, Goals 2000, teacher training programs. And I know that the Republicans who are sponsoring that amendment will say, ''Well, we are going to give the money back to the schools but we are not going to tell them what to do with it, so that is okay, they are still going to get the same amount of money.''

The bottom line is that Federal policy should, in my opinion, be based on what the needs are. We need safe schools. And Goals 2000 has been a very effective program, and the whole School-to-Work program. All these things have been very effective.

I just want to give my colleagues an idea. In New Jersey when we talk about Goals 2000, which the Republicans also tried to eliminate last year, last year, in the 104th Congress, they had a whole series of cuts in elementary and secondary education which included significant cuts in Goals 2000. Goals 2000 is basically a way for the Federal Government to help individual States with their educational programs.

Just to give my colleagues an idea, in New Jersey, with a relatively small amount of money, I do not know if I have the figure here or how important the figure ultimately is in terms of how much New Jersey got, but it was in the millions. It was several million dollars. And basically what they did was to use the money that came from the Federal Government to provide for schools to be safe from violence.

We in New Jersey launched a multifaceted safe school initiative in December of 1994. And reported findings, as a result of that program, indicate a reduction in the number of reported incidents of vandalism and violence in New Jersey public schools for the 1995–96 school year. I can give you the specifics about how crime declined. This was as a direct result of Federal funding coming down through Goals 2000.

I will give my colleagues some of the others, but I see my friend, the gentleman from North Carolina [Mr. ETHERIDGE] would like to comment, and I would certainly yield to him at this time with your permission.

Mr. ETHERIDGE. I thank the gentleman from New Jersey [Mr. PALLONE] and the others who have organized this evening.

The point my colleague made earlier I think is so important for us to understand as we are talking about block grants and education. I do not know why it is just block grant education we want to deal with. We are not talking about block granting funds to the Department of Defense. We do not talk about block granting materials to other things.

As my colleague just indicated, it is important to have a priority; and if there is an issue we want to deal with, what we are talking about is reducing the funds. I cannot imagine this body ever, or any other body who has to report to people, turning over the funds without asking for accountability.

The truth is that is a good way to put it out and do away with it. That is really the bottom line. I remember revenue sharing a long time ago when I was a county commissioner. And when revenue sharing came, I said to the folks, ''We do not spend any of this money in programs, because I guarantee you it is going to be cut out because we are getting it without any strings.''

□ 1745

Guess what happened to it? It got cut out. If you block grant it without the people who are in your appropriations process understanding what is happening and having feedback directly from what is happening, it is going to be cut out.

The last thing we need to do at a time when this country is growing and expanding and we are dealing in a global economy, we are asking our young people to change and the whole economy to change for that matter in a way like we have never had, we do not need to be pulling away the needed resources for our schools. Six to 7 percent, depending on the State, where they are, is about all the Federal Government is putting in. By and large those dollars are going to specific programs. Most of it goes to chapter 1 and other programs that are for children who have special needs, and that really helps with reading and with math, some of it in very targeted areas for children who are the poorest among our poor children in this country. That does not go equally to States. It really is divided up among the States who have the greatest population of those students and with the greatest needs.

As the gentleman indicated, funds for safe and drug-free schools, that is based on a student population. But if it is sent down and it does not have some direction, I can assure the gentleman, I have been in the Department, I know what will happen. There will be competition for those dollars, and unless there is a requirement to go to certain areas, they may not get there, because the last time I checked, there were those who will stand up and tell us there are too many dollars in education, that we are spending too much money.

If that is true, if that is true as a premise, then why does almost every school in this country have a PTA, and every night on TV we have parents complaining about children retailing to get funds into schools to buy paper and books and all the other things? It is nothing more than a half truth at best and an outright sham at worse. It is not true. It is absolutely not true. It may be true in some communities, but in the bulk of the communities in my State, it is absolutely not true. Otherwise we would not have parents from PTA's selling all these things and doing things and having kids to sell them.

There are not enough resources. We have allowed our schools, as the gentleman indicated, almost half of them in this country have need of some attention, either plumbing, electrical or overcrowding, for a variety of reasons.

What we care about in our communities are what we pay attention to. If you ride through a community, the last thing that is really held in communities in this country right now, in my opinion, that is still intact is that public school where children go. The families are having problems. There are a lot of problems in a lot of institutions, and the school may be the last thing that is holding the community together. The last thing we need to do as a Nation is to pull the underpinnings out from under the one thing that is helping hold this country together.

I would be the first to say if every family was intact, and we had two-parent households and they were there, man, things would be great. It is great to wish that. It is just not true. It is not true in this country today.

We need to give children a safe haven if we can and an opportunity to learn and participate in this great adventure we call America and we call democracy. Education is the one way that we allow those children, whether they come from a Hispanic household, an African-American household, wherever they may come from, as they come to the shores of this country, or if they have been here for 10 generations, they have an opportunity to share in the American dream. If we take away that opportunity for education, and their parents cannot afford to send them to a private school, we have guaranteed them and the next generation that they will not have the opportunity to participate in it. We should never let that happen as long as this Congress meets in Washington, DC.

Mr. PALLONE. I just wanted to say very briefly, I am not going to go into the rest of these things that outline what New Jersey is doing with its Goals 2000 money. We can go into it more. It is very effective. But I just want to say, the gentleman is so much on point. He talks about the public schools being the basis for the community. I think that is totally true.

What I find is that it is true that my constituents talk to me about the need to improve the public schools. They recognize that there are problems. They recognize that the schools can do better, but they want them to do better. They want us as their elected officials to help in that regard. They do not want us to go for voucher systems which are basically going to drain the resources of the public schools and make it so that more and more people go to private school, whatever those schools happen to be, because the bottom line is that public schools historically have brought people together. They have been the equalizer, so to speak. They have been the vehicle for equal opportunity. We just cannot give up. Our constituents do not want us to give up.

I think those who argue for vouchers and encourage voucher-type programs, they have basically given up on the public schools. They are telling us, oh, if we do the vouchers, that that somehow is going to benefit the public schools, and they are going to get better. Not true. It is the people who have given up on the public schools that want to go to a voucher system. That is not what the majority of our constituents want. They want us to do what we can do to improve the public schools and to provide them with adequate resources.

Mr. ETHERIDGE. I could not agree more. I think the American people do believe in the institution of public schools because most of them came through it. The truth is that will be where they will be in the future. We need to strengthen every institution we have, and we can define any number in America today. Those institutions are changing. Whether it be financial, whether it be legal, whether it be medical, whatever that institution is, it is changing. The public schools are changing. If we are defining the public schools as some do as they ride by and see the same building they have seen, they do not go inside and they do not talk, they do not see what is happening in those classrooms.

I have had occasion to do that, as the gentleman has. You will see they are changing. But it takes time, and it takes resources, and it takes commitment, and as the gentleman indicated earlier, it takes support. It is awful hard to ask an institution to change when all you do is throw rocks because you are too busy ducking. I served in the military. There is one thing you learn to do is keep your head down when you are in a fire storm. When you have got your head down, it is kind of hard to be moving forward.

We need to as an institution, Democrats and Republicans, stop throwing rocks and start giving a helping hand. Stop the rhetoric. Quit being rhetoric makers and become help makers. The teachers would applaud us, the children will appreciate it, and I can assure my colleagues their parents would welcome it. That is what it is about.

That is one reason I ran for this people's House, because I want us to have a positive voice in Washington, talking about there are good things happening. Are there problems? Absolutely, as everyone has said already. There are problems in every institution. But we ought to help correct those problems and not just try to destroy the institution. That is so important to the foundations of our democracy, because if we destroy it, I can assure my colleagues our democracy will shortly follow.

Mr. MCGOVERN. Mr. Speaker, I for one am glad that the gentleman ran and got elected to this Congress because he has been one of the most passionate and eloquent defenders of education. I think this Congress is absolutely in need of more voices like his.

I would also say that he is right on target when he says that we should stop throwing rocks. That means, I think, we should stop blaming everything on the teachers. I have two sisters, Wendy Talcott and Kelly Tuttle, who are teachers in the Worcester Public School System, where I am from. I do not know of two people who work harder, who care more about the well-being of those children than they. They are not unique. In every school that I visit throughout my congressional district and throughout Massachusetts, I encounter teachers who are thoroughly dedicated to those kids. It is inspiring. They need support. Instead, what they are getting too much of is they are being blamed for everything. Not that every teacher is perfect, but the vast majority are good, and we need to give them the support.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I am delighted to once again join this discussion about education. I think we can approach the situation from a couple of points of view. I think everybody has acknowledged that we know and we understand that there are difficulties in the public school system. But we can approach it in two ways.

We can say, OK, we are going to end this, move on to something else; or we can say, OK, this has been a provider of excellence in the past. It has, as my colleague from New Jersey pointed out, been truly the great equalizer in education for youngsters from every walk of life, from every social strata, from every economic strata, and the opportunity for people to succeed according to their God-given talent. It has proven its mettle and its worth in those areas in the past. That is something that we should applaud, and we ought to say, where are the difficulties, and how can we make this a better system, and how can we change what patterns there are here that are helping to bring down the system? That is, I think what we are suggesting that it is fundamentally a good system, and that what we need to be doing is focusing in on how to make it a better place to be.

I find it just strange when we do have so many people on the other side of the aisle who will say that the system is

bad, that it is not producing youngsters who can read or write, that it is a dangerous place, their schools are dangerous places to be, that they are not being run properly, and, therefore, one change that could be made, which was the amendment that was offered today by some of our friends on the other side of the aisle which was to take billions of dollars from the Department of Education and giving it to, in fact, the places that are responsible for a poorly run system.

The Federal Government is only about 6 or 7 percent of the Federal budget that is engaged in the public school system. It is a small amount of money. The Federal Government is not running the education system in the United States. In fact, most of the emphasis is in States with local school boards. Yet there are people here who would like to talk about how bad the institution is on the one hand and yet want to take the billions of dollars from the Federal Government and send it to those who would continue a failing system. It seems wrongheaded, which seems to me to be, as I said, crazy.

Parents today want to make sure that their kids have the best possible education, that there are standards, particularly because parents are not home after school every single day in the way that that used to be the case. They just cannot be. It is economically not feasible.

I used to volunteer my time at the community school in my neighborhood. I had one of the best experiences of my life. I used to teach at that time. I used to go from school to school and teach calligraphy as an afterschool program, a writing program. No one would believe that today, but I was a volunteer in the public school system. I was a substitute schoolteacher in the public school system. I watched community schools, which we took money away from years ago, I watched them open at 7 o'clock in the morning, close at 9 or 10 o'clock at night, and see youngsters and middle school kids and high school kids playing basketball, grandmothers coming in for a program, parents coming in for programs, and this was in an inner city, in the city of New Haven. But we ended that. We did not think that that was such a hot idea.

Now we have got, as I said, mothers and fathers and aunts and uncles in the workplace, and we do not have community schools where kids can go to. Instead of focusing our time and our effort and our resources at making this existing system a better place, we are spending our time denigrating it and trying to put an end to it.

There has been an attempt by some on the other side of the aisle to try to eliminate the Department of Education. I think the American people spoke loud and clear about that, and they said no. I think that we are seeing trying not to go at decimating the Department of Education in one fell swoop, but looking at it piece by piece. As I mentioned the amendment today, which, thank God, was ultimately withdrawn, that amendment would have eliminated Federal initiatives that do work, safe and drug-free schools, school-to-work program, and a whole variety of other programs that are working.

Mr. MCGOVERN. I want to thank the gentlewoman from Connecticut for her remarks. I also want to commend her for her leadership in another area of education which is vitally important, and that is on the issue of early childhood development. She has been a leader, and it is something that this Congress needs to focus more attention on.

□ 1800

EDUCATION IN AMERICA

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey, [Mr. PALLONE] will be recognized for the balance of the minority leader's hour and for the gentleman's information, that is 16 minutes.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank my colleague. I just want to say, I find that we are looking at another tool in the arsenal of some of my Republican colleagues when they are talking about education issues today. I think this is worth pointing out. The kind of new catch phrases and code words to hide some of this effort to try to, if you go back when we were talking about school lunch and we were talking about the whole variety of educational programs, the single biggest cuts in education in the history of the country were initiated in the last session of Congress by the majority. So they were unable, and thank God, really unable to succeed in that effort, mainly because the American public spoke out loud and clear.

But there is kind of a new tool in this arsenal, the catch phrases and code words. I just want to call my colleagues' attention to something that was produced by Frank Luntz, who is a Republican pollster, as part of a series of materials. This one is called Education: A Smarter American.

If I can just mention a couple of things here, it says ''overview.'' This was put together to present to the Republican majority as a communications tool, how to talk about specific issues, not what to do about them but how to talk about the issue.

Education: A Smarter America. Overview. ''We have been able to isolate specific words, sentences and ideas that may help Republicans sell their education legislation and undercut the President.''

I mean, that is the first item of this document. If I can give you some examples, what Luntz is trying to do is teach people, as I said, how to talk about destroying America's public schools in a way that makes it sound as if they are doing the opposite. Again, as I say, a few examples. He recommends that Members, ''talk about children in almost every sentence.'' If you listen closely to the debate on this floor, you can hear it loud and clear. Yet when it comes to putting money where their mouth is, sometimes the majority is leaving America's kids out in the cold.

As I pointed out before, it was the Republican majority, and this is not all, believe me, this is not everyone, because there are reasonable people on the other side of the aisle who in fact do believe that we need to foster a good, solid and strong education system.

They try to eliminate the Department of Education. They insist that the bipartisan budget agreement not include any money for school construction, and they have been pushing a voucher program that my colleague from New Jersey mentioned before that would siphon off needed funds for public schools.

I think one of my colleagues on the other side of the aisle brought up a New York situation with regard to the voucher program and said well, you know there has been a commitment to assist 1,000 youngsters in being able to go to the school of their choice.

I applaud that effort. I do. I think that is a good thing. But that is 1,000 youngsters. We have hundreds of thousands of youngsters. If we begin to pull out money and resources from the public school system to only help a few, we then go back to what we dealt with years and years ago, which is education is the purview of the privileged and of the few, that is not what it is about. It is what public education has stood for, is to be there for everyone to take and get that opportunity that my colleague from North Carolina talked about before.

Mr. PALLONE. Just briefly, just to give you an example, I know for example in my local schools how difficult it is for them just to provide the curriculum that they would like to provide. In other words, if they do not have enough money to hire a teacher at the end of the year, they may not be able to have an advanced placement course or have a program for the disadvantaged or a sports program. You talk about starting to take the money away from vouchers from the public schools, even in a small way, even if it impacts 5 or 10 or 1 percent of their budget, that is going to mean no advanced placement classes, no tutorials for kids having a problem reading. They may have to abolish one of their sports programs, because they are on tight budgets. It is not pie in the sky where they have the opportunity to spend all kinds of money. Everything they do is watched. Most of it is subject to an annual referendum about how much they spend.

Ms. DELAURO. I wanted to make one comment, because I think this voucher program, which is going to be the subject of great debate here, in his documents Frank Luntz goes so far as to

admit that the American people are against the Republican voucher program, so he advises Members to call their program, a direct quote, ''opportunity scholarships.''

Opportunity scholarships. I mean, that is how far we have come here, where we are changing the nature of words to describe a way in which we want to wreck havoc on the public school system, and in fact take this money, taxpayer funds, out of public schools into private and religious schools. That is not the direction we should be going.

Mr. ETHERIDGE. Mr. Speaker, the point is what you are talking about is truly taking money, not putting additional money in for anything. I was in a school just this past Monday, and schools have changed. I think a lot of folks forget how much they have changed. And this is just not in an upscale neighborhood or in a poor neighborhood, or even in a middle class neighborhood. This is in all neighborhoods, by and large.

These were two-parent households. They are dropping their children off at school at 6:15 in the morning. They have the gym open, where the parents were paying for prior to school opening at 8 o'clock. They were picking the children up at 6 p.m.

These folks work in textile plants. Some of them work in the Research Triangle in North Carolina, in which they make good money, so they pay the full cost of the before and after school child care.

My point in making this is a point you just made. Schools have changed dramatically. We are asking people in education to do more than just educate children.

There are a lot of folks who would like for schools to continue to have custodial care. That means you take care of them during the day and teach them when you can, but just take care of them.

It is about more than that. It is about education, it is about opportunity, and it is about giving that child a vision of where he or she can go, what he or she can be, and what the future holds.

Go visit most any school today and you will see bankers, you will see astronauts in the schools, you will see a lot of business people, because in most communities now they are starting to form those partnerships. That is why when you talk about the polling data, it says we are not in favor of vouchers, we are really in favor of the public schools. We realize they are working hard to change.

Our friend from Massachusetts talked a while ago, and I must get this personal point in, about how hard teachers work. Teachers, by and large, and I think this would be true anywhere in this country, put in 50 to 60 hours every week when school is in session. I believe that. I have a wife who works in the public school system. I have two children, one who is teaching the second grade and the other who will start. I know how hard they work. I have seen them work, because their day does not end when they leave.

They are a little bit like legislators. They carry work home with them, but they have to bring it back the next day prepared for the student, they have to prepare the lesson plan and grade those papers.

That is why I think it is so important that at the highest level, in this Congress, and I am glad the President has made it a high priority and raised that vision, and I think he has given educators an awful lot of hope and the American people a lot of hope, that we are going to pay attention to education. Even though we do not put the bulk of the money to the K–12 level, we can do a lot toward raising the vision and the hope.

We have seen business people across this country come together and say ''we want to be your partner.'' I think that is why we are seeing such strong indications of their help. I am very committed to that.

Mr. PALLONE. I just wanted to say it is interesting what you said about President Clinton, because I think he has done more to basically be an advocate for prioritizing education on the Federal level than really anybody else.

I watch him, and I have watched over the years how he has approached it. I think a lot of it just comes from his own background, having grown up in not a wealthy background by any means. I think his father had actually died before he was born or when he was 6 months old, and he had a rough time.

Mr. ETHERIDGE. Without the public schools, he would not have had the opportunities.

Mr. PALLONE. Exactly. He went from public school to very good universities. He was a Rhodes Scholar. He is really sort of the example of how everything can open up and, given equal opportunity, that people really can achieve great things, can become the President of the United States.

I think all the Democrats are saying is we want that to be true for the next generation and generations to come. We do not want that opportunity to be lost, because it may very well be if we do not continue to prioritize the public schools.

I think that is really what may be the reason why so many of us in our party feel so strongly about these education initiatives, because we have seen it ourselves.

You and I were talking earlier about how many Members of Congress went through public schools and how oftentimes we will see those very same Members get up, sometimes on the other side of the aisle, and talk about vouchers or ways that we think will actually drain public school resources.

Sometimes I just wish they would look at themselves in the mirror as an example at how they got here to these hallowed halls, so-to-speak, and it was mostly through public education.

So do not tear it apart. Try to come up with ways that will improve it. That is really all we are saying. I mean, we keep saying it over and over again. We worked on it a lot with the budget in terms of higher education and providing more opportunity and more money that is available, and now we are saying we have to do the same thing with the secondary schools, with preschool, all the way to high school graduation.

Ms. DELAURO. We have to give parents the sense and the confidence that the teachers are accountable, that their kids are learning, and they have a role and a responsibility. We can do that. That has been the way of the public school system in the past. We do not have to take the resources out and, again, as I said before, make education the purview of the few and not the many.

Parents want to know there are standards that are being met. They want it better for their kids. It is what everybody's parents here wanted for their kids.

My dad could not speak English when he came to this country and he suffered for that, because at that time he was in a school where his classmates and teachers laughed at him because he could not speak the language and he left school. Sure, he did fine and did OK. He worked very hard so that I could get an education and I could realize my dreams. But, my God, would it not have been an easier road if we had an understanding, like we try to do today with the great diversity of our public schools, which has made it as strong as it can possibly be.

That is what we need to be about. That is what the great strength of this country is about; it is diversity. That is what its schools need to foster, and make each and every piece of that effort as strong as it can possibly be, and not leave a shell where the public school system used to be.

As I said, this is not a partisan issue. This is a national issue, and we need to try to come together so that we can recognize where there are things that are wrong, agree that they need to be changed, and put our mind and our resources to making the change for the betterment of our country and for our kids.

Mr. ETHERIDGE. If the gentlewoman would yield, I could not agree more. One of the things we need to keep in mind as we are talking about our schools as they change, et cetera, is the public school system that we now see and that has served us well does not go to the founding of this country.

Truthfully, in a lot of States, particularly the southern States, we are talking about the turn of the century. If you dropped out of school, there was a job in business, somewhere in industry, and a place you could be plugged in.

Today we are asking the public schools to have 100 percent graduates,

we are asking them to be at a much higher level than they ever have been. So schools are changing. This is a tremendous challenge, and they need all the help to get there, because our economy changed, and as our schools change, they meet some very difficult tasks. All of us can cite some examples that why we made it was because of the public schools, and there are a lot of examples in the Halls of this Congress on both sides, and it is true all across the country.

□ 1815

AIR SERVICE NEGOTIATIONS BETWEEN UNITED STATES AND JAPAN

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

Mr. HASTERT. Mr. Speaker, I am going to share some time with my good friend from the other side of the aisle, but before I do that, I have seen the previous speakers here kind of quote figures on the other side of the aisle and say that some folks do not believe in public education.

I have to tell my colleagues, I am a product of public education. I taught in the public schools for 16 years. I think one of the real issues that these folks missed in this presentation was that people want to make choices for their kids, and I do not think that it is something that we want to decide in bureaucratic offices in Washington, how our kids should be taught, how our money should be spent.

One of the things that we think might be a good idea is to send our money back to where those local schools are and let those local school boards and those local folks who run schools and State organizations decide what is best for those kids in those areas.

One other thing. I heard people talking on the other side of the aisle, saying we want to deflate school because of vouchers. Vouchers give parents a choice, and if public schools are lacking, it is not up to the Congress to give people the confidence in the public schools. It is the public schools themselves that have to build confidence so that parents believe that their children are getting a good education, that they have the opportunities, and when they graduate from that school they are going to have the same opportunities somebody else has.

So I would join with my friends on the other side of the aisle who just gave this presentation, yes, I think public schools are important, but I think parents ought to have choice and I think vouchers ought to be part of that decision. If a parent wants to send a child to a school, he ought to have the choice to do that. So I would say that there is room maybe for more bipartisanship than just the presentation we just saw.

One of the reasons that I have asked for this time tonight is to discuss really an area of economics, far away from education, but to educate people about what is going on in this country especially with competition of major airlines, and competition with a country that has sometimes been a bitter competitor for us, and that is Japan.

Japan entered into an agreement in 1952 that basically limited airline transportation between the United States and Japan between four airlines, two of those airlines from Japan and two airlines from the United States. One of those airlines from the United States has subsequently gone out of business. The other airline has been enjoying most of the air routes between the United States and Japan over the last almost 40 years plus, and as a consequence, the old story, at least out in the countryside where I am from in rural Illinois, about the farmer standing out in his field and somebody coming and saying, ''How do you get to Wright's Corners?'' And the old farmer scratches his head and says, ''Son, you can't get there from here.''

That is a problem, especially in the Midwest. If one wants to fly to Japan from some place like Chicago or Indianapolis or St. Louis or Kansas City or even Atlanta, GA, one cannot get there from there. So what we are saying is there ought to be a change.

What is happening today, there are discussions, high-level discussions between the United States and Japan on changing the way that we put in the regulation on air traffic between the United States, the number of flights between the United States and Japan. The airline who has the sole, not the sole monopoly but a major monopoly of air traffic between the United States and Japan, the American carrier says, well, it is open skies or nothing. In other words, absolutely free regulation, or we stay the same way.

Well, probably we are not going to get to open skies, or at least immediately. Open skies is certainly something that we would like to have, open competition. Open competition means that if one is going to fly as a business trip from Chicago to Tokyo or Chicago to Osaka, instead of paying $4,000 a ticket we may pay less than $3,000 a ticket. That means more people can go, more competition. We have a better infrastructure, interface in business and economic relationships between this country and Japan, and Lord knows we could use that.

However, what happens when we limit the number of flights, especially from the interior of this country, we just cannot get there, so one has to take a train or take another flight to Los Angeles where there are 80-some flights a week, or one has to go to Seattle or San Francisco, or one has to fly to the east coast to get a flight to the Far East, which means one would have to go west.

So it is an issue of fairness. We need to open the skies. We need to have these negotiations take place, but it cannot be all or nothing. What we are looking for is the ability for us to start to open the doors, to allow a place like O'Hare Field, which has one of the largest airfields, at least in capacity and the number of flights that happen in this country. It is No. 1 in this country for domestic passengers, flights in and out and the number of passengers, but we are 30th in the number of trips overseas. So what does that mean? That means that we have less visitors coming from Japan.

If we just had one more flight per day, whether it is a Japanese carrier or an American carrier, out of the Midwest, out of Chicago, an average visitor from Japan spends about $1,500 while they are a guest in this country for a week or 10 days. If we had one more flight a day, that would mean over a year's time we would have almost $15 million more business.

When we start to talk about trying to balance the trade between the United States and Japan, we send a lot of dollars to Japan. We have a lot of Japanese sound equipment and electronic equipment and automobiles. The best thing we can do is try to bring some of those dollars back, and the best way we can capture those dollars is having Japanese tourists come back not just to Washington, DC or New York City or Los Angeles, but yes, to the Midwest and to the South as well.

If we start to open up airline availability so that those people can fly into the Midwest and the mid-South, then we could start to get more people involved, we can start to bring more dollars from Japan here, and certainly even start to balance that imbalance in trade.

One of my colleagues who serves on the Committee on Transportation and Infrastructure and is involved in airline jurisdiction is my good friend from the other side of the aisle, the gentleman from Illinois [Mr. LIPINSKI]. I would like to yield to the gentleman at this time and hear his comments.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman. It is an honor for me to participate in this special order with the gentleman, but before I get into my comments, I would appreciate it very much if my colleague would yield to a fellow Chicagoan, the gentleman also from Illinois [Mr. DAVIS] on this subject.

Mr. HASTERT. Mr. Speaker, it would be my honor.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman. I certainly want to thank my colleagues for putting together this opportunity to talk about the needs of the Midwest.

I rise today to join my Illinois colleagues in urging the Clinton administration and the Japanese Government to use this historic opportunity to put an end to the limits on direct air service between Chicago's O'Hare International Airport and Asia. It is imperative that current negotiations with

Japan yield an air service policy that will benefit Midwest businesses and consumers.

Liberalization of Midwest air service is an important first step in ensuring real economic gains to our region which has been historically disadvantaged by current air service agreements. It is time for the Midwest to receive its fair share of access to the growing Asia markets.

Under current air service agreements, Chicago's O'Hare, the hub of the Midwest and one of the most frequently-used air terminals in the world, is restricted to only 20 weekly direct flights to and from Tokyo, the gateway to Asia. This is not adequate service for the thousands of midwesterners who do business with companies in Asia.

Four of Illinois's top 10 export markets are in Asia and account for more than $6 million in annual revenue. A new agreement would have enormous economic potential for our region, and would enable the Midwest to be more competitive in the largest and fastest growing economic market in the world.

In fact, it is estimated that lifting current restrictions could bring as many as 2,670 new jobs to the Midwest, 1,820 of those in Illinois alone. Expanding current service of trans-Pacific flights will also provide additional access to the Midwest region for foreign businesses wishing to invest in our region. Unless these restrictions are lifted, the Midwest stands to lose up to $1 billion in Japanese investments in property, plants, and equipment.

It is unfair to require our airline industry to operate under an antiquated post-World War II agreement which only granted limited air service rights to Asia for certain United States cities. As a result of this agreement, flights to and from Chicago are severely restricted.

These outdated regulations do not realize the global economic dependency on efficient air service, nor the state-of-the-art technology of today's airline industry. Furthermore, a new agreement must provide for increased hub-to-hub connections which could provide lower fares for consumers. These reduced fares could generate about $16 billion a year in tourism revenue for the Midwest region.

Mr. Speaker, the Midwest must not be forced to compete in today's global economy while operating under an antiquated air service agreement. Therefore, I, along with my colleagues, urge the Clinton administration to reach an agreement and the Japanese government to reach an agreement which would increase Midwest-Asia air service. These negotiations offer an unprecedented opportunity to not only expand tourism, increase employment and economic growth for the Midwest region, but to open up enormous opportunities not only in the Midwest but in other major areas throughout the country.

So I thank the gentleman from Illinois [Mr. HASTERT] for giving me the opportunity to share my thoughts and ideas on this subject.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Chicago, a good friend and certainly a supporter of economic development, not only in Illinois and Chicago, but also the Midwest.

It is interesting, his comments. If I wanted to fly from Chicago or Atlanta or New Orleans or St. Louis and the few flights there are, the one flight a day or two flights a day that fly out of Chicago, if I cannot get on one of those flights, that means that I have to fly to San Francisco or Los Angeles or maybe Seattle, but probably from the West, either San Francisco or Los Angeles. All of those are nice towns, but it means one is going to sit around that airport for 2 or 3 hours extra before one gets on his flight or makes his connection, and the cost of that flight is probably going to be $1,000 or $1,500 or $2,000 more than if there was open competition, if we let airlines fly in and out and let the marketplace decide what those prices are.

So not only are we hindering the convenience of people to move from the Midwest and mid-South to the Far East, but we are also saying it is going to cost more money, by the way, and we are not going to let that free competition in.

On September 22 of this year there is that meeting in Japan, in Tokyo, and it is important for our administration and the Japanese Government to try to come to an agreement or an accord. It also means one other thing.

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It means if we want to do business, we have to open that business up. We just cannot constrain that business to one airline that gets the majority of it.

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

Mr. HASTERT. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding to me. I have some prepared remarks in regard to this subject. It is a subject that is enormously important not only to Chicago, IL, the Midwest, but I believe to the entire Nation. Aviation is not only the future, but aviation is the present and will be the future. It is something that we have to be involved in, involved in deeply, and we have to really have it be one of the vanguards of our economy.

The bilateral agreement between the United States and Japan was signed in 1952, over 45 years ago. The agreement gave three airlines the right to fly to Japan and beyond to other points in Asia. The three airlines are Northwest, United, which purchased its rights from Pan American, and Federal Express, which purchased its rights from the Flying Tigers.

Federal Express, as we all know, is not a passenger-carrying airline, it is a cargo airline. So actually, these two airlines, Northwest and United, are considered incumbent carriers. Since 1952 the United States and Japan have signed memoranda of understanding granting additional carriers such as American, Delta, Continental, and UPS limited rights to serve Japan. Once again, UPS is not a passenger carrier, but a cargo carrier, so the three additional passenger carriers we have gotten into Japan under a memorandum of understanding are American, Delta, Continental.

These MOU carriers, as they are referred to, fly to and from Japan, but with frequency, capacity, and gateway limitations, and with no beyond rights, which means they can fly into Tokyo, but they cannot fly beyond Tokyo. No other place in Asia can they fly to. They have to return immediately to the United States.

There have been several aviation disputes between the United States and Japan in recent years. Most of the tension has stemmed from Japan's protectionist restrictions on its market. Japan has steadfastly refused to open its international markets in order to protect its national carriers.

Japan fears that its national carriers cannot compete successfully against the larger, more efficient U.S. carriers in an open skies market. However, for the first time in decades, Japanese negotiators have indicated a willingness to be flexible in regard to increased access for U.S. carriers.

The United States must seize upon this rare opportunity to ease the restrictions in the U.S.-Japan aviation market. Obviously, an open skies agreement should be our ultimate goal. However, Japan is adamant in its opposition to open skies. Therefore, we should work on a bilateral agreement that will ease current restrictions in the market and will eventually lead to open skies. It is either a phased-in approach to open skies, or to status quo. The status quo will only keep Chicago and the Midwest isolated from Japan, causing our region to continue to lose a million dollars in missed opportunities.

Right now only two carriers are incumbent carriers. One is a United States carrier, Northwest, and the other a Japanese, JAL, can operate from their primary hub airport without any frequency restrictions. United, although it is considered an incumbent carrier, is restricted to only six flights per week from its principal hub at O'Hare International Airport.

Let me run that by the Members once again. Right now, only two incumbent carriers, one a U.S. carrier, Northwest, and the other a Japanese carrier, JAL, can operate from their primary hub airports without frequency restrictions. United, although it is considered an incumbent carrier, is restricted to only six flights per week from its principal hub at O'Hare International Airport. American, which also hubs at Chicago-O'Hare, is completely shut out of the Chicago-Tokyo market.

Japan wants its other national carrier, ANA, to also have unlimited access between the United States and Japan from its major hubs. This is one of Japan's primary goals in negotiating a new agreement. In fact, as far as I am concerned, it is their number one goal in negotiating a new agreement. The United States should only grant ANA unlimited access normally reserved for incumbent carriers if Japan guarantees that a second U.S. carrier will also enjoy all the rights of an incumbent carrier. Then, with two carriers from each country having unlimited access, each community could potentially be served by four different carriers.

However, if JAL and ANA, Japan's only two international carriers, both have unlimited access between the U.S. and Japan, the nonincumbent U.S. carriers would be at a great disadvantage. Therefore, increased frequencies and additional gateways are needed for MOU carriers so they can also provide service from their major hub airports. U.S. negotiators should not grant ANA incumbent status without also gaining increased access for U.S.A. MOU carriers.

Finally, a phased-in approach to open skies with Japan should definitely allow code-sharing between all United States carriers and Japanese carriers. The aviation industry is moving in a definite direction of abandoning attempting to have beyond rights to relying upon code-sharing networks. Code-sharing networks allow U.S. carriers to offer the service and convenience of a foreign hub without the expense of a self-operating hub.

For example, code-sharing agreements have enabled U.S. carriers to be effectively competitive all over Europe. In fact, all U.S. carriers now rely on code-sharing alliances with one or more European carrier to feed passengers to and from their transatlantic flights. Unfortunately, under the current bilateral with Japan, code-sharing alliances are not permitted, and as a consequence, U.S. incumbent carriers depend solely on their limited beyond rights to provide service beyond their Japanese hubs.

Code-sharing agreements between U.S. and Japanese carriers would provide the service and the access to Japan and beyond that we want for Chicago, the Midwest, the East, and the South. In Japan's Tokyo Narita airport, that is the primary gateway to the rest of Asia. However, available space is severely constrained there. The best use of the limited space at Narita would result from a code-sharing agreement between a U.S. carrier and a Japanese carrier.

For example, if an airline has 100 markets beyond its United States hub and no hub in Tokyo, 100 markets are served. But if an airline has a code-sharing agreement with a carrier with a hub on the other side of the Pacific, with 100 American markets beyond the U.S. hub and six Japanese markets beyond the Tokyo hub, over 600 city pairs can be served.

With O'Hare's position as a hub for both United and American, any service from Chicago O'Hare to Tokyo Narita would provide the greatest number of potential city pairs, representing the best use of limited space at both airports. Code-sharing agreements do not equal open skies, but they do open the market tremendously, increasing access to Japan and beyond.

In addition, once code-sharing agreements are in place, Japanese carriers will want antitrust immunity to maximize the effectiveness of their code-sharing alliances. The Government of the United States does not and will not grant an alliance between a U.S. and a foreign carrier for antitrust immunity until open skies are achieved between the two nations.

Therefore, it is easy to see how our liberalized agreement now will lead to open skies with Japan in the future. Again, a phased-in approach to open skies is much better than the status quo. If the United States does not seize this opportunity with Japan's willingness to be flexible by the end of the month, we will be stuck with limited access to Japan and beyond, and Chicago and the Midwest will continue to be big, big losers.

I thank the gentleman from Illinois [Mr. HASTERT] for this time. There are a number of other people here to speak. I will be back in the future.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Chicago. One of the things, just in a practical application of what the gentleman said, for instance, if I wanted to take a trip to Chicago's sister city, which happens to be Osaka, Japan, a small city in Japan, only about 15 million people in its greater Kansai area, we could not go directly from Chicago to the new airport outside of Osaka.

So what we would have to do, we would have to fly to Tokyo, and because there are not any rights for American carriers to go beyond Tokyo. We would have to fly some other airline from Tokyo to Osaka, and hope that maybe if we wanted to fly from Osaka back to the United States you could do that, but you could not fly direct to Chicago, you would have to fly to Los Angeles, then wait and change planes, and fly from Los Angeles back to Chicago.

Not only does it complicate the ability to do business or to travel or to make exchanges between these two countries, it makes it virtually impossible for people to have free and easy travel plans.

I appreciate the comments of the gentleman from Chicago.

Mr. LIPINSKI. Mr. Speaker, I would just like to say that we all know that the Japanese are extremely difficult people to deal with on all trade issues. One of the reasons for that is because it is a very small island. They are very much people who like to deal with themselves, and if they are actually willing to give us an opportunity to get in there and open up that market in some way, we should certainly take advantage of it.

Mr. HASTERT. I appreciate that, Mr. Speaker. Any time we sit down and deal with trade, we have to sit down honestly and hope that the parties on the other side of the table sit down honestly and try to bargain. Each side will always try to get their best deal.

Mr. Speaker, it is my great privilege to yield to the gentleman from Peoria, Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for allowing me to offer a few comments regarding this important issue that the gentleman has taken time to set aside this hour for to discuss. I have some prepared remarks that I would like to make, and as a member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, our committee has discussed this issue, and there is an awful lot of concern about it.

In 1952, the United States and Japan entered into a highly restrictive aviation agreement that to this day severely restricts the number of flights between O'Hare International Airport in Chicago and Japan. Despite being the busiest airport in the world, O'Hare ranks only 30th in terms of the international passenger travel. This makes no sense at all. Because of this restrictive 1952 agreement, all of the Midwest and the entire country have been hurt by the lost business opportunities.

Fortunately, the U.S. and Japan are currently negotiating an agreement that would drastically increase the number of flights to Japan and all of Asia. The potential economic impact of this agreement cannot be overestimated. An independent study by Arthur Andersen has concluded that lifting the current restrictions would increase passenger travel between Chicago and Tokyo to more than 700,000 by the year 2000, bring in over 2,600 jobs to the Midwest, and result in an additional $80 million in spending throughout the region.

I might add that the Midwest-Asia Aviation Coalition has stepped in to provide important leadership in this effort. This coalition is made up of a diverse group of business, trade associations, labor and civic organizations, and tourism groups.

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Additionally, this group includes a very distinguished list of over 290 individuals, including Gov. Jim Edgar of Illinois, Mayor Richard Daley of Chicago, and our former Republican leader Bob Michel.

I have no doubt that through the efforts of the Midwest-Asia Coalition and others, that when the final negotiations are completed, we will all soon realize the tremendous benefit of this new aviation agreement. Again I wish to thank my friend the gentleman from Illinois [Mr. HASTERT], and all of the Members who are contributing so much in this issue that we are discussing this evening.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Peoria, and at this time I would like to introduce and yield to the gentleman from southern Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding to me. This is a very important issue to the State of Illinois, because in just a few days the Clinton administration and the Japanese Government will meet again to discuss the United States-Japan Passenger Air Service Agreement. This time I hope we do the right thing.

It is time, indeed it is past time, to reach an agreement that will expand service between the two countries and beyond. The United States-Japan aviation agreement is, to some extent, a relic. It was reached in 1952, an era before jet service and before extensive commercial air travel between the two countries began.

At the time, Japan was a weak economy, still recovering from World War II. Because it was a different era, with different circumstances, the two sides agreed on an aviation agreement that fit those times, but not today. The agreement they reached then, which has largely stood through the years, severely limits flights between the two countries. Cities and airports were handpicked by governments, not the markets.

In recent years, the agreement has been loosened a tiny bit, yet there is nothing close to open access or a free market. The result is that only 11 United States mainland cities, only 11 cities, are allowed to have flights to Japan. Currently, Chicago's O'Hare Airport is the busiest airport in the world, yet ranks only 30th in terms of international travel. One of the reasons for this is that access to Japan is severely limited from Chicago, totaling only 20 flights per week. Meanwhile, Los Angeles has 87 flights per week to Japan.

Moreover, the west coast has 160 weekly flights to Japan, while the central part of the country has only 59. What this means is that most residents in the Midwest and the East, where three-fifths of our population reside, are not conveniently located for air travel to Japan. This problem begs to be corrected when we consider that the Arctic Circle flight path from Chicago to Japan is the most efficient route for this trip.

This is not the free market at work. In my State of Illinois, logic and economics demand that Chicago have more flights. Economic research by Coopers & Lybrand indicates that adding just seven round trip flights per week between Chicago and Osaka would bring traffic totaling 60,000 to 70,000 people a year, and this would bring in as much as $503 million a year to the economy.

The U.S. airline industry, except for one airline, has lined up behind the push for more service. Northwest, which currently has a dominant share of the United States-Japan market, has taken a stance that backs stagnation and the status quo. They might be serving their interests but not the interests of people who live in my State and could benefit from the expanded service.

A new expanded agreement with Japan would produce an additional 3,600 new flights a year in the United States-Japan market, more additional flights than any of the 25 so-called open skies agreements that the United States has signed in the past 2 years.

There is more. A new agreement would produce a 25-percent increase in competition by adding new airlines and increasing the number of cities in the United States that could gain service. All that would produce more than $10.8 billion in annual economic activity, which would support nearly 250,000 U.S. jobs across this Nation.

Mr. Speaker, we should push ahead with a new United States-Japan Passenger Air Service Agreement. A new agreement would produce more flights by more airlines to more cities between the United States and Japan and beyond. That is real competition and it benefits all of us.

Mr. Speaker, I wish to thank the gentleman from Illinois for giving me this time and opportunity on this very important issue facing our State.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois, and he brings up some very interesting statistics. One of the things I want to share with my fine colleague from southern Illinois is that he said if we open up one flight a day between Chicago and Osaka, and of course, Osaka is Chicago's sister city, that we affect some 700,000 people.

But what we really do is increase the economy, Japanese yen flowing to the United States and the Midwest. And of course, we know we have that trade deficit, so the more dollars we can get, the better off we are. But just by opening this up, a half billion dollars just to Illinois, not counting what would happen in Texas and Louisiana and Georgia and other places.

I think that is just an amazing piece of information, and I really appreciate the gentleman's effort.

Now, Mr. Speaker, I wish to yield to the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT]. I appreciate this opportunity to speak about this very important subject, and I rise to offer my support also to the United States and Japan negotiating team who are now entering the next rounds of meetings to continue talks on the long-awaited air transport agreement between our two countries.

I think history will look at this moment as one that is a very important crossroads in the future of both our countries and our nations as we work together, not only now but in the future.

For the first time in almost 50 years, the United States and Japan will come together and agree to a new level of passenger air service between the United States, Japan and beyond. What is even more significant, though, is the economic impact that that will accord and the opportunities that will surely follow in the coming years.

This agreement will provide United States air carriers with a 25-percent increase in passenger flights to Japan. Nearly 3,600 new flights will be added each year. Further expansion can be expected as other carriers begin this service to the region, which I believe can only breed more competition in the marketplace. And the best part is that is only the beginning.

This agreement will have an enormous economic impact to our economy. At present it is estimated that this agreement will generate almost $10.8 billion in direct and indirect economic impact. More importantly, this accord will open additional routes for United States carriers in growing Asian markets and certainly beyond Japan. That factor alone could inflate an additional $1.6 billion for U.S. air carriers.

Clearly the biggest gain in this agreement can be felt in access to markets for American business men and women. The unprecedented increase in commercial and passenger air traffic will open a new day for each and every one of our business men and women as they wish to do business in Asian export sectors. We cannot underestimate the power that these new emerging markets will bring and the opportunities that are before us.

Likewise, these increased opportunities will enhance Japanese investments in our country. The anticipated increase in cargo and tourism and traffic will enhance our own marketplaces and our economy. The possibilities are almost endless for a person from Texas to think about. Not only will it help our economy and our country, but it will bring new and expanded tourism to Texas and the United States.

In closing, I would like to say that I agree with what has been stated here today; it is the marketplace, it is economics at its very best, and it is economic development. And I would like to thank my colleagues from Illinois, and in particular [Mr. HASTERT] for taking the time to discuss this important development and support for our negotiators as they enter into these important agreements.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Texas. And when we talk about what happens and, of course both United and American tend to hub and do hub in Chicago, but American has a big hub in Texas, and so the dynamics we talk about and how that brings economic activity certainly to the Midwest, certainly happens in the Midwest, in the Texas area and the Southwest, and certainly in the Mid-South.

Mr. SESSIONS. Of course it does. We have many, many people who have come to our country with not only opportunities for their lives but have

brought high-technology abilities to our country. They want to make sure that we are selling our products overseas. They want to make sure it is easy for us to do business. They do not want to have two or three stops before they get to Japan.

So it is not only faster and better service, but it is a real boom as we near the 21st century.

Mr. HASTERT. Another interesting thing the gentleman brings up, he talks about a $10 billion increase in economic activities. That just does not accrue to any one area in this country. It certainly accrues across the board.

If cities, and especially important cities in Texas and important cities in Illinois and Louisiana and other places, have the ability to get involved and to partake in this, that certainly spreads out. Again, as we talked about, it starts to level out that imbalance of trade that we have.

I really appreciate the gentleman's participation and being here tonight. And at this time, Mr. Speaker, I would like to introduce and yield to one of the youngest members of the Illinois delegation but certainly one of the hardest working, the gentleman from Chicago, IL [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Well, Mr. Speaker, let me thank my colleague from Illinois [Mr. HASTERT], and I want to comment briefly, piggybacking on some of my predecessors speaking here today, principally those from Illinois, but also the gentleman from Texas [Mr. SESSIONS] and agree with them that we need to urge the negotiators from the White House to try to do what they can to free up our skies and make our skies more available for American carriers to fly to Asia.

Closed skies are not friendly skies, they are unfriendly skies. It is probably not realistic to think we are going to have completely open skies, but it is important to realize we need to make an incremental approach and to gradually open the skies and increase routes to Asia from the United States.

Now, much has been said about the 1952 agreement that governs the present rules that decide aircraft flights from the United States to Asia. Let me put that in perspective, if I may. Back in 1952, there was no rock and roll. That is how long ago this was. We were operating under an agreement that is so dated rock and roll had not even existed yet. Elvis was only a junior in high school when this was entered into. Nobody in the NBA dunked back in 1952. Virtually everybody in the NBA dunks.

These are changing times. We live in a changing world. The Baltimore Orioles did not exist in 1952. I think my other colleague from Illinois [Mr. LIPINSKI] is an expert on this. They were the St. Louis Browns, am I right?

Mr. LIPINSKI. The gentleman is correct.

Mr. BLAGOJEVICH. I am right. So we have seen a great deal of change not only in cultural and social developments but a great deal of change in more important things, like technological changes and changes in trade and the like.

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So we have seen a great deal of change in other societies, in fact in the world, since 1952. We have an agreement that governs the policy with regard to aircraft flights from the United States to Asia that was agreed to in 1952, yet the world has seen a great deal of changes.

Technological changes have been rapid and continue to change with every passing day. International trade is different today. In fact, the Asian market back in 1952 is not the Asian market that exists in the United States. Over the past two decades, U.S. foreign trade and foreign investment with East Asia has soared, increasing faster than economic ties with any other region.

Between 1978 and 1996, U.S. exports to East Asia grew 620 percent, while during the same period U.S. exports to all of Europe increased by around 246 percent. Back in 1952 Europe was the chief trading partner with the United States. That is a fact that is no longer as relevant as it once was.

In 1996 the value of total U.S. exports to Asia surpassed that of exports to all of Europe. So Asia is a major, major place in the world and is a very, very important region in the world with regard to United States and our economic health and vitality.

Today Japan, for example, is the second largest international destination for United States travelers after the United Kingdom. In fact, by the year 2015 the Asian Pacific region is expected to represent 40 percent of total air travel between North America and any international destination, surpassing the volume of air travel between North America and Europe.

So it seems to me we ought to scrap this 1952 agreement, bring it into the modern era, and apply routes and have a more open sky so that American carriers can reach Asia and American business can enjoy some of the fruits and benefits of those expanding and emerging markets in and throughout Asia.

With regard to technological changes, let me just point out that air travel is different today in 1988 than it was in 1952, when most aircraft flights came out of the West Coast because you could not fly directly from New York to Japan or from New York to Tokyo back in 1952. Forty-five years have transpired. Aviation technology has made it possible to fly directly between Chicago and Japan.

In fact, between 1952 and 1998 we were actually able to fly to the moon, which we did in 1969 for the first time. So there is a great deal of technological change; and, therefore, this agreement needs to be renegotiated so that it fits the times and the era in which we live.

There are advocates who believe we ought to have one or the other, we ought to have only open skies or not change the 1952 agreement, and I would submit that those advocates are either totally erroneous or disingenuous.

The fact of the matter is that the Japanese Government has said publicly that they will not entertain any discussions about completely opening the skies. Therefore, I think it is important that we again try to make incremental gains and slowly approach opening the skies so that the Japanese Government becomes more comfortable with Japanese carriers in more direct competition with American carriers, who would generally have a better record of being able to succeed in a nonregulatory free market environment.

So I hope we can have more flights to Asia. I hope more cities throughout the United States can have more access to Asian flights, in particular to Japan. I hope we can expand some of the buy-on rights agreements, and I would urge the negotiators to continue in their efforts in developing some of the co-chairing efforts that they have been doing.

One final point. As we open access to American airports and access to Asian and Japanese airports and air traffic, I would hope that the Midwest is properly represented. And I would urge that we take a serious look at Chicago, which has historically been a transportation hub in the United States, with rail, with trucking, with air travel, and with sea and lake travel.

Chicago historically has been the center of transportation. Chicago O'Hare International Airport is among the busiest in the world. It has a built-in infrastructure that would work perfectly with more flights from Chicago directly to Japan. Chicago would also be able to service other parts of the Midwest.

Three out of five Americans live east of the Mississippi River, yet the region's airports can only offer one out of five weekly flights to and from Japan. There are 87 flights per week between Los Angeles and Asia. There are only 20 flights per week between Chicago and Asia.

As the gentleman from Illinois [Mr. POSHARD] noted moments earlier, there are 160 flights per week to and from Asia which originate from the Western United States. There are only 59 flights per week to and from Asia which originate from the Central United States.

So we should have more air travel from the Midwest United States and Central United States to Asia. I would argue that since O'Hare Airport is a perfect place to fly that has a built-in infrastructure, those flights, many of them, should come out of Chicago's O'Hare International Airport.

One last point, if I may. There are financial considerations, as well. Fifteen different Japanese banks have branches in Chicago. So when you consider the business aspect, it is very convenient for those who want to do business from Chicago to Japan or Asia to be able to

fly directly from Chicago to Asia, and having more flights available I think helps with regard to that. There are in fact more Japanese banks and branches in Chicago than any other foreign banks and branches represented in Chicago from other countries.

And one last thing. Chicago is the international leader in the trading of commodities, stock options and currency. Chicago is the home of five major exchanges. It makes perfect sense to have direct travel from Chicago to Asia. As I close, 80 percent of the world's commodities are traded through three of Chicago's exchanges.

So having said that, I hope the negotiators listen to what I hope are words of wisdom. I know that whenever the gentleman from Illinois [Mr. HASTERT] speaks, those are words of wisdom, and I am less confident about my own words.

Mr. HASTERT. I thank the gentleman from Illinois [Mr. BLAGOJEVICH]. Just, you left out the Chicago Bulls. I do not know how we did that.

Mr. BLAGOJEVICH. If the gentleman will yield, I do not want to be parochial.

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from Illinois [Mr. WELLER], who also represents Chicago and parts of down-State Illinois.

Mr. WELLER. I thank the gentleman from Illinois [Mr. HASTERT], my friend and the chief deputy whip and one the leaders in our House. Also, I want to recognize the gentleman from Illinois [Mr. LIPINSKI], who represents the neighboring district, for his leadership on aviation issues. And of course, I echo the words of my friend, the gentleman from Illinois [Mr. BLAGOJEVICH], on why improving aviation opportunities, particularly the connections between the Midwest and the United States and Japan, what it means in jobs for the folks in the Chicago region, which I have the privilege of representing.

I believe it is time that we move forward with negotiations to improve and open more skies to flights for American carriers, particularly between Chicago and the Midwest and Japan.

Today, Chicago O'Hare is the world's busiest airport. We have quite the privilege. Chicago is considered America's second city. It is a global financial center. It is a world class city, and it is also home to the world's busiest airport. More flights come in and out of Chicago's airspace than any other place in the world.

But the surprising thing is that we rank 30th, Chicago O'Hare ranks 30th overall in international flights and international passengers. Now if we were to change that and improve opportunities for American carriers to fly between Chicago and Japan, it would have a big impact financially and economically for working, middle-class families right in the Chicago region.

In fact, according to one study which I have read, one additional flight between Chicago and Japan could generate over one-half a billion dollars in additional economic benefits to the Chicago region. One-half of a billion dollars would benefit from just one more, one additional flight between Chicago and Japan.

As I have always said, when we improve transportation, we create jobs. That is why these negotiations have been underway, and we need to make an even greater effort to open the skies between Japan and the United States, because in doing so we are going to create jobs for working, middle-class families in Chicago, in the Midwest, and also throughout the United States.

It has been said, according to studies, the economic impact of lifting the current restrictions on nonstop Chicago-Japan flights could bring over 2,600 new jobs to the Chicago region just in the next 2 years. Our own Governor, Jim Edgar, stated recently that greater access to the expanding economies of Asia will mean more investments, more trade and more jobs for the people of Illinois and the Midwest.

That is why business and labor and politicians of both political parties have joined together in the Midwest-Asia coalition, working together to emphasize how important opening the skies between the United States and Japan is to working folks right here in the United States, particularly in our home area, in the Chicago area.

Some would say, ''Well, what would happen if we do nothing, if nothing changes? What happens if we are unable to expand our current agreement with Japan?'' Recent study found that the current restrictions on air travel between the United States and Japan cost the Midwest thousands of jobs and millions of dollars in salaries and probably at least $1 billion in lost investment in the Midwest and in the Chicago region, $1 billion in lost investment because of the current restrictions.

Think about what that would mean to the folks in the Chicago area, working middle-class families who would benefit from increased economic opportunity, more jobs and more opportunity.

My colleagues, I stand in strong support of the negotiations that are currently underway. I stand in strong support, as I know the folks back home do as well, of opening the skies between Japan and the United States. Because, as these negotiations move forward, I think it is important that our negotiators know that we stand behind them and that we are looking to them to open the skies, because by opening the skies, bringing in additional flights between Chicago and Japan will bring jobs to the Chicago region, more jobs, more opportunity. And frankly it is going to be in the best interest of the working folks, the middle class, in the Chicago region.

I yield back my time to the gentleman from Illinois, and again thank the gentleman from Illinois [Mr. HASTERT] for the opportunity to speak on this important issue.

Mr. HASTERT. Mr. Speaker, I include for the RECORD two editorials from Midwest papers:

[From the Chicago Tribune, July 3, 1997]

PHASING IN OPEN SKIES WITH JAPAN

O'Hare International Airport is the world's busiest in terms of passenger volume, yet it ranks only 30th in international business. Its overseas volume is less than half that of New York, Los Angeles and Miami—the top three international airports.

A broad-based, clout-heavy group of Midwest businesses and civic leaders—headed by Gov. Jim Edgar, Mayor Richard Daley and former U.S. Rep. Robert Michel—wants Washington to do something to help O'Hare. The administration should take the group's advice and act accordingly.

Specifically, the Midwest-Asia Aviation Coalition wants United States negotiators to reach a deal with Japan that would adopt a phased-in approach to competition, gradually allowing more flights between the two countries and permitting marketing agreements between U.S. and Japanese airlines.

A bilateral pact that immediately establishes open trade, or ''open skies,'' would be preferable and should be the first, and ultimate, goal, but the Japanese government so far has refused, arguing the U.S. won't open its domestic market to foreign airlines. Japan, however, would accept phased-in competition.

United Airlines and American Airlines, which operate hubs at O'Hare, are coalition members and favor a phased-in approach like that taken with Germany and Canada. Minneapolis-based Northwest Airlines wants unrestricted access to Japan, with no limits on the rights of U.S. carriers to fly to other Asian destinations. Japan is willing to phase in open skies if there are limits on flying on to other countries.

International flights at O'Hare are restricted by the aviation pact between the U.S. and Japan. It gave United, Northwest and Federal Express the right to fly to Japan and beyond, but American and other airlines are allowed only limited service. At O'Hare, United has only six flights a week to Japan, while American can't even fly between Chicago and Tokyo. Northwest, with hubs in Detroit and Minneapolis, has almost as many weekly flights from the U.S. to Japan as the rest of the domestic airlines combined.

The coalition is just being realistic; Northwest is being protectionist. The choice doesn't have to be between immediate open skies or the status quo. The U.S. and Japan can allow more flights and new alliances that will promote business and growth.

A recent study by Arthur Andersen concluded that the number of passengers flying through O'Hare to Asia would more than double if sufficient flights were available. The increased traffic would add jobs and foreign investment in Illinois and the Midwest.

Gradual liberalization doesn't mean the goal of open skies should be abandoned. In fact, as the benefits of greater competition and service are realized, the resistance to open skies will dissolve. Meantime, some progress is better than none.

[From the Chicago Sun-Times, July 2, 1997]

MORE FLIGHTS TO JAPAN

As a Trivial Pursuit question, it is a lock for Chicagoans: What's the busiest airport in the world? O'Hare of course.

But where does O'Hare rank in international flights?

A surprising 30th. O'Hare's international volume is less than half that of New York, Los Angeles or Miami.

An opportunity to help rectify that comes as negotiators from the U.S. and Japan meet to retool a 1952 pact governing flights between the two countries. Under the outdated rules Chicago is artificially held to about 20 flights to and from Tokyo a week.

Some in the airline industry are pushing for ''open skies'' legislation, essentially allowing an unfettered flow of air traffic between the two countries. Negotiations, however, should not be allowed to collapse into an ''all-or-nothing'' conclusion. While we favor open skies just a liberalized stop-gap measure featuring a phase-in approach would be acceptable. Such a moderate approach is backed by a broad coalition of Midwest business, labor, trade, civic and tourism groups.

Economics demand it. currently, Japanese businesses may find the Chicago and Midwestern economic climate attractive, but the hassles of getting here send them searching for other American locales. If restrictions were dropped, the number of trans-Pacific passengers could double by 2000, says the Midwest-Asia Aviation Coalition. The coalition estimates that increased air service could result in 2,670 jobs to the Midwest and $52 million in additional salaries.

The current system, as Department of Aviation commissioner Mary Rose Loney says, ''has put Chicago at a competitive disadvantage with other cities.'' Chicago is too important an economic engine for the Midwest to be hamstrung by regulations written 45 years ago in the pre-commercial-jet age.

Mr. Speaker, I yield to my colleague on the Subcommittee on Aviation, who also serves with another Illinois colleague who could not be here tonight and talk. The gentleman from Pontiac, IL [Mr. EWING], certainly has been a leader in this country. The gentleman has served with great distinction and has been a very active advocate of getting these talks in place and done so that we can start to open up our trade and air trade, aviation trade with Japan, and certainly hope that this would be expedited, especially in these talks that are going on this month and next week, September 22.

Mr. Speaker, I yield to my good friend, the gentleman from Chicago [Mr. LIPINSKI].

Mr. LIPINSKI. I thank the gentleman from Illinois [Mr. HASTERT] for yielding.

The American and Japanese negotiators are on the verge of replacing this outmoded 1952 agreement with a new accord which would dramatically increase air service between our two countries. Eventually such an agreement can lead to total deregulation or open skies.

I hope that Japan is not posturing. I hope that we are not posturing. I hope that we can use common sense and really make progress. I urge the administration to complete an agreement with Japan this month which liberalizes air service. We really cannot afford to wait. We have waited far too long already.

We have been asking both sides to put aside symbolic differences in the spirit of achieving real gains for consumers and business, not only in Chicago, IL, the Midwest, but really throughout this Nation. Opening up air travel with Japan just will give us enormous economic benefits, not only in this Nation but in Japan also.

Liberalization is a very important first step. The next step in ensuring that the Midwest historical disadvantage in air service to and from Asia is corrected with significant gains in the number of flights.

Mary Rose Loney, the city of Chicago aviation commissioner, said a new agreement is sorely needed even if it stops short of complete open skies. Dogmatic insistence on open skies may forgo present-day opportunities for a greater liberalized regime between the United States and Japan.

I recognize that open skies with Japan is not on the immediate horizon. The United States may need to accept a phased-in approach so our agreements would be like Germany or Canada, ones that started out very slowly but have expanded tremendously.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON (during the special order of the gentleman from Illinois, Mr. HASTERT, from the Committee on Rules, submitted a privileged report (Rept. No. 105–250), on the resolution (H. Res. 230) providing for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House ethics reform task force, which was referred to the House Calendar and ordered to be printed.

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AIR SERVICE NEGOTIATIONS AIM TO INCREASE INTERNATIONAL FLIGHTS

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SHIMKUS].

Mr. SHIMKUS. Mr. Speaker, I rise today with my colleagues to urge the administration to complete an agreement with Japan to liberalize air service as soon as possible. As a new legislator, I am amazed at the arcane and outdated restrictions on air services to and from Japan. The restrictions agreed upon over 40 years ago severely limit the number of flights between Chicago's O'Hare airport and Japan.

One might think that at the world's busiest airport, serving approximately 118,000 passengers a day, a wide range of flights to Japan would be available. Yet with 42 weekly flights, even smaller urban airports in Detroit and Minneapolis offer more service than O'Hare. In fact, recently a San Francisco-based firm was looking into relocating to Chicago. However, because of the limited number of flights to Japan, the decision was made not to relocate.

The effects of this restriction are felt not only in Chicago, but throughout the rest of the State. According to a study recently completed by Arthur Andersen, O'Hare misses out on tens of thousands of passengers annually. Since 4 of Illinois' top 10 export markets are in Asia, just one additional flight between Chicago and Japan would generate up to $503 million annually in total economic impact.

A new agreement would unleash tremendous economic potential for the Asia-Pacific region and enable the Midwest to capitalize on the fastest growing economic market in the world. Again, Mr. Speaker, I urge the administration to complete an agreement with Japan which would liberalize air service and allow the Midwest to share in expanded service to Asia.

Mr. LIPINSKI. Mr. Speaker, I want to thank the gentleman for participating in this special order. I know that his words are sincere, and I think his words were potent.

Before I yield to the gentleman from Illinois [Mr. HASTERT], I would like to make mention of the fact that the gentleman from Illinois [Mr. EWING], who is very much involved in aviation, who serves on the Subcommittee on Aviation, unfortunately has not been able to join us thus far this evening because he is tied up on other business. But in the event that he does not join us by the time we finish our special order tonight, I want everyone within the sound of my voice to know that he, too, supports this and has been very much interested and involved in this issue for a very long period of time.

I yield to the gentleman from Illinois.

Mr. HASTERT. Mr. Speaker, I want to thank the gentleman from Chicago, my colleague and good friend from the other side of the aisle, in joining with this effort tonight. I think the message is strong and clear, strong and clear to our negotiators that are going to Japan next week and to those negotiators in Japan. It is time that we see eye to eye. It is time that we start to let competition into the process. It is time to let U.S. air carriers have the rights to carry passengers beyond Tokyo. It is time to have the right of U.S. carriers to be able to move from cities in the Midwest to other cities, such as Osaka. Those decisions should be forthcoming. They should be made next week. There are many, many people here in this Congress that are urging that to happen.

Again I thank the gentleman from Chicago.

Mr. LIPINSKI. I thank the gentleman from Illinois [Mr. HASTERT], a leader from the Republican side of the aisle, for taking the 1-hour special order and then joining in the 1-hour special order that I have on this very important topic. It has been through his leadership here in the House of Representatives that many of us have been very fortunate to be able to achieve a number of legislative goals that we

have been interested in. With him aiding and assisting us in this particular effort, I believe that we will also be successful.

I want to go out of my way, though, to thank the individuals who came here tonight to speak in behalf of this issue: The gentleman from Illinois [Mr. POSHARD], the gentleman from Illinois [Mr. DAVIS], the gentleman from Illinois [Mr. BLAGOJEVICH], the gentleman from Illinois [Mr. WELLER], the gentleman from Illinois [Mr. LAHOOD], the gentleman from Illinois [Mr. SHIMKUS], the gentleman from Texas [Mr. SESSIONS], who joined us, and, of course, the gentleman from Illinois [Mr. HASTERT].

Mr. Speaker, before I conclude this special order, there are a few comments that I would like to make in regard to this subject. In recent editorials, both the Chicago Tribune and the Chicago Sun-Times called for the United States to adopt a phased-in approach to open skies if Japan continues to resist complete deregulation of air service between our two nations. The Sun-Times wrote, ''Negotiations should not be allowed to collapse into an all-or-nothing conclusion.'' The Tribune said, ''The choice doesn't have to be between immediate open skies or the status quo. The United States and Japan can allow more flights and new alliances that will promote business and growth.''

Our largest aviation trading partner is Canada. Until 1995, the air transport market was extremely restricted. Like Japan, Canada feared open skies. What United States and Canadian negotiators forged was not an open skies agreement. It was something less. For example, beyond rights were and remain limited. The result, however, has been extraordinary. In the first year of the agreement, an added $2 billion was pumped into the United States and Canadian economies.

O'Hare International Airport in Chicago, the Midwest's primary aviation hub, is the world's busiest, but it has been mentioned several times earlier tonight that it ranks only 30th in the world for international passenger travel. This is a direct result of the restrictions of the 1952 bilateral agreement.

The gentleman from Illinois [Mr. BLAGOJEVICH] mentioned that back in 1952, the Baltimore Orioles did not exist. They were still the St. Louis Browns. The Oakland A's did not exist, either. They were the Philadelphia A's. But if we go back to that period of time, to show you that the expansion that has taken place in so many areas has not occurred in the aviation industry in regards to our relationship with Japan, there were eight teams in the National League, eight teams in the American League, and look at how many teams we have today.

The same thing could be talked about in regards to the National Football League, the great expansion since 1952; the National Basketball Association; the National Hockey League. Everything has expanded. More people are involved, more businesses created. Yet our relationship with the Japanese in regards to aviation has been stymied because of the Japanese refusal to liberalize the agreements that were agreed to back in 1952, before rock and roll, as the gentleman from Illinois [Mr. BLAGOJEVICH] mentioned here earlier.

The point I want to make is that we must get the relationship between the United States and Japan into the 21st century. The Japanese need it, we need it in this country, and for far too long we in the Midwest, the East, and the South have been deprived of the opportunity to expand our business dealings, our tourism with Japan.

We have a historic opportunity this month to explode the business we can do with Japan. All we have to do is have our negotiators be willing to take something less than open skies. Take the deal that I outlined the first time I spoke. It will be beneficial to every carrier in this country. It will be beneficial to every business in this country. And most importantly, it will be beneficial to every citizen of this Nation.

TEEN PREGNANCY PREVENTION

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

Mrs. CLAYTON. Mr. Speaker, I am here this evening to really report good news and bad news on the level of teen pregnancy. Because we care about our young people, and because they care about themselves, we must celebrate the good news and work to improve the bad.

Mr. Speaker, the good news is that fewer North Carolina teenagers became pregnant in 1996 than in 1995. It was the sixth year in a row that the teen pregnancy rate has fallen in North Carolina, and that is good news.

The bad news is although the teen pregnancy rate has fallen, and that rate continues to fall, it has been rising in many countries including the United States. And in 1996, the teen pregnancy rate for North Carolina girls between the ages of 15 and 19 was 10th highest in the country, 89.8 out of 1,000. That is indeed the bad news.

I am here today for our young people, because they care and they need to have an opportunity. They want a job, they want a career, they want a chance. They want to be both positive and productive in their future. Our young people want an education, a career and a chance, a chance for the future to make a difference, not only in their lives, but in their communities' and in their families' lives.

I have had now nearly one dozen teen pregnancy forums in my district over the past few years, and for the express purpose of helping our young people look towards achieving their goals of having a career and having a positive future. In those forums, we focused on the importance of both boys and girls taking responsibility to prevent adolescent pregnancy.

Premature pregnancy can affect teens physically, but more importantly it impairs their stride toward success. Each year approximately 1 million teens become pregnant. Once a teenager becomes pregnant, there simply is no good solution to that problem. The best solution is to prevent the pregnancy in the first place. The ''Kids Having Kids'' report released by the Robinhood Foundation gives the alarming costs and consequences of teenage childbearing. It shows that teenage childbearing costs U.S. taxpayers a staggering $6.9 billion each year, and the cost to the Nation in lost productivity rises to as much as $29 billion annually.

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The consequences to the families and to the children of these teen parents in health, social, and economic development are devastating.

Let me just cite a few of those report findings. More childhood health problems: They are more likely to be born prematurely, and 50 percent more likely to be born with low birth weight than if their mothers had been older when they were born.

Increased child abuse: They are twice as likely to be abused and neglected if they are born to teenage parents. Trouble in school: They are 50 percent more likely to repeat grades and to perform significantly worse on cognitive development tests.

Reproducing the cycle of poverty: The girls born to adolescent moms are more than 83 percent more likely to become teen moms themselves, 83 percent.

Behind bars: The teenage sons of adolescent mothers are up to 2.7 times more likely to land in prison than their counterparts in the comparative group.

By extension, adolescent child bearing in and of itself costs taxpayers roughly $1 billion each year to build and maintain prisons for the sons of young teenage mothers.

Kids having kids is the most comprehensive report done on the costs and consequences of teenage pregnancy to parents, children, and society. This ground breaking report graphically illustrates the financial loss in terms of social and economic costs to our Nation. I want young people to be in the optimum position to prepare for the rest of their lives. That means postponing sexual involvement until a much later time in their life when they are mature on these decisions.

There are positive options we should make sure that all of our teenagers have as they grow to be adults. Young people should recognize those positive options. But we should make them available to them. We must provide real choices for a real chance in life.

Some of the young people in North Carolina have taken this first step, and we want to say congratulations to

them. However, Mr. Speaker, the good news is that they have done that. The bad news is not enough have done that.

We are part of the responsibility, and we are part of the solution to make sure that the bad news turns into good news.

TAX CODE NEEDS REVAMPING

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

Mr. KINGSTON. Mr. Speaker, I wanted to talk tonight about a number of issues, but before I do so, I wanted to commend the gentlewoman from North Carolina on a very, very important topic, one which I think is probably one of the biggest issues in America today, and certainly I appreciate your leadership on it. I am from Savannah, your hometown. As the gentlewoman knows, we have a tremendous problem because of so many teenage pregnancies.

Mrs. CLAYTON. I appreciate the gentleman recognizing this as an important problem, and part of the thing I have been trying to get my colleagues to recognize is we are part of the problem if we are not part of the solution. We as adults in society or parents or leaders or colleagues in this deliberative body, we have to make opportunities for young people to say yes to positive options, rather than their saying yes to negative ones.

As the gentleman and I know, there are no good solutions to teenage pregnancy. Once they are pregnant, there are a lot of consequences to that action. There is a young kid raising a kid. That kid, as I said earlier, may have societal problems where they draw on the public for a variety of their assistance. They are sometimes behind in school, the young ladies sometimes repeat that cycle, and part of my bringing this issue up is to suggest that all of us have a responsibility.

I am not here to hold them up in scorn. I am up here to say I care about young people, and if I care about them, I want them to be positive in life, and teenage pregnancy gets in the way of them developing themselves and being the adult that they could be.

Mr. KINGSTON. I agree with the gentlewoman. I was speaking the other day in Brunswick High School, to the junior school, a lot of 16-year-old kids. The young women in that class were particularly interested in a lot of issues, but we got on the success of abortion and so forth, and the subject of choice, and one of the things that I said is remember, you are 16 years old. Decisions about sex are tremendous, major league, life-affecting decisions. You may be pro-life, you may be pro-choice. Whatever your decision is, it is a major league decision when you get into that arena.

So I would say to you, young 16-year-old boys and girls, be very, very careful. This is not deciding what kind of car you are going to drive, what you are going to study, what sport you are going to play or what band you are going to go to. This is a major league decision, whatever you choose.

You need to be very, very cautious about it. Sometimes I think that we as adults do not talk to the kids enough. I have a 14-year-old daughter, and in talking to her, and then turning around and talking to my peer group parents, I am alarmed at what the parents are not talking to their children about.

To some degree, and I would say it is my opinion, if my daughter gets pregnant, it is not her school's fault, at some point it is not my fault or her mother's fault, it is her fault. To put that kind of mentality in her where she is shifting the responsibility and saying you know what, look at yourself in the mirror, you have to take a major role here, and we are always reluctant to talk frankly with our young people, and yet in so many ways they can handle it. But we have got to put them on notice and talk to them.

I find time and time again, parents are not talking to them. I have some drug statistics that I will share later on, it is just unbelievable that parents do not know what is going on with their kids.

Mrs. CLAYTON. I appreciate the gentleman yielding. I want to say to you young people can handle more than you think, and they are handling more than you realize. We are afraid somehow to converse with our young people, but we are conversing non-verbally with them. We give mixed signals that it is not important. We talk about those things that are important to us. We have somehow a reservation about talking about sex.

I am old enough to know my mother had reservations in talking to me about it. I probably conveyed that similar reservation to my adult children, they tell me. But as we get older, we understand that we need to embrace that.

I have looked at talking about sexuality very early, through your church, your home setting, as well as your school, so young people can see that this is not a mystery. This is God's way of procreation, but it is also having people to be positive about themselves. Just as a young man is positive about himself running around the track. He abstained from smoking and staying up. Why? Because he wants to achieve something.

We want to have that same attitude in our young people, that they want to achieve something in life, so you have to say yes to this set of things, staying in school, making sure you do not put certain things in your body, you do not engage in premature sex, that you find those kind of development skills that challenge your mind. You take difficult classes. That is because you have a goal.

So if we begin giving young people goals, rather than scorning them, I think you would have less young people in trouble. I commend the gentleman and express my appreciation for allowing me to interact. I know the gentleman cares about this issue.

Although we come at it a different way, I think abstinence certainly is the number one issue. I also think we should do a lot about family planning. I just think to ignore that young people are engaged in conversation with people is to ignore reality. That is why family planning is so important. That is why I think parents ought to talk to the young people, because other young people are talking to them.

You would be amazed. I just had a forum with a group to talk about the media's influence on them. You would be amazed at what young people are saying to each other about the subject.

Mr. KINGSTON. On the subject of family planning, the most effective course is going to be at home in the family, not the extended institutional family.

Mrs. CLAYTON. You know, all of our young people are not blessed like your young people and mine, and to ignore that is to dump them in the streets. They need some institution embracing them or somewhere where they get factual information and credible information, not the stuff they hear on the street.

Mr. KINGSTON. I agree. Parents have got to come back into the formula. We are moving in the same direction on this.

Let me say one thing that I have been appalled about with the parents. They are bombarded. When you ask parents, well, do you listen to your kids' rock and roll? And parents think rock and roll, they think the Beatles, the Rolling Stones, Pink Floyd or Jimi Hendrix. They think of their rock and roll generation. They do not understand the Fujis or Tori Amos or some of the groups now that are out there. They are not singing ''I want to hold your hand.'' They are very explicit on sex. Sometimes those explicit sex labels or lyrics are not on the CDs that the kids are buying. Parents should take that opportunity to say ''let me see what you are listening to,'' because now most of them have the words out there.

I have had this happen with my daughter Betsy, because I like music, and I like to sit down with her. I cannot believe some of the stuff, the ''F'' word all the time; sex, all the time. What it does is it gives parents an opportunity to see what their kids are up against every single day of their life, but it also gives, between parent and child, an opportunity to talk. Sometimes parents say ''I am a little reluctant to talk to my kids about sex or whatever, and I do not know how to bring it up.''

All you have got to do is open some of their magazines, maybe read some of the inscriptions in the yearbook, read some of the lyrics on their records and CDs. There is a volume of material

that is an entree for parents to get involved and started talking.

Mrs. CLAYTON. I agree. There is a lot of opportunity for parents to give monitoring guidance and advice about not only the magazines they read, the music they hear, the shows they look at, but that comes from parents being engaged with their young people and taking some responsibility and not leaving it indiscriminately to their young people to buy whatever they want or watch whatever TV they watch.

Also parents ought to express concerns to the media. Still, it is a market-driven situation. If there were enough parents speaking out, young people are going to like different music from what their parents liked. What we call rock and roll, our parents called something else. So you should expect that. Young people want their music. Your music is called the oldies. They do not want to hear that stuff. My kids used to turn the radio when they got in my car. They knew where it was.

So you have got to have an opportunity for them choosing their own music. So the idea is to set standards for them to select within their sphere. You cannot make them like what we like. That is inconceivable, for young people to embrace what their parents liked. But we can have standards by saying what is acceptable for your development, what is ideal for your character formation. Those are things that come from parents engaging, and not enough parents are there, so institutions must be engaged. To ignore that is to relegate too many young people to the street, and we will continue having what is happening already.

Mr. Speaker, I commend the young man for allowing me to interact in his special order.

Mr. KINGSTON. I appreciate your leadership, and look forward to working with you as we wrestle with the issues.

Mr. Speaker, one of the issues I wanted to talk about, that ties into this on the subject of age-appropriate parenting and marriage-based parenting, has to do with the kooky policy that we have in our Internal Revenue Code that says when two people get married, they pay more taxes. It is true, Mr. Speaker, that right now it is less expensive to live together than to get married.

If we agree that marriage is a good institution and we agree that marriage-based parenting is the best way to raise kids, then we should have a tax policy that says when you get married, you either get a tax credit, or at least you do not have to pay higher taxes because of the union between a man and a woman. But right now we have what is called a marriage tax penalty, and it penalizes, of course, working folks.

It is time for this Congress to act on the marriage tax penalty, to repeal it, so that people are not encouraged to live together and they are encouraged to get married, if that is what they want to do, or at least not be discouraged by the tax system.

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A couple of things also that are affecting the family that I wanted to share with my colleagues, Mr. Speaker, on this subject of children. Right now, average middle school students, and this is a very recent survey, shows that by the age of 13, 40 percent of American students know someone who has used acid, cocaine or heroin. Thirty-four percent of the 13-year-olds have friends who are regular drinkers. Twenty-nine percent of the 13-year-olds in America can buy marijuana within a day, and 12 percent can buy it within an hour. Twenty-seven percent have friends who use marijuana, and one of four have attended a party in the last six months where marijuana was used. I do not think parents know to what extent the drug problem is in America.

Now, let us go up a couple of years. By the time these kids are out of middle school and in their senior year, age 17, two-thirds can buy marijuana within a day, 44 percent within an hour; 62 percent have friends who have used marijuana, and 21 percent will say that more than half of their friends use marijuana. Half of the kids have seen drugs personally sold on their school grounds, and 60 percent of American 17-year-olds attend schools where 60 percent of the kids drink on the grounds.

We are losing the war against drugs. I think that the President certainly has a right to bring up this tobacco situation, and we need to reduce teen tobacco use. There is no question about it, and I think we can do a lot in that regard. Yet, while we are debating the tobacco wars, it is a shame that for the columns and the ink and the advertising and the air time that has been spent on tobacco, probably not even one-tenth has been spent on the drug problem. These are tremendous problems, Mr. Speaker.

This is something that centrally affects all of the children in America, and if one does not believe it, talk to a 13-year-old, 14-year-old, 15-year-old, 16-year-old, 17-year-old; find out from them directly, do not take my word for it. Sit down and talk to the kids. As somebody who goes to lots of high schools and lots of student groups to talk, I have seen these statistics are roughly true. I believe that is a tremendous crisis that is facing our country.

Our country, as my colleagues know, Mr. Speaker, has lots of crises, and we as Americans, the great Nation that we are, we face crisis after crisis and we live up to it, and time and time again we pull through. I think a lot of the secret to our success is because of something that happened on this date in history, September 17 in 1787, and that was of course the signing and general ratification of the United States Constitution. Our Constitution, as my colleagues know, came as a result of the Articles of Confederation not being strong enough to meet the needs of the American system of government after the Revolutionary War.

The thing about after the Revolutionary War, we spend a lot of time talking about Francis Scott Key, and we can stand on the gunnel of the ship with him as we see the ramparts in the air and the flying through the night, and we think about the glory of the great American Revolution. We think about Francis Marion, the Swamp Fox of the Revolution, hiding in the oak trees and the Spanish moss with the alligators and the snakes and the mosquitoes and running raids on the British soldiers, and them realizing that if somebody is willing to sacrifice that much for freedom that they probably cannot be defeated on the battlefield.

We think about the Francis Marions of the world. We think about George Washington at Valley Forge. We think about Nathan Hale, a school teacher who went behind enemy lines to spy on Cornwallis, and who, when caught, with a noose around his neck, utters the words, ''I regret that I have but one life to give for my country.''

Incidentally, Mr. Speaker, that was moments after the British asked him what his last request was, and his last request was to write a letter to his mother and asked them to deliver it, and the British soldier took the paper and tore it up, and he turned around and made this great and wonderful lasting statement about America.

That is our glorious Revolution, and yet sometimes we do not remember that once in war, after we take the hill, sometimes the work is not finished at all, but just beginning in a new phase, and that is where America was after the Revolutionary War. We had a weak executive. We had no, virtually no court system, and the power of the States was tremendous, so there was little State unity. It was clear that the Articles of Confederation needed to be rewritten. So a Constitutional Convention was called on May 14, 1787.

Now, politicians being politicians, it took them from the 14th until the 25th until they had a quorum. Now, we think about how long it takes us to have a quorum coming over from Longworth and Cannon and so forth, but here they had to go by horseback and sometimes they did not even know there was a quorum call. But it took them a while, and finally they got a quorum and they went to work, and out of 55 delegates, 39 made it until September 17 to sign the Constitution.

It was a great period in history. A lot of the big minds, the great minds of our history were in the room: Alexander Hamilton, Benjamin Franklin, Madison, Washington, a lot of the great thinkers, and yet other people were gone. Thomas Jefferson was in France; John Adams was in Britain; Samuel Adams, not a delegate; Patrick Henry refused to because he did not like the idea of a strong, centralized government.

They got together and in September passed it. It took until July 1788 before

the State of New York actually ratified it, but the Constitution was brilliant. It was profound, and it was concise.

The major parts of it, part one, the legislative branch, the apportionment, at that time there was a lot of growth in the State of Virginia, some growth of Georgia coming on, but a question as to how many Members of Congress would we in Georgia have. It was decided through a tie, and I believe that Washington and Franklin were both very integral on this, George Washington actually leading the way, that we would have one Member of Congress per 30,000 people, so Georgia ended up with three Members of Congress and Virginia with 25.

Now, when we think about our Congress today, we are at 600,000, and no doubt at the next reapportionment it will probably ease up to 625,000 or something like that.

The legislative branch was outlined in section 1. Also, the power to collect taxes and borrow money. Now, just think about that. We have certainly utilized section 1 of the Constitution to the fullest extent. Section 2 gave the executive branch strong authority. Section 3, the judicial branch.

Now, one of the problems that I think we are experiencing in some parts of the judiciary, the judges can get in an ivory tower. We know the case last year, Mr. Speaker, of a judge who when a drug case got to his court, and the circumstances were such that a woman was driving around in a high-risk area in, I believe, New York City, some guys came out from the darkness. She opened the trunk, and they pulled out of it two duffle bags of cocaine. When this happened, the police sting operation moved in, and the people ran, and the judge threw out the two duffle bags of cocaine as inadmissible evidence because he said that in that part of the country, in that part of the city, it was appropriate to run from the police because the police are oppressive.

Now, that was later, because of the public outcry, the judge backed down on that, but it is pretty bad when we have members of the judiciary who are so high in an ivory tower that they remove themselves from the real world.

I think that can happen in any branch, but with our legislative, executive and judicial branches of government, we all have to keep each other in check from time to time, and certainly the judges have no hesitation of keeping Congress in check.

Section 4 of the Constitution, the interstate commerce clause, part of that was how does a State become part of the Nation. When I was first elected to Congress in 1993, I believe one of the big issues was making Washington, DC, a new State, which was voted down, but that was actually outlined in the Constitution.

Section 5, amending the Constitution. Mr. Speaker, since the beginning, we have had 4,900 proposals to amend the Constitution. I believe only 27 have passed. And Miss Johnson at Brunswick High School corrected me on that the other day, so if I am wrong, we are going to talk to Miss Johnson about it, but Miss Johnson is never wrong.

We have votes on this this year. As my colleagues know, the Balanced Budget Amendment would be another amendment; and flag desecration, to prevent people from burning Old Glory or using it in certain manners, as they did in one art gallery where they put the flag, the United States flag on the floor and had, including young school children, had it arranged such that people had to walk on the flag to see the art exhibit. That would have been prohibited. Another so-called art exhibit had Old Glory stuck in a toilet halfway, and I guess in certain parts of the world, that is considered art. But the flag desecration amendment would have addressed things like that, and that was in section 5.

Section 6, one thing we argue very often around here is the Nation rules over State, national government can supersede State laws, and that is something that of course we fought a war over, and some other issues. That is constantly argued about and debated year after year.

Section 7 talks about how to ratify. As I said, actually New York waited almost a year to ratify the Constitution. North Carolina and Rhode Island actually held out for the Bill of Rights, and the Bill of Rights, as we know, were the first 10 amendments, including very, very importantly, the First Amendment, freedom of speech, freedom of religion, freedom of the right to assemble.

I reminded the school kids the other day, the right to assemble, how important that was to civil rights activists in the 1960s when the civil rights movement was at its heyday. Where did they meet? They met in churches, and they did not need a permit from the governor to do that, as in the early days of the colonies they had to have a permit from King George to get together and that was one way that they kept people from organizing.

In terms of freedom of speech, we are having huge debates right now on what should be on the airways, what should be on the Internet. The number one hit area on the Internet today is pornography.

Now, the question is, Mr. Speaker, should we have the right of freedom of information, freedom of speech on the Internet? I think most Americans would say yes to that. Okay, what about the 10-year-old? Should he or she have a right to it? People would say well, yes. Now, how do we draw the line? It gets a little more complicated the more we explore what our rights are and then what we are potentially exposing people to.

Other things, do we want certain people to have access to how to make a bomb, and would that be something that we would want to guarantee that freedom of speech right to certain folks, maybe prisoners or something like that? Points to ponder.

We have right now under the freedom of religion debated the Istook amendment. That is the Religious Freedom Restoration Act that would allow for nondenominational student-led prayer in school, and yet, there are some cases where that is going to be very controversial. We may and may not have a vote on that amendment. But again, it goes back to the First Amendment.

The Second Amendment, well, we never, ever debated gun control in this body, Mr. Speaker. At least not this week, we will probably get to it next week. But we are always debating these things, and I think the fact that we are makes the Constitution a living, breathing instrument. It shows how profound it is. People do not realize that the American Constitution, while over 200 years old, is one of the oldest constitutions in the world. Britain, France, Japan, all the major nations of the world have had to rewrite their constitutions, but not ours.

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It is a great, great document. On this date we, as Americans, should be as aware of September 17 as we are of July 4. I want to mention some names. Mr. Speaker, I will submit all these names, but I want to read a few names, because I want to show what these people were.

George Washington, a planner, a soldier, a statesman;

Nathaniel Gorham from Massachusetts, a merchant;

Rufus King from Massachusetts, a lawyer;

From New Hampshire, John Langdon, a merchant;

William Samuel Johnson, from Connecticut, a lawyer;

Roger Sherman, from Connecticut, a shoemaker;

David Brearly, from New Jersey, a lawyer;

Benjamin Franklin, a printer, a statesman, a scientist, a philosopher;

Thomas Mifflin from Pennsylvania, a merchant;

Robert Morris from Pennsylvania, a merchant;

John Dickinson from Delaware, a lawyer;

Jacob Broom from Delaware, a surveyor;

William Blount from North Carolina, a landowner;

Hugh Williamson from North Carolina, a physician;

Charles Pinckney, from South Carolina, a lawyer and a soldier;

William Few, from Georgia, a lawyer and member of the State legislature;

And Abraham Baldwin from Georgia, a clergyman.

They came from all walks of life, and they got together and formed almost a perfect document, or to the world of government certainly one.

Mr. Speaker, I yield to my friend, the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia. Indeed, as he recalls those who signed the

document that was ratified as the Constitution of the United States, I am reminded that in just a few hours, in the Valley of the Sun in the Sixth District of Arizona, many who reference this Constitution will gather to celebrate the vibrancy of this document and its importance.

As the chairman of the Congressional Caucus founded during the 104th Congress, I would say to my colleagues in this institution, and Mr. Speaker, to those who watch throughout our Nation and around the world, that it is this document that we swear to uphold and defend when we take the oath of office.

The challenge for us, I believe, Mr. Speaker, is not one that can be summed up with some sort of political phraseology. There are those here in this body and elsewhere in this town who talk about reinventing government. There are others who have written, part of the Fourth Estate who have written, as journalists, that this new conservative majority in Congress is here for a revolution.

Mr. Speaker, let me simply say that I do not believe what we are all about is a reinvention or a revolution. I think, instead, that we would be better off as a country and as a Congress representing those in our country to really try to work for a restoration, a restoration of what this document intends, enumerated powers specified in the Constitution of the United States.

Sadly, what we have seen over the years is that many have taken this document, and they have put it up on the shelf. It is dusted off from time to time in commemorative weeks for historical observance, but our challenge is to live the Constitution. It is a remarkable document, founding this great Republic. If we remember, if we restore what this document means, with its limited and enumerated powers, then we will serve the American people well.

I would say that certainly there are differences of opinion. We champion those differences of opinion. There are those who claim that this document has great implied powers. That debate should continue. That is the essence of our constitutional republic.

But I think it would be important to remember that as one author put it, Catherine Drinker Bowen, in that remarkable title that reviews the history of the Constitutional Convention, that what our founders were about was putting together what she titled in her book ''The Miracle at Philadelphia''; the fact that people from different walks of life, enduring hardship, covering great distances, would embrace a notion that has continued to thrive over two centuries, the notion that here in this Nation, the people are sovereign, a thought that was groundbreaking 2 centuries ago, where, in the kingdoms of Europe, and indeed throughout the world, the notion was that power was conferred from God on a sovereign, someone sitting upon a throne. Here, our notion of governance is that God confers rights on people first, and then people confer power on the government.

Small wonder, then, that the document starts with the three words, ''We, the people.'' And to understand the eloquence and the miracle of that accomplishment in Philadelphia is something that I think all too often we perhaps minimize or perhaps try to put in a special relationship. These were very human people with very human failings.

The book, ''Miracle at Philadelphia'' encapsulates some debates that, quite candidly, Mr. Speaker, were less than civil, emotional outpourings, honest disagreements; and yes, from time to time, dare I say it, personal attacks. But even through the midst of that type of strife came this remarkable document.

It would be my hope that as we continue to work through this 105th Congress, that we work together, acknowledging differences, coming to the floor in this remarkable Chamber, where 435 of us have been chosen by our fellow citizens to represent them.

It would be my hope that we would do more than simply take this document out and dust it off and speak of it eloquently in commemorative fashion, but to remember that this is a living document, a Constitution of enumerated powers that, if we remember and restore that intent, we will have what Thomas Jefferson spoke of when he talked about a limited but effective government. That is what we should rejoice in and that is what we remember tonight.

Mr. Speaker, as pleased as I am to join my colleague, the gentleman from Georgia, I am also very pleased to join one of the newcomers to the people's House who joined us here in the 105th Congress, our good friend, the gentleman from New Jersey [Mr. PAPPAS].

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding to me. I really was quite inspired in hearing the gentlemen speak of what is being celebrated this week as a truly momentous occasion, the history of the world.

We tend to overlook it, but the little booklet the gentleman is holding in his hand, I carry one of those in my briefcase. Every once in a while, especially traveling back and forth between here in Washington on the train, just the other day I read through it. I try to read through it every once in a while when we are dealing with an issue that a portion of the Constitution may deal with specifically. I just find it very helpful.

But as I was thinking about participating in this discussion tonight, I thought of doing something a little bit differently, and in talking to the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from Georgia [Mr. KINGSTON] and those that may be viewing hopefully back home in New Jersey, I will talk a little bit about the four people from New Jersey who participated and signed the Constitution.

For my friend, the gentleman from Georgia [Mr. KINGSTON] and my friend, the gentleman from Arizona [Mr. HAYWORTH], and the chairman from Louisiana, I will give a little history on the four gentlemen.

William Paterson, Jonathan Dayton, David Brearly, and William Livingston.

William Paterson was born in Ireland in 1745. When he was almost 2 years of age his family emigrated to America, disembarking in Newcastle, Delaware. In 1750 he settled in Princeton, New Jersey, which is part of my district in central New Jersey, and became a merchant and manufacturer of tin goods. His prosperity enabled him to attend local private schools in the college of New Jersey, which is now referred to as Princeton University.

Paterson studied law at Princeton under Richard Stockton, a very famous name for those of us in central New Jersey, and later was to sign the Declaration of Independence. Near the end of the decade he began practicing law in New Bromley, in Hunterdon County, also a county in my district.

Then he moved to South Branch, a section of Somerset County, which is my home county. In 1779 he located in New Brunswick, central New Jersey, which is the town that I was born in. The War for Independence broke out. Paterson joined the vanguard of the New Jersey patriots, served in the provincial Congress from 1775 to 1776, the Constitutional Convention in 1776, several other capacities. He also held a militia commission, and from 1776 to 1783 he was the Attorney General for New Jersey, a task that occupied so much of his time that it prevented him from accepting election to the Continental Congress in 1780.

In 1789 he was elected to serve in the U.S. Senate, and he played a pivotal role in drafting the Judiciary Act of 1789. The next position was Governor of his State, my State, for 4 years. He began working on a publication called the Laws of the State of New Jersey. During the years of 1793 through 1806 he served, and I did not know this until this evening, he served as an Associate Justice of the U.S. Supreme Court, and served with distinction.

Jonathan Dayton was born in Elizabethtown, now known as Elizabeth. He practice studied law and established a practice. He sat in the Continental Congress through 1788. He became a foremost Federalist legislator, and although he was elected a representative, he did not serve in the first Congress in 1789, preferring, instead, to become a member of the New Jersey Council and Speaker of the State Assembly.

However, he did serve in this body, in the U.S. House of Representatives, from 1791 to 1799, and became Speaker in the Fourth and Fifth Congresses. The city of Dayton, Ohio, was named after him. He owned extensively landholdings there, I am told over 250,000

acres. The city of Dayton, named after him, many believed to be his greatest monument.

One of the two other people, David Brearly, was born in Trenton, New Jersey. He attended but did not graduate from Princeton; the College of New Jersey, now Princeton. He was elected Chief Justice of the New Jersey Supreme Court, a position he held until 1789. His career was short. He presided at the New Jersey Convention that ratified the Constitution in 1788, and served as a presidential elector in 1789, and President Washington appointed him as a Federal district judge. He served in that capacity until his death.

The last person, William Livingston, was born in Albany, New York, in 1723. He became a member of the Essex County, New Jersey, Committee of Correspondence, and in 1776 he left the Congress to command the New Jersey militia as brigadier general, and held this post until he was elected later. He was the first Governor of the State of New Jersey. Tom Caine served as the Governor of our State in the 1980s, and he is a direct descendent of William Livingston.

He served as a delegate to the Constitutional Convention, though his gubernatorial duties prevented him from attending many of the sessions. I am very proud of these four gentlemen from New Jersey.

Mr. KINGSTON. Mr. Speaker, I would say, Livingston also sat on the committee that drafted the Declaration of Independence.

Mr. PAPPAS. That is correct.

Mr. KINGSTON. He is a very important historical figure. The gentleman actually had a fifth delegate named William Churchill Houston who did not sign. And it is interesting, because in Georgia we had a William Houstoun who also did not sign. They spelled their names slightly differently. The one in the New Jersey was H-O-U-S-T-O-N and the Georgia one is H-O-U-S-T-O-U-N.

As was the case with so many of the delegates, they had to go back home and conduct business or see about family or whatever, and not all of them made it to the actual signing, but boy, did they make their imprint on history, not just for all of us, but in the world.

Mr. Speaker, I yield to the gentleman from Arizona.

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Mr. HAYWORTH. Well, I thank my colleagues from Georgia and New Jersey, and I think about those who helped to write our Constitution but also those blessed in history to help draft the Declaration of Independence. I think of so many who gave so much, and indeed history has well-chronicled the hardships of many of those who signed our Declaration.

As eloquent as the first few words in the Constitution of the United States are, that wonderful, beautiful Preamble, I am also struck by the faith and the determination of our Nation's Founders in the final words in the Declaration. Those words we should remember.

And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

Mr. Speaker, I said earlier that for some reason, as years pass, we tend to view these events perhaps not through rose colored glass but with an unwillingness or, dare I say, ignorance of the hardships many of these people faced. Several signers of the Declaration saw their personal fortunes fall as the cause of this Nation rose. Others gave their lives. Others saw their families destroyed. It was not some small, some item done without consequence.

For as great as the impact was on the world, it can be argued the impact was felt also in a much more personal way by those who pledged their lives, their fortunes and their sacred honor.

Mr. Speaker, I mentioned earlier that this is a living document, our Constitution now, which we celebrate this week, over two centuries and a decade being applied, being the foundation of our constitutional republic, and after that beautiful Preamble——

Mr. KINGSTON. If the gentleman would yield. Would the gentleman go ahead and read the Preamble or should I? I think we should remind everybody about this.

Mr. HAYWORTH. I would be honored.

Mr. KINGSTON. Back years ago schoolchildren were required to memorize this. What a shame that is no longer the case.

Mr. HAYWORTH. I thank my colleague from Georgia for pointing that out, and let me indeed read the Preamble.

We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

Mr. Speaker, after that beautiful Preamble comes Article I, section 1 of the Constitution. And I believe that is something where we need to remember and restore the intent of our Founders of the past. ''All legislative powers herein grant,'' it reads in Article I section 1, ''All legislative powers herein granted shall be vested in a Congress of the United States,'' and yet one of the historically seismic shifts, if you will, in our opinion, constitutional republic has come in this century as this institution has ceded its power to a branch of government not articulated in this document but one, Mr. Speaker, that I believe historians will comment on, a fourth branch of government, the regulatory state.

With that in mind, I believe we should heed what Article I, section 1 of the Constitution says, and that is why I have introduced in the House and in the other body Senator BROWNBACK of Kansas has introduced the Congressional Responsibility Act; understanding that as industries have developed; that as life in these United States has changed over the years, that there must be a modicum of regulation; that as Theodore Roosevelt pointed out earlier in this century, it was good to involve experts, men of science in government, helping us draft regulations to ensure the safety of food product, to ensure transportation safety, to ensure cosmetic safety, and as we have seen with many different industries that have literally been born in this century, aviation, broadcasting, a variety of different endeavors, there needs to be regulation but, again, we should remember Article I, section 1 of this document.

So what the Congressional Responsibility Act would do would be to simply say that when regulations are promulgated by these executive agencies within the Executive Branch, that in addition to a time of public comment; that before these regulations, these proposed regulations, are published pell-mell in the Federal Register, that those proposed regulations be returned to the Congress for an up or down vote in expedited fashion. And if voted down, well, then those proposed regulations would be sent to a respective committee of jurisdiction and those regulations, proposed regulations, would be treated as any other proposed law.

Because here is the curious occurrence that exists today, and it is this. What we have done unintentionally, what we have done, born with the best of intentions, has been to transfer power not only from the people to their elected officials but ofttimes now to bypass elected officials and put the power in the hands of the unelected.

Mr. PAPPAS. If the gentleman would yield, Mr. KINGSTON.

Mr. HAYWORTH. I would gladly yield to the gentleman from New Jersey.

Mr. PAPPAS. If the gentleman would yield, I wanted to respond to my friend from Arizona. I experienced the same thing as a county elected official in my State of New Jersey; that the unelected bureaucracy, at whatever level of government, tends to desire to have more of the decision-making; that we as elected officials are accountable to our constituency for. That is something that is pervasive in all levels of government. What happens here at the Federal level, so difficult for the public to understand and to deal with, is the size of it, the scope of it and the sense that it is so distant; that there is an inability for the public, the taxpayer that provides the funds for these programs, to have any kind of an effect on the programs and the regulations that are enacted that affect our daily lives.

I have just been pleased to be a part of this special order, to again celebrate something that we have and are so fortunate to have as American citizens. I think we take it for granted, and this

opportunity to highlight an amazing document that an amazing group of people wrote, and were it not for divine providence, as they refer to it, the hand of God, we would not be here as Americans today.

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleagues for this opportunity and also to point out that this is a living document that we need to restore. That is our mission here in the 105th Congress as we work to honestly engage each other in debate and problem solving; as we work within this constitutional republic.

I mentioned earlier the work of Catherine Drinker Bowen and her book ''Miracle at Philadelphia.'' Let me say, Mr. Speaker, that the miracle that should continue to astound the world is that we, as human beings, for all our failings and frailties and disagreements and challenges, have been able to preserve this constitutional republic for two centuries and a decade.

Indeed, the miracle occurred not in Philadelphia two centuries ago, although that was important, the miracle occurs in Phoenix, AZ; in Phoenix city, AL; in Flagstaff, AZ; in Savannah, GA. The miracle endures, and our challenge is to preserve it, to protect it, to defend it and to represent those who sent us here to the best of our abilities. And it is my privilege to yield to my colleague from Georgia for his closing thoughts.

Mr. KINGSTON. Mr. Speaker, I thank my colleagues. The interesting thing, along the lines of the words of the gentleman from Arizona [Mr. HAYWORTH] in 1997 were said nearly 100 years ago by Grover Cleveland, and these are his comments that I want to close with. It says, Mr. Speaker, and I quote:

> The man who takes the oath today to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen—on the farm, in the workshop, in the busy marts of trade and everywhere—should share with him. The Constitution which prescribes his oath, my countrymen, is yours; the government you have chosen him to administer for a time is yours; the laws and the entire scheme out of civil rule, from the town meeting to the State capitals and the national capital, is yours. Every voter, as surely as your chief magistrate, under the same high sanction, though in different spheres, exercises a public trust. Nor is this all. Every citizen owes to the country a vigilant watch and close scrutiny of fidelity and usefulness. This is the people's will impressed upon the whole framework of our civil policy—municipal, state, and federal; and this is the price of our liberty and the inspiration of our faith in the public.

CONFERENCE REPORT ON H.R. 2160

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–252)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2160) ''making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,048,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,986,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,773,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $123,385,000: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $5,000,000, to remain available until expended; and in addition, for necessary relocation expenses of the Department's agencies, $2,700,000, to remain available until expended; making a total appropriation of $131,085,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $27,231,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,668,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $63,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: Provided, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $28,524,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $71,604,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $118,048,000, of which up to $36,327,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That, notwithstanding any other provision of law, the Secretary of Agriculture shall conduct the 1997 Census of Agriculture, to the extent practicable, pursuant to the provisions of title 13, United States Code.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $744,605,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the item under the heading ''AGRICULTURAL RESEARCH SERVICE'' in title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 304), is amended by striking the penultimate proviso, relating to conveyance of the Pecan Genetics and Improvement Research Laboratory.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $80,630,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $20,497,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $51,495,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $15,048,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $97,200,000 for competitive research grants (7 U.S.C. 450i(b)); $4,775,000 for the support of animal health and disease programs (7 U.S.C. 3195); $650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $550,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $11,226,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $431,410,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $268,493,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $2,000,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $7,549,000,

to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $9,061,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $900,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,554,000; payments for a food safety program under section 3(d) of the Act, $2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $25,090,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,108,000; in all, $423,376,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $426,282,000, of which $4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1998 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1998, $88,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $46,592,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $59,521,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,690,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,928,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $43,092,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $589,263,000, of which $5,000,000 shall be available for obligation only after promulgation of a final rule to implement the provisions of subsection (e) of section 5 of the Egg Products Inspection Act (21 U.S.C. 1034(e)), and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $700,659,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $550,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $460,000,000 of which $400,000,000 shall be for guaranteed loans; operating loans, $2,395,000,000 of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $34,653,000; and for credit sales of acquired property, $25,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $21,380,000 of which $15,440,000 shall be for guaranteed loans; operating loans, $71,394,000 of which $19,890,000 shall be for unsubsidized guaranteed loans and $19,280,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $132,000; for emergency insured loans, $6,008,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $250,000; and for credit sales of acquired property, $3,255,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $219,861,000 of which $209,861,000 shall be transferred to and merged with the ''Farm Service Agency, Salaries and Expenses'' account.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i). In addition, notwithstanding the provisions of section 516(a)(1)(B) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)(B)), for discretionary expenses, $188,571,000 for the payment of administrative and operating expenses of approved insurance providers.

CORPORATIONS

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

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

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

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

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

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

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

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $633,231,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,835,000 is for snow survey and water forecasting and not less than $8,825,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–f) in demonstration projects: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): Provided further, That the Secretary is authorized to transfer ownership of land, buildings and related improvements of the plant materials facilities located at Bow, Washington, to the Skagit Conservation District.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $11,190,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $101,036,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a): Provided, That not to exceed $50,000,000 of this appropriation shall be available for technical assistance:

Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $34,377,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

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

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

TITLE III RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

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

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, and 1932, except for sections 381 E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $652,197,000, to remain available until expended, of which $27,062,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act; of which $577,242,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $47,893,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That section 381E(d)(3)(B) of such Act is amended by inserting after the phrase, ''business and industry'', the words, ''direct and'': Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $15,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act; not to exceed $15,000,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $5,200,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amounts appropriated, not to exceed $20,048,000 shall be available through June 30, 1998, for empowerment zones and enterprise communities, as authorized by Public Law 103–66, of which $1,200,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $18,700,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $148,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That any obligated and unobligated balances available for prior years for the ''Rural Water and Waste Disposal Grants,'' ''Rural Water and Waste Disposal Loans Program Account,'' ''Emergency Community Water Assistance Grants,'' ''Solid Waste Management Grants,'' the community facility grant program in the ''Rural Housing Assistance Program'' Account, ''Community Facility Loans Program Account,'' ''Rural Business Enterprise Grants,'' ''Rural Business and Industry Loans Program Account,'' and ''Local Technical Assistance and Planning Grants'' shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,000,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,000,000,000 shall be for unsubsidized guaranteed loans; $30,000,000 for section 504 housing repair loans; $19,700,000 for section 538 guaranteed multi-family housing loans; $15,000,000 for section 514 farm labor housing; $128,640,000 for section 515 rental housing; $600,000 for section 524 site loans; $25,000,000 for credit sales of acquired property; and $587,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $135,000,000, of which $6,900,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,300,000; section 538 multi-family housing guaranteed loans, $1,200,000; section 514 farm labor housing, $7,388,000; section 515 rental housing, $68,745,000; credit sales of acquired property, $3,492,000; and section 523 self-help housing land development loans, $17,000.

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

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $541,397,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 1998 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

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

RURAL COMMUNITY FIRE PROTECTION GRANTS

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

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490c, 1490e, and 1490m, $45,720,000, to remain available until expended: Provided, That any obligated and unobligated balances available from prior years in ''Rural Housing for Domestic Farm Labor,'' ''Supervisory and Technical Assistance Grants,'' ''Very Low-Income Housing Repair Grants,'' ''Compensation for Construction Defects,'' and ''Rural Housing Preservation Grants'' shall be transferred to and merged with this account: Provided further, That of the total amount appropriated, $1,200,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1998, they shall remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $58,804,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $5,978,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 1998, as authorized by section 313 of the Rural Electrification Act of 1936, $5,978,000 shall not be obligated and $5,978,000 are rescinded.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $7,000,000 are appropriated to the alternative agricultural research and commercialization corporation revolving fund.

RURAL COOPERATIVE DEVELOPMENT GRANTS

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

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $25,680,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $300,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $12,265,000; cost of municipal rate loans, $21,100,000; cost of money rural telecommunications loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,760,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for ''Rural Utilities Service, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $12,530,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $33,000,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

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

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $554,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $7,767,816,000, to remain available through September 30, 1999, of which $2,616,425,000 is hereby appropriated and $5,151,391,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $4,124,000 shall be available for independent verification of school food service claims.

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

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

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $25,140,479,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law.

COMMODITY ASSISTANCE PROGRAM

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

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

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

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,619,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

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

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

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, and 1731–1736g), as follows: (1) $226,900,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $17,608,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $30,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, $176,596,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, $1,850,000.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

EXPORT CREDIT

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

EMERGING MARKETS EXPORT CREDIT

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

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $948,705,000, of which not to exceed $91,204,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 1998 shall be subject to the fiscal year 1998 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

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

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

BUILDINGS AND FACILITIES

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

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

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

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

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

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $58,101,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

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

TITLE VII—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

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

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

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

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

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

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $150,000,000.

SEC. 722. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 723. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 724. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 725. None of the funds appropriated or otherwise made available in this Act may be expended or obligated to fund the activities of the Western Director and Special Assistant to the Secretary within the Office of the Secretary of Agriculture or any similar position.

SEC. 726. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board.

SEC. 727. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, 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 by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, 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. 728. Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802 (c)) is amended by inserting before the period at the end the following: '', and includes kudzu (Pueraria lobata Dc)''.

SEC. 729. Notwithstanding section 520 of the Housing Act of 1949, (42 U.S.C. 1490) the Martin Luther King area of Pawley's Island, South Carolina, located in Georgetown County, shall be eligible for loans and grants under section 504 of the Housing Act of 1949.

SEC. 730. None of the funds made available to the Food and Drug Administration by this Act

shall be used to close or relocate the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 731. Effective on October 1, 1998, section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph (4), during'' and inserting ''During''; and

(B) in subparagraph (B), by striking ''130'' and inserting ''134'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 732. STUDY OF NORTHEAST INTERSTATE DAIRY COMPACT. (a) DEFINITIONS.—In this section:

(1) CHILD, SENIOR, AND LOW-INCOME NUTRITION PROGRAMS.—The term ''child, senior, and low-income nutrition programs'' includes—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) the summer food service program for children established under section 13 of that Act (42 U.S.C. 1761);

(D) the child and adult care food program established under section 17 of that Act (42 U.S.C. 1766);

(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

(F) the school breakfast program established under section 4 of that Act (42 U.S.C. 1773);

(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of that Act (42 U.S.C. 1786); and

(H) the nutrition programs and projects carried out under part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.).

(2) COMPACT.—The term ''Compact'' means the Northeast Interstate Dairy Compact.

(3) NORTHEAST INTERSTATE DAIRY COMPACT.—The term ''Northeast Interstate Dairy Compact'' means the Northeast Interstate Dairy Compact referred to in section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256).

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) EVALUATION.—Not later than December 31, 1997, the Director shall conduct, complete, and transmit to Congress a comprehensive economic evaluation of the direct and indirect effects of the Northeast Interstate Dairy Compact and other factors which affect the price of fluid milk.

(c) COMPONENTS.—In conducting the evaluation, the Director shall consider, among other factors, the effects of implementation of the rules and regulations of the Northeast Interstate Dairy Compact Commission, such as rules and regulations relating to over-order Class I pricing and pooling provisions. This evaluation shall consider such effects prior to implementation of the Compact and that would have occurred in the absence of the implementation of the Compact. The evaluation shall include an analysis of the impacts on—

(1) child, senior, and low-income nutrition programs including impacts on schools and institutions participating in the programs, on program recipients, and other factors;

(2) the wholesale and retail cost of fluid milk;

(3) the level of milk production, the number of cows, the number of dairy farms, and milk utilization in the Compact region, including—

(A) changes in the level of milk production, the number of cows, and the number of dairy farms in the Compact region relative to trends in the level of milk production and trends in the number of cows and dairy farms prior to implementation of the Compact;

(B) changes in the disposition of bulk and packaged milk for Class I, II, or III use produced in the Compact region to areas outside the region relative to the milk disposition to areas outside the region;

(C) changes in—

(i) the share of milk production for Class I use of the total milk production in the Compact region; and

(ii) the share of milk production for Class II and Class III use of the total milk production in the Compact region;

(4) dairy farmers and dairy product manufacturers in States and regions outside the Compact region with respect to the impact of changes in milk production, and the impact of any changes in disposition of milk originating in the Compact region, on national milk supply levels and farm level milk prices nationally; and

(5) the cost of carrying out the milk price support program established under section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251).

(d) ADDITIONAL STATES AND COMPACTS.—The Director shall evaluate and incorporate into the evaluation required under subsection (b) an evaluation of the economic impact of adding additional States to the Compact for the purpose of increasing prices paid to milk producers.

SEC. 733. From proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970, the Secretary may use up to an additional $2,000,000 to implement a livestock indemnity program as established in Public Law 105–18.

SEC. 734. PLANTING OF WILD RICE ON CONTRACT ACREAGE.—None of the funds appropriated in this Act may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 735. RURAL HOUSING PROGRAMS. (a) HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(b) HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(3) LOAN TERM.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(A) in subsection (a)(2), by striking ''up to fifty'' and inserting ''up to 30''; and

(B) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

''(2) such a loan may be made for a period of up to 30 years from the making of the loan, but the Secretary may provide for periodic payments based on an amortization schedule of 50 years with a final payment of the balance due at the end of the term of the loan;'';

(ii) in paragraph (5), by striking ''and'' at the end;

(iii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(7) the Secretary may make a new loan to the current borrower to finance the final payment of the original loan for an additional period not to exceed twenty years, if—

''(A) the Secretary determines—

''(i) it is more cost-efficient and serves the tenant base more effectively to maintain the current property than to build a new property in the same location; or

''(ii) the property has been maintained to such an extent that it warrants retention in the current portfolio because it can be expected to continue providing decent, safe, and affordable rental units for the balance of the loan; and

''(B) the Secretary determines—

''(i) current market studies show that a need for low-income rural rental housing still exists for that area; and

''(ii) any other criteria established by the Secretary has been met.''.

(c) LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.—Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

''(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.'';

(2) by striking subsection (t) and inserting the following:

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1998 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.''; and

(3) in subsection (u), by striking ''1996'' and inserting ''1998''.

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

And the Senate agree to the same.

JOE SKEEN,
JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
GEORGE R. NETHERCUTT, Jr.,
HENRY BONILLA,
TOM LATHAM,
BOB LIVINGSTON,
MARCY KAPTUR,
VIC FAZIO,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER BOND,
SLADE GORTON,
MITCH M. MCCONNELL,
CONRAD BURNS,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
HERB KOHL,
ROBERT BYRD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the

House and Senate Bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intent—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: ''Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.''

The House and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement adopts language as proposed by the Senate to prohibit the use of salaries and expenses to carry out section 793(c)(1)(C) of Public Law 104-127, a limitation on housing assistance, and section 793(d) of Public Law 104-127, a limitation on program levels in the Fund for Rural America. The House bill had no similar provisions.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $5,048,000 for the Office of the Chief Economist instead of $4,844,000 as proposed by the House and $5,252,000 as proposed by the Senate. Included in this amount is $656,000 to enhance the Department's weather information activities.

NATIONAL APPEALS DIVISION

The conference agreement provides $11,718,000 for the National Appeals Division as proposed by the House instead of $12,360,000 as proposed by the Senate.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The conference agreement does not include a separate appropriation of $783,000 for the Office of Small and Disadvantaged Business Utilization as proposed by the Senate. The funding for this office is included in the Departmental Administration appropriation as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $131,085,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of $141,085,000 as proposed by the House. Included in this amount is $5,000,000 for repairs, renovations, and construction as proposed by the Senate instead of $15,000,000 as proposed by the House. The conference agreement also deletes language proposed by the Senate expanding the use of operation and maintenance funds.

HAZARDOUS WASTE MANAGEMENT

The conference agreement provides $15,700,000 for Hazardous Waste Management as proposed by the Senate instead of $20,000,000 as proposed by the House.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $27,231,000 for Departmental Administration as proposed by the House instead of $26,948,000 as proposed by the Senate. Included in this amount is $783,000 for the Office of Small and Disadvantaged Business Utilization. The conferees direct that not less than $15,274,000 of the total amount appropriated be used for civil rights enforcement activities. This amount includes full funding for the establishment of an investigative unit within the Office of Civil Rights.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $63,128,000 for the Office of the Inspector General as proposed by the House instead of $63,728,000 as proposed by the Senate. Included in this amount is $95,000 for confidential operational expenses as proposed by the House instead of $125,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $28,524,000 for the Office of the General Counsel instead of $27,949,000 as proposed by the House and $29,098,000 as proposed by the Senate.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $71,604,000 for the Economic Research Service as proposed by the House instead of $53,109,000 as proposed by the Senate. Included in this amount is $18,495,000 for studies and evaluations of food stamp, child nutrition, and WIC programs to be coordinated with the Food and Consumer Service and other Departmental agencies. The conferees anticipate that minimum staff changes will be needed to carry out these studies and direct the agency to notify the House and Senate Committees on Appropriations at least 15 days prior to the use of these funds for any hiring of new employees.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $118,048,000 for the National Agricultural Statistics Service as proposed by the Senate instead of $116,861,000 as proposed by the House. Included in this amount is up to $36,327,000 for the Census of Agriculture as proposed by the Senate instead of $36,140,000 as proposed by the House. The conference agreement also includes bill language giving USDA the authority to conduct the 1997 Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

The conference agreement provides $744,605,000 for the Agricultural Research Service instead of $725,059,000 as proposed by the House and $738,000,000 as proposed by the Senate.

The following table reflects the conference agreement:

Amount	
FY 1997 appropriation	$716,826,000
Transfer: Office of Chief Economist	(29,000)
Adjusted FY 1997 appropriation	716,797,000
Emerging Diseases and Exotic Pests	$3,050,000
Vomitoxin in Wheat	(500,000)
Fusarium Head Blight, MN	(500,000)
Karnal Bunt, KS	(500,000)
Citrus Tristeza	(750,000)
Ergot Disease in Sorghum	(300,000)
Asian Long Horn Beetle	(500,000)
Food Safety	4,000.000
Apple E. Coli Research, PA	(250,000)
Food Safety Agency Study	(420,000)
Genetic Resources	1,500,000
Grazing Lands Utilization and Conservation	1,000,000
Logan, UT	(250,000)
El Reno, OK	(250,000)
Las Cruces, NM	(250,000)
University Park, PA	(250,000)
Human Nutrition	7,500,000
Food Consumption Survey Infant/Children	(5,000,000)
Little Rock, AR	(1,000,000)
Houston, TX	(500,000)
Beltsville, MD	(250,000)
Boston, MA	(250,000)
San Francisco, CA	(250,000)
Florida Everglades Restoration	1,250,000
Hydrology-Canal Point, FL	(500,000)
Hydrologist-Dade County, FL	(250,000)
Melaleuca	(500,000)
Integrated Pest Management and Biocontrol	2,500,000
Biological Control	(2,000,000)
Host Plant Resistance	(500,000)
Appalachian Soil and Water Conservation Lab, WV	250,000
Arctic Germplasm Repository	650,000
Coastal Wetlands & Erosion Control, LA	1,000,000
Cotton Genetics, MS	250,000
Cotton Ginning, TX	500,000
Fish Disease, AL	250,000
Food Fermentation, NC	250,000
Formosan Termite, Southern Regional Research Center	5,000,000
Grain Legume, WA	250,000
Honeybee, TX	500,000
Hops Research, OR	100,000
Lyme Disease	200,000
National Aquaculture Research Ctr., AR	500,000
National Ctr. for Cool and Cold Water Aquaculture., WV	250,000
National Warmwater Aquaculture Ctr., MS	500,000
Natural Products, MS	700,000
NW Nursery Crops, OR	500,000
Organics Management Research	500,000
Plant Genetics Equip./Greenhouse, MO	200,000
Poisonous Plant, UT	100,000
Poult Enteritis Mortality Syndrome, GA	250,000
Reproductive Efficiency of Beef Cattle, MT	250,000
Rice research:	
Beaumont, TX.	250,000
Stuttgart, AR.	700,000
Small Fruits, MS.	250,000
Small Grains, Raleigh, NC./Aberdeen, ID	450,000
Sugarcane Biotechnology Research, LA	200,000
Termination of ongoing projects	−3,119,000
Evaluation studies	−913,000
Administrative reductions	−3,760,000
Total	744,605,000

The conference agreement concurs in the following project terminations: improved cropping systems ($158,400), decision support systems ($80,000), CO; composts and organic residuals ($281,700), soybean inoculants ($171,800), populations of Fungi ($182,300), MD; differential root development ($221,100), NY; process modeling of soil and water ($384,300), PA; transferring technology for improvements in agriculture ($158,700), PR; biological control of horn flies ($221,500), improved cultivars for kenaf ($343,900), TX; and management savings ($550,000) headquarters and ($365,200), GA.

The agreement provides $420,000 for a study by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, including functions overseen by the Food Safety and Inspection Service, the Food and Drug Administration, and other Federal, state and local

agencies with responsibilities for food safety. The study will be conducted in two phases. The first phase will examine the current mechanisms in place for assuring a safe food supply and the extent to which they are effective in addressing food safety issues from the farm to the table. It will also analyze the extent to which current functions (i.e., inspection, surveillance, monitoring, research, risk assessment, and education) should be assigned or reassigned to existing food safety agencies or an independent food safety agency. It should also identify whether any functions would be compromised by such an action. If an independent food safety agency is recommended, the second phase will develop further guidance to ensure that the food safety system protects the public's health and is cost-effective. A report on the first phase should be transmitted to the appropriate Committees of Congress no later than August 15, 1998.

The conferees support the food safety initiative and expect the Agricultural Research Service to work with the Food and Drug Administration, the National Institute of Diabetes and Digestive and Kidney Diseases, the National Institute of Allergy and Infectious Diseases, and the Centers for Disease Control and Prevention to develop a biomedical research agenda on food safety.

The conferees expect the work on controlling root diseases of wheat and barley in cereal-based production systems to continue at the Pullman, WA, ARS research station at the fiscal year 1997 level.

The conferees support the addition of a new lettuce geneticist/plant breeder position at the U.S. Agricultural Research Station in Salinas, California.

The USDA-ARS National Sedimentation Laboratory is directed to initiate an integrated watershed research program of monitoring, analyzing, and evaluating sediment production, movement and deposition and their impacts with appropriate solutions on stream degradation, flooding and management of upland areas, environmental and ecological concerns in the Yalobusha River Basin, stream estuaries, and Grenada Lake.

The conferees expect the ARS to expand its work on Meadowfoam research in Oregon and at the Peoria laboratory.

The bill includes language proposed by the House that returns ownership of the Pecan Genetics and Improvement Research Laboratory to the Agricultural Research Service.

BUILDINGS AND FACILITIES

The conference agreement provides $80,630,000 for Agricultural Research Service, Buildings and Facilities instead of $59,000,000 as proposed by the House and $69,100,000 as proposed by the Senate.

The following table reflects the conference agreement:

California:	
Western Human Nutrition Research Center, Davis	$5,200,000
U.S. Horticulture Crop and Water Mgt. Lab., Parlier	23,400,000
France:	
European Biological Control Lab.	3,400,000
Illinois:	
National Center for Agriculture Utilization, Peoria	8,000,000
Louisiana:	
Southern Regional Research Center, New Orleans	1,100,000
Maryland:	
Agricultural Research Center, Beltsville	3,200,000
National Agricultural Library, Beltsville	2,500,000
Michigan:	
Avian Disease Labs, East Lansing	1,800,000
Mississippi:	
Biocontrol and Insect Rearing Lab., Stoneville	900,000
National Center for Natural Products, Oxford	7,000,000
Montana:	
Pest Quarantine and Integrated Pest Management, Sidney	606,000
New York:	
Plum Island Animal Disease Center	2,000,000
New Mexico:	
Joranado Range Research Center, Las Cruces	700,000
North Dakota:	
Human Nutrition Center, Grand Forks	4,400,000
Pennsylvania:	
Eastern Regional Lab.	5,000,000
South Carolina:	
U.S. Vegetable Laboratory, Charleston	4,824,000
Utah:	
Poisonous Plant Lab., Logan	600,000
West Virginia:	
National Center for Cool and Cold Water Aquaculture, Leetown	6,000,000
Total	80,630,000

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $431,410,000 for research and education activities instead of $421,223,000 as proposed by the House and $427,526,000 as proposed by the Senate.

The following table reflects the conference agreement:

Research and Education Activities

[In thousands of dollars]

	Conference agreement
Payments Under Hatch Act	168,734
Cooperative forestry research (McIntire-Stennis)	20,497
Payments to 1890 colleges and Tuskegee	27,735
Special Research Grants (P.L. 89–106):	
Aegilops cylindricum (WA)	346
Aflatoxin (IL)	113
Agriculture-based industrial lubricants (IA)	200
Agricultural diversification (HI)	131
Agricultural diversity/Red River Corridor (MN/ND)	250
Alliance for food protection (NE, GA)	300
Alternative crops (ND)	550
Alternative marine and fresh water species (MS)	308
Alternative salmon products (AK)	400
Animal science food safety consortium (AR, IA, KS)	1,521
Apple fire blight (NY, MI)	500
Aquaculture (IL)	158
Aquaculture (LA)	330
Aquaculture (MS)	642
Aquaculture produce and marketing development (WV)	600
Babcock Institute (WI)	312
Binational agriculture research and development	500
Biodiesel research (MO)	152
Center for animal health and productivity (PA)	113
Center for innovative food technology (OH)	281
Center for rural studies (VT)	32
Chesapeake Bay aquaculture	370
Citrus decay fungus (AZ)	250
Coastal cultivars (GA)	250
Competitiveness of agricultural products (WA)	677
Cool season legume research (ID, WA)	329
Cotton research (TX)	200
Cranberry/blueberry disease and breeding (NJ)	220
Dairy (AK)	250
Dairy and meat goat research (TX)	63
Delta rural revitalization (MS)	148
Drought mitigation (NE)	200
Ecosystems (AL)	500
Environmental research (NY)	486
Environmental risk factors/cancer (NY)	100
Expanded wheat pasture (OK)	285
Farm and rural business finance (IL)	87
Feed barley for rangeland cattle (MT)	600
Floriculture (HI)	250
Food and Agriculture Policy Institute (IA, MO)	800
Food irradiation (IA)	200
Food marketing policy center (CT)	332
Food processing center (NE)	42
Food safety	2,000
Food systems research group (WI)	221
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	296
Generic commodity promotion research and evaluation (NY)	212
Global change	1,000
Global marketing support service (AR)	127
Grain sorghum (KS)	106
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production (OH)	140
Illinois-Missouri Alliance for Biotechnology	1,184
Improved dairy management practices (PA)	296
Improved fruit practices (MI)	445
Institute for Food Science and Engineering (AR)	950
Integrated production systems (OK)	161
International arid lands consortium	329
Iowa biotechnology consortium	1,564
Landscaping for water quality (GA)	300
Livestock and dairy policy (NY, TX)	445
Lowbush blueberry research (ME)	220
Maple research (VT)	100
Michigan biotechnology consortium	675
Midwest advanced food manufacturing alliance	423
Midwest agricultural products (IA)	592
Milk safety (PA)	268
Minor use animal drugs (IR–4)	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for aquaculture (HI)	127
National biological impact assessment	254

	Conference agreement
Nematode resistance genetic engineering (NM)	127
Non-food uses of agricultural products (NE)	64
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	225
Peach tree short life (SC)	162
Pest control alternatives (SC)	106
Phytophthora root rot (NM)	127
Plant, drought, and disease resistance gene cataloging (NM)	150
Plant genome research (OH)	50
Postharvest rice straws (CA)	300
Potato research	1,214
Poultry carcass removal (AL)	300
Precision agriculture (MS)	600
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Rangeland ecosystems (NM)	185
Regional barley gene mapping project	348
Regionalized implications of farm programs (MO, TX)	294
Rice Modeling (AR)	296
Rural development centers (PA, IA, (ND), MS, OR)	423
Rural policies institute (NE, MO)	644
Russian wheat aphid (CO)	200
Seafood and aquaculture harvesting, processing, and marketing (MS)	305
Small fruit research (OR, WA, ID)	212
Southwest consortium for plant genetics and water resources	338
Soybean cyst nematode (MO)	450
STEEP III—water quality in Northwest	500
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	94
Sustainable agriculture systems (NE)	59
Sustainable pest management for dryland wheat (MT)	400
Swine waste management (NC)	300
Tillage, silviculture, waste management (LA)	212
Tropical and subtropical	2,724
Urban pests (GA)	64
Vidalia onions (GA)	84
Viticulture consortium (NY, CA)	800
Water conservation (KS)	79
Water quality	2,461
Weed control (ND)	423
Wheat genetic research (KS)	261
Wood utilization research (OR, MS, NC, MN, ME, MI)	3,536
Wool research (TX, MT, WY)	300
Total, Special Research Grants	51,495
Improved pest control:	
Critical issues	200
Emerging pest and disease issues	1,623
Expert IPM decision support issues	177
Integrated pest management	2,731
Pesticide clearance (IR–4)	8,990
Pesticide impact assessment	1,327
Total, Improved pest control	15,048
Competitive research grants:	
Plant systems	37,000
Animal systems	24,000
Nutrition, food quality, and health	8,000
Natural resources and the environment	17,500
Processes and new products	6,800
Markets, trade, and policy	3,900
Total, Competitive research grants	97,200
Animal Health and Disease (Sec. 1433)	4,775
Critical Agricultural Materials Act	550
Aquaculture Centers (Sec. 1475)	4,000
Alternative Crops	650
Sustainable agriculture	8,000
Capacity building grants	9,200
Payments to the 1994 Institutions	1,450
Graduate fellowship grants	3,000
Institution challenge grants	4,350
Multicultural scholars program	1,000
Hispanic-serving institutions	2,500
Native American Institutions Endowment Fund	(4,600)
Federal Administration:	
Agriculture development in American Pacific	564
Agriculture waste utilization (WV)	360
Alternative fuels characterization laboratory (ND)	218
Animal waste management (OK)	250
Center for Agricultural and Rural Development (IA)	355
Center for Human Nutrition (MD)	150
Center for North American Studies (TX)	87
Data information system	800
Geographic information system	844
Mariculture (NC)	150
Mississippi Valley State University	583
National Education Center for Agricultural	
National Center for Peanut Competitiveness	150
Office of grants and program systems	310
Pay costs and FERS (prior)	900
Peer panels	350
PM–10 study (CA, WA)	873
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,354
Water quality (IL)	492
Water quality (ND)	436
Total, Federal Administration	11,226
Total, Research and Education Activities	431,410

For the geographic information system project, the agreement provides $844,000 which includes funding for past participating entities in Georgia, the Chesapeake Bay, Arkansas, North Dakota, Washington, Wisconsin, and new entities in New Mexico and Colorado.

The conferees have provided the $2,000,000 requested for a new competitive food safety initiative. The conferees urge that a research proposal from Pennsylvania State University's E. Coli Reference Center be considered for funding if judged to be meritorious when subjected to the established review process.

Included in the funding for alternative crops is $500,000 for canola research and $150,000 for hesperaloe research.

EXTENSION ACTIVITIES

The conference agreement provides $423,376,000 for extension activities instead of $415,110,000 as proposed by the House and $423,322,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
Smith Lever 3(b) & 3(c)	268,493	268,493
Smith Lever 3(d):		
Pest management	10,783	10,783
Water quality	10,733	9,061
Farm safety	2,855	2,855
Food and nutrition education (EFNEP)	58,695	58,695
Pesticide impact assessment	3,214	3,214
Rural development centers	908	908
Sustainable agriculture	3,309	3,309
Food safety	2,365	2,365
Youth at risk	9,554	9,554
Indian reservation agents	1,672	1,672
1890's Colleges and Tuskegee	25,090	25,090
1890's facilities grants	7,549	7,549
Renewable Resources Extension Act	3,192	3,192
Agricultural telecommunications	1,167	900
Rural health and safety education	2,628	2,628
Extension services at the 1994 institutions	2,000	2,000
Subtotal	414,207	412,268
Federal Administration and special grants:		
Beef producers' improvement (AR)	197	197
Delta teachers academy	3,850	3,500
Extension specialist (AR)	99	99
Extension specialist (MS)	50	50
General administration	4,995	4,995
Income enhancement demonstration (OH)	246	246
Integrated cow/calf resources management (IA)	345	300
National Center for Agriculture Safety (IA)		195
Pilot tech. transfer (OK, MS)	326	326

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
Pilot tech. transfer (WI)	163	163
Range improvement (NM)	197	197
Rural center for the study and promotion of HIV/STD prevention (IN)	246	
Rural development (NE)	386	
Rural development (OK)	227	247
Rural development (OK)	296	150
Rural rehabilitation (GA)	246	246
Wood biomass as an alternative farm product (NY)	197	197
Total, Federal Administration	12,066	11,108
Total, Extension Activities	426,273	423,376

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $426,282,000 for the Animal and Plant Health Inspection Service instead of $424,244,000 as proposed by the House and $437,183,000 as proposed by the Senate. Included in this amount is $1,255,000 for rabies control activities in Ohio, Texas, New York, and other states.

The conferees are aware of the cooperative efforts of APHIS in controlling boll weevils in New Mexico and that cotton farmers in New Mexico are continuing a voluntary assessment for eradication. The conferees urge APHIS to continue its cooperative effort for boll weevil eradication in New Mexico.

Included in the total amount provided for the boll weevil eradication plan, the conferees provide not less than $400,000 to continue the geographic information system project to prepare for future expansion of the program into remaining cotton production regions that have not eradicated the boll weevil. The technology developed through this system will be transferred to these regions as the program expands, reducing overall program costs.

The conferees direct that APHIS continue its efforts to maximize cost sharing of control activities in all states to the extent possible. However, the conferees recognize that circumstances vary among states and do not support implementation of the rigid cost sharing requirement proposed in the budget.

The following table reflects the conference agreement:

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
PEST AND DISEASE EXCLUSION		
Agricultural guarantee inspection	26,547	26,747
User fees	98,000	88,000
Subtotal, Agricultural quarantine inspection	124,547	114,747
Cattle ticks	4,537	4,627
Foot-and-mouth disease	3,991	3,803
Import-export inspection	6,847	6,815
International programs	6,643	6,630
Fruit fly exclusion and detection	21,161	20,970
Screwworm	31,713	31,713
Tropical bont tick	452	444
Total, Pest and disease exclusion	199,891	189,749
PLANT AND ANIMAL HEALTH MONITORING		
Animal health monitoring and surveillance	60,831	61,464
Animal and plant health regulatory enforcement	5,855	5,855
Pest detection	4,202	6,302
Total, Plant and animal health monitoring	70,888	73,621
PEST AND DISEASE MANAGEMENT PROGRAMS		
Animal damage control—operations	26,967	28,487
Aquaculture	571	567
Biocontrol	6,290	6,275
Boll weevil	16,209	16,209
Brucellosis eradication	21,661	19,818
Golden nematode	444	435
Gypsy moth	4,367	4,366
Imported fire ant	1,000	1,000
Miscellaneous plant diseases	1,516	1,516
Noxious weeds	404	454
Pink bollworm	1,069	1,048
Pseudorabies	4,518	4,481
Scrapie	2,967	2,931
Sweet potato whitefly	1,888	1,877
Tuberclosis	4,948	4,920
Witchweed	1,662	1,638
Total, Pest and disease management programs	96,481	96,022
ANIMAL CARE		
Animal werlfare	9,185	9,175
Horse protection	360	353
Total, Animal care	9,545	9,528
SCIENTIFIC AND TECHNICAL SERVICES		
ADC methods development	10,591	10,215
Biotechnical/environmental protection	8,132	8,132
Intregrated systems acquisition project	4,000	3,500
Plant methods development laboratories	5,048	5,048
Veterinary biologics	10,360	10,345
Veterinary disgnostics	15,473	15,622
Total, Scientific and technical services	53,604	52,862
Contingency fund	4,500	4,500
Total, Salaries and expenses	434,909	426,282

BUILDINGS AND FACILITIES

The conference agreement provides $4,200,000 for Animal and Plant Health Inspection Service, Buildings and Facilities as proposed by the Senate instead of $3,200,000 as proposed by the House.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $46,592,000 for the Agricultural Marketing Service instead of $45,592,000 as proposed by the House and $49,627,000 as proposed by the Senate. Included in this amount is $1,000,000 for marketing assistance to Alaska.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

The conference agreement provides $23,928,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of $23,583,000 as proposed by the Senate. Included in this amount is $800,000 for packer concentration as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $589,263,000 for the Food Safety and Inspection Service as proposed by the House instead of $590,614,000 as proposed by the Senate.

The conference agreement amends House bill language requiring that $5,000,000 shall be available for obligation only after a final rule is implemented regarding subsection (c) of Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034 (c)). The conference agreement states that the $5,000,000 shall be available for obligation only after promulgation of a final rule to implement that provision. The conferees direct that if a final rule is not promulgated, the Department is not to take the reduction from any funds appropriated for the Food Safety Initiative or any inspection services. The conference agreement does not restrict the Department from promulgating rules beyond the scope of subsection (c) of Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034 (c)).

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $700,659,000 for the Farm Service Agency as proposed by the Senate instead of $702,203,000 as proposed by the House. The agreement also provides transfers to the Farm Service Agency of $589,000 from the export loan program, $815,000 from the P.L–480 program, and $209,861,000 from the Agricultural Credit Insurance Fund for a total available of $911,924,000.

The conferees expect USDA to execute its current office streamlining in a manner that reflects differences among the States and that uses criteria including workload, complexity, and accessibility rather than an arbitrary process based solely on distances between county offices.

DAIRY INDEMNITY PROGRAM

The conference agreement provides $550,000 for the Dairy Indemnity program as proposed by the Senate instead of $350,000 as proposed by the House.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy level of $102,419,000 providing for an estimated loan level of $2,940,653,000 for the activities under the Agricultural Credit Insurance Fund.

The following table reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Agricultural Credit Insurance Fund Program Account:		
Loan authorization:		
Farm ownership loans:		
Direct	(50,000,000)	(60,000,000)
Guaranteed	(550,000,000)	(400,000,000)
Subtotal	(600,000,000)	(460,000,000)
Farm operating loans:		
Direct	(495,071,000)	(495,000,000)
Guaranteed unsubsidized	(1,700,000,000)	(1,700,000,000)
Guaranteed subsidized	(200,000,000)	(200,000,000)
Subtotal	(2,395,071,000)	(2,395,000,000)
Indian tribe land acquisition loans	(1,000,000)	(1,000,000)
Emergency disaster loans	(25,000,000)	(25,000,000)
Boll weevil eradication loans	(34,653,000)	(34,653,000)
Credit sales of acquired property	(25,000,000)	(25,000,000)
Total, Loan authorization	(3,080,724,000)	(2,940,653,000)
Loan subsidies:		
Direct	5,920,000	5,940,000
Guaranteed	22,055,000	15,440,000
Subtotal	27,975,000	21,380,000
Farm operating loans:		
Direct	65,450,000	32,224,000
Guaranteed unsubsidized	19,210,000	19,890,000
Guaranteed subsidized	18,480,000	19,280,000
Subtotal	103,140,000	71,394,000
Indian tribe land acquisition	54,000	132,000
Emergency disaster loans	6,365,000	6,008,000
Boll weevil loans subsidy	499,000	250,000
Credit sales of acquired property	2,530,000	3,255,000
Total, Loan subsidies	140,563,000	102,419,000
ACIF expenses:		
Salaries and expense (transfer to FSA)	208,446,000	209,861,000
Administrative expenses	12,600,000	10,000,000
Total, ACIF expenses	221,046,000	219,861,000
Total, Agricultural Credit Insurance Fund	361,609,000	322.280,000
(Loan authorization)	(3,080,724,000)	(2,940,653,000)

RISK MANAGEMENT AGENCY

The conference agreement provides $252,571,000 for the Risk Management Agency instead of $253,571,000 as proposed by the House and $266,571,000 as proposed by the Senate. The agreement includes $64,000,000 for administrative and operating expenses of the agency and $188,571,000 for the payment of administrative and operating expenses of approved insurance providers.

The conferees note the difficulty in providing funds for the sales commissions for crop insurance agents. This problem will continue without a change in permanent law. The conferees expect the Department to submit legislation to effect a change to permanent funding for this activity.

TITLE II—CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement continues funding conservation operations, watershed surveys and planning, and watershed and flood prevention operations as three separate accounts as proposed by the House. The Senate proposed to fund watershed surveys and planning and technical assistance of watershed and flood prevention operations under the conservation operations account and had a separate account for watershed and flood prevention operations financial assistance.

The conference agreement provides $633,231,000 for conservation operations. Included in this amount are the following: $350,000 for the Great Lakes Basin Program for Soil and Erosion Sediment Control; a total of $3,000,000 for technical assistance in Franklin County, Mississippi; $15,000,000 for the grazing lands initiative; $100,000 for the Trees Forever program in Iowa; and $750,000 for the Deer Creek watershed in Oklahoma. The conferees also provide $300,000, through the Environmental Quality Incentives Program, for the project to assist farmers surrounding Lake Otisco in central New York. The conferees do not provide funding under this account for poultry waste energy recovery.

The conference agreement includes language proposed by the House to transfer ownership of the plant materials center located at Bow, Washington to the Skagit Conservation District. The Senate bill had no similar provision.

The conferees encourage the Department to continue the cooperative agreements it has established with private conservation organizations to support the implementation of the Wetlands Reserve Program.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $11,190,000 for watershed surveys and planning instead of $10,000,000 as proposed by the House. The Senate proposed funding for this account under Conservation Operations.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $101,036,000 for watershed and flood prevention operations as proposed by the House. The Senate proposed funding for this account under Conservation Operations. The conference agreement includes language as proposed by the Senate to provide that up to $15,000,000 of the total may be available for P.L. 534 projects. The conference agreement

also includes language as proposed by the House limiting the amount available for technical assistance to not more than $50,000,000.

While conferees do not earmark $1,800,000 for the Potomac Headwaters project as proposed by the Senate, they support continuation of the project. The conferees note the importance of reducing poultry and other waste load-related problems in the South Branch of the Potomac River and encourage the Department to work with the West Virginia Department of Agriculture for further development of the poultry waste energy recovery (POWER) project at Moorefield and project implementation at Franklin.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $34,377,000 for the Resource Conservation and Development program instead of $29,377,000 as proposed by the House and $44,700,000 as proposed by the Senate. The conferees do not specifically earmark this increase for any initiative, instead the conferees expect that this increase will be used for approved RC&D councils waiting for funding.

The conferees expect the NRCS to submit a detailed operating plan for the Resource Conservation and Development program for fiscal year 1998 to the House and Senate Committees on Appropriations no later than 30 days after enactment of this Appropriations Act. This operating plan should include a proposal for expenditure of available funds for each RC&D area. The operating plan should compare proposed funding levels to the initial fiscal year 1998 budget request and fiscal year 1997 current operating levels, and should include narrative explanations as appropriate. The conferees expect the NRCS to consult with the House and Senate Appropriations Committees to develop this operating plan, which will serve as the basis for reprogramming notifications throughout the remainder of the fiscal year.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS

The conference agreement provides $3,000,000 for the Outreach for Socially Disadvantaged Farmers and Ranchers Program instead of $2,000,000 as proposed by the House and $4,000,000 as proposed by the Senate. The conferees note that, in addition to the funding received through appropriations bills, the program has also received $4,500,000 from the Fund for Rural America.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $652,197,000 for the Rural Community Advancement Program (RCAP) instead of $644,259,000 as proposed by the Senate. The House bill did not provide funds for the Rural Community Advancement Program, but provided funding for its activities under three separate accounts: the Rural Housing Assistance Program, the Rural Business-Cooperative Assistance Program and the Rural Utilities Assistance Program.

The following table reflects the conference agreement:

RCAP ACCOUNTS

	Request	House	Senate	Proposed
Water/Sewer	$608,080,000	$577,242,000	$568,304,000	$577,242,000
Community/Housing	30,037,000	86,488,000	27,562,000	27,062,000
Bus-Co-op	50,453,000	51,400,000	48,393,000	47,893,000
Total	688,570,000	715,130,000	644,259,000	652,197,000
Earmarks:				
Colonias	25,000,000	18,700,000	24,500,000	20,000,000
Tech. Asst. (water&sewer)	15,000,000	15,000,000	15,000,000	15,000,000
Alaska		8,750,000	15,000,000	15,000,000
Circuit Rider	5,150,000	5,200,000	5,650,000	5,200,000
EZ/EC	32,163,000	20,048,000	32,163,000	20,048,000
Tech. Asst. (transportation)		500,000		500,000
Total	77,313,000	67,698,000	92,313,000	75,748,000

The conferees recognize the continuing problem of out migration in rural counties across the country and the efforts being made through the Rural Economic Area Partnership (REAP) pilot program. The conferees recommend that Rural Development, as the lead agency for this pilot program, give priority assistance to the REAP zones.

The conferees urge the Department to consider the following projects which were not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to these projects as are used for other applications.

Under Rural Business Enterprise Grants:

Rural Development and Finance Corporation, Raymondville, Texas

Renewable Resources Research Institute, Midwestern states

University of Colorado Health Science Center

Under Rural Utilities Programs:

City of Fort Morgan, Colorado

City of Taos, New Mexico

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy level of $226,142,000 (providing for an estimated loan program level of $4,219,527,000) for the activities under the Rural Housing Insurance Fund Program Account instead of $219,642,000 (providing for an estimated program level of $4,169,527,000) as proposed by the House and $224,544,000 (providing for an estimated program level of $3,519,532,000) as proposed by the Senate.

The following table reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Rural Housing Insurance Fund Program Account:		
Loan authorizations:		
Single family (sec. 502)	(1,000,000,000)	(1,000,000,000)
Unsubsidized guaranteed	(2,300,000,000)	(3,000,000,000)
Housing repair (sec. 504)	(35,000,000)	(30,000,000)
Farm labor (sec. 514)	(15,000,000)	(15,000,000)
Rental housing (sec. 515)	(58,654,000)	(128,640,000)
Multi-family housing guarantees (sec. 538)		(19,700,000)
Site loans (sec. 524)	(600,000)	(600,000)
Self-help housing land development fund	(600,000)	(587,000)
Credit sales of acquired property	(50,000,000)	(25,000,000)
Total, Loan authorizations	(3,459,854,000)	(4,219,527,000)
Loan subsidies:		
Single family (sec. 502)	83,000,000	128,100,000
Unsubsidized guaranteed	6,210,000	6,900,000
Housing repair (sec. 504)	11,081,000	10,300,000
Farm labor (sec. 514)	6,885,000	7,388,000
Rental housing (sec. 515)	28,987,000	68,745,000
Multi-family housing guarantees (sec. 538)		1,200,000
Self-help housing land development fund	17,000	17,000
Credit sales of acquired property	4,050,000	3,492,000
Total, Loan subsidies	140,230,000	226,142,000
RHIF administrative expenses (transfer to RHS)	366,205,000	354,785,000
Total, Rural Housing Insurance Fund	506,435,000	580,927,000
(Loan authorization)	(3,459,854,000)	(4,219,527,000)

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $541,397,000 for rental assistance as proposed by the Senate instead of $493,870,000 as proposed by the House.

RURAL COMMUNITY FIRE PROTECTION GRANTS

The conference agreement provides $2,000,000 for rural community fire protection

grants as proposed by the House instead of $1,285,000 as proposed by the Senate.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $45,720,000 for rural housing assistance grants as proposed by the Senate. The House bill funded these activities under the Rural Housing Assistance Program.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement appropriates a subsidy level of $16,888,000 (providing an estimated loan program level of $35,000,000) for the Rural Development Loan Fund Program Account as proposed by the House instead of $19,200,000 (providing an estimated loan program level of $40,000,000) as proposed by the Senate.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

The conference agreement rescinds $5,978,000 of funds derived from interest on cushion of credit payments established in the Rural Electrification Act (7 U.S.C. 901), and further provides $5,978,000 for the cost of loans for the Rural Economic Development Loans Program Account. This subsidy level provides for an estimated program level of $25,000,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

The conference agreement appropriates $7,000,000 for the Alternative Agricultural Research and Commercialization Corporation Revolving Fund instead of $10,000,000 as proposed by the Senate. The House bill provided no funds for this account. The House report proposed that the program operate with repayments to its revolving fund.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement appropriates $3,000,000 for rural cooperative development grants as proposed by both House and Senate and provides for an earmark of up to $1,300,000 for cooperative agreements for the Appropriate Technology Transfer for Rural Areas Program as proposed by the House instead of up to $1,500,000 as proposed by the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $36,185,000 (providing for an estimated loan program level of $1,420,000,000) instead of $32,161,000 (providing for an estimated loan program level of $1,320,000,000) as proposed by the House and $35,313,000 (providing for an estimated loan program level of $1,397,756,000) as proposed by the Senate.

The following reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Rural Electrification and Telecommunications Loans Program Account:		
Loan authorizations:		
Direct loans:		
Electric 5%	(125,000,000)	(125,000,000)
Telecommunications 5%	(75,000,000)	(75,000,000)
Subtotal	(200,000,000)	(200,000,000)
Treasury rates: Telecommunications	(300,000,000)	(300,000,000)
Muni-rate: Electric	(525,000,000)	(500,000,000)
FFB loans:		
Electric, regular	(300,000,000)	(300,000,000)
Telecommunications	(120,000,000)	(120,000,000)
Subtotal	(420,000,000)	(420,000,000)
Total, Loan authorizations	(1,445,000,000)	(1,420,000,000)
Loan subsidies:		
Direct loans:		
Electric 5%	3,625,000	9,325,000
Telecommunications 5%	1,193,000	2,940,000
Subtotal	4,818,000	12,265,000
Treasury rates: Telecommunications	60,000	60,000
Muni-rate: Electric	28,245,000	21,100,000
FFB loans: Electric, regular	2,790,000	2,760,000
Total, Loan subsidies	35,913,000	36,185,000
RETLP administrative expenses (transfer to RUS)	29,982,000	29,982,000
Total, Rural Electrification and Telecommunications Loans Program Account	65,895,000	66,167,000
(Loan authorization)	(1,445,000,000)	(1,420,000,000)

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides that administrative expenses of the Rural Telephone Program Bank Account shall be transferred to and merged with ''Rural Utilities Salaries and Expenses'' as proposed by the House. The Senate bill had no similar provision.

DISTANCE LEARNING AND MEDICAL LINK GRANTS AND LOANS PROGRAM

The conference agreement appropriates $12,530,000 for the distance learning medical link grants and loans program instead of $15,030,000 as proposed by the House and $12,030,000 as proposed by the Senate.

The conference agreement provides $30,000 from the total amount appropriated for the subsidy cost of distance learning and medical link loan guarantees (providing an estimated program level of $150,000,000) as proposed by both the House and Senate.

The conferees urge the Department to consider the State University of New York Telecommunications Center for Education project which was not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to this project as are used for other applications.

TITLE IV—DOMESTIC FOOD PROGRAMS

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $7,767,816,000 for Child Nutrition Programs instead of $7,766,966,000 as proposed by the House and $7,769,066,000 as proposed by the Senate. Included in this amount is an appropriated amount of $2,616,425,000 and an amount transferred from section 32 of $5,151,391,000. The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

[In thousands of dollars]

	House	Senate	Conference agreement
Child Nutrition Programs:			
School Lunch Program	$4,327,804	$4,327,804	$4,327,804
School Breakfast Program	1,265,507	1,265,507	1,265,507
Child and adult care food program	1,411,590	1,411,590	1,411,590
Commodity procurement/computer support	337,194	337,194	337,194
Summer food service program	277,292	277,292	277,292
State administrative expenses	112,808	112,808	112,808
Special milk program	19,747	19,747	19,747
School meals initiative	5,900	10,000	8,000
Coordinated review system	4,124	4,124	4,124
Nutrition studies and surveys		3,000	
Nutrition education and training	5,000		3,750
Total	7,766,966	7,769,066	7,767,816

The conference agreement provides $8,000,000 for the school meals initiative. Included in this amount is $4,000,000 for food service training grants to states, $1,000,000 for technical assistance materials, $500,000 for the National Food Service Management Institute cooperative agreement for food service, $400,000 for print and electronic resource systems, and not more than $2,100,000 for other activities.

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

The conference agreement provides $3,924,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as proposed by the House instead of $3,927,600,000 as proposed by the Senate. The conference agreement includes language as proposed by the Senate to prohibit funds to be used for administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program.

The Secretary of Agriculture has proclaimed a WIC National Breastfeeding Week in an effort to promote breastfeeding among both WIC and non-WIC mothers. The breastfeeding promotion project will be implemented initially in 10 pilot WIC state agencies to encourage breastfeeding using a variety of advertising methods such as radio, television, and billboards. The conferees support this initiative and urge all states to participate in this promotional effort.

FOOD STAMP PROGRAM

The conference agreement provides $25,140,479,000 for the Food Stamp Program as proposed by the House instead of $26,051,479,000 as proposed by the Senate. Included in this amount is a contingency reserve of $100,000,000 as proposed by the House instead of $1,000,000,000 as proposed by the Senate. Also included in this amount is $1,204,000,000 for nutrition assistance for Puerto Rico and $100,000,000 for TEFAP commodity purchases.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $141,000,000 for the Commodity Assistance Program as proposed by the House instead of $148,600,000 as proposed by the Senate. The conference agreement includes language as proposed by the House to provide funds from this account for administrative expenses only to the Emergency Food Assistance Program.

FOOD DONATIONS PROGAMS FOR SELECTED GROUPS

The conference agreement provides $141,165,000 for the Food Donations Programs for Selected Groups as proposed by the Senate instead of $146,165,000 as proposed by the House. Included in this amount is $140,000,000 for the Elderly Feeding Program as proposed by the Senate instead of $145,000,000 as proposed by the House.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $107,619,000 for Food Program Administration instead of $104,128,000 as proposed by the House and $107,719,000 as proposed by the Senate. The conference agreement also provides $554,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

The conference agreement provides $135,561,000 for the Foreign Agricultural Service and General Sales Manager as proposed by the House instead of $136,664,000 as proposed by the Senate.

In the total amount provided, the conference agreement includes a direct appropriation of $131,295,000 as proposed by the House instead of $132,367,000 as proposed by the Senate, a transfer from Public Law 480 of $1,035,000 as proposed by the House instead of $1,066,000 as proposed by the Senate and a transfer of $3,231,000 from the Export Loan Program as proposed by both House and Senate.

The conference agreement deletes Senate bill language providing that up to $3,000,000 shall be available in fiscal year 1999 for overseas inflation. The conferees direct the Department to develop a plan for establishing an account to manage currency fluctuation.

The conference agreement provides $3,000,000 of the total amount appropriated for the Cochran Fellowship Program as provided by the Senate.

The conference agreement deletes Senate report language providing $500,000 for market barrier access identification and adopts House report language recommending that the Foreign Agricultural Service not spend appropriated funds for market barrier access identification.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

	FY 1997 enacted	Conference agreement
Public Law 480 Program Account:		
Title I—Credit sales:		
Program level	(240,805,000)	(244,508,000)
Direct loans	(226,900,000)	(226,900,000)
Ocean freight differential	13,905,000	17,608,000
Title II—Commodities for disposition abroad:		
Program level	(837,000,000)	(837,000,000)
Appropriation	837,000,000	837,000,000
Title III—Commodity grants:		
Program level	(29,500,000)	(30,000,000)
Appropriation	29,500,000	30,000,000
Loan subsidies	185,589,000	176,596,000
Salaries and expenses:		
General Sales Manager (transfer to FAS)	1,035,000	1,035,000
Farm Service Agency (transfer to FSA)	745,000	815,000
Subtotal	1,780,000	1,850,000
Total, Public Law 480:		
Program level	(1,107,305,000)	(1,111,508,000)
Appropriation	1,067,774,000	1,063,054,000

The conferees support the use of Title II funds in fiscal year 1998 to continue the fiscal year 1997 level for the orphan feeding program in Haiti.

The conferees direct that none of the funds appropriated in this Act be made available to provide assistance to the Democratic People's Republic of Korea except for assistance that is provided directly to needy people by the United Nations World Food Programme or private voluntary organizations registered with the United States Agency for International Development and not by the Government of the Democratic People's Republic of Korea.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $857,501,000 for salaries and expenses, instead of $852,501,000 as proposed by the House and $873,057,000 as proposed by the Senate. Also included is $91,204,000 in prescription drug user fees as proposed by the Senate.

Included within the amount available is $34,000,000 for the children's tobacco prevention initiative and $24,000,000 for the food safety initiative. The FDA should consider the use of the National Sea Grant College Program to assist in conjunction with its seafood safety activities.

The conferees have not included a detailed table in this statement of managers. Instead, the conferees expect the FDA to submit a detailed operating plan for fiscal year 1998 to the House and Senate Committees on Appropriations no later than 30 days after enactment of this Appropriations Act. This operating plan should include a proposal for expenditure of available funds by Center, related field activities, and other activities at a level of detail at least as great as that included in the Senate report. The operating plan should compare proposed funding levels to the initial fiscal year 1998 budget request and fiscal year 1997 current operating levels, and should include narrative explanations as appropriate. The conferees expect the FDA to consult with the House and Senate Appropriations Committees to develop this operating plan, which will serve as the basis for reprogramming notifications throughout the remainder of the fiscal year.

The agreement includes $200,000 for a cooperative agreement with the Interstate Shellfish Sanitation Commission to continue research, safety rules, regulations, and education activities.

The conference agreement includes an increase for the Office of Generic Drugs.

BUILDINGS AND FACILITIES

The conference agreement provides $21,350,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House instead of $22,900,000 as proposed by the Senate. The agreement provides the budget request for the National Center for Toxicological Research.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $58,101,000 for the Commodity Futures Trading Commission instead of $57,101,000 as proposed by the House and $60,101,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 705.—The conference agreement includes language proposed by the House to allow the Food Safety and Inspection Service, field automation and information management project funds to remain available until expended. The Senate proposed to prohibit these funds from remaining available until expended.

House Section 716.—The conference agreement includes and amends language proposed by the House to make permanent compliance with the Buy American Act. The Senate bill had no similar provision.

Senate Section 720.—The conference agreement includes language (Section 722) proposed by the Senate to prohibit the use of funds from this Act to carry out the provisions of section 918 of Public Law 104-127, the establishment of a permanent advisory panel known as the Safe Meat and Poultry Inspection Panel. The House bill had no similar provision.

House Section 721 and Senate Section 722.—The conference agreement includes language (Section 721) to limit funding for the Export Enhancement Program to $150,000,000 as proposed by the Senate instead of $205,000,000 as proposed by the House.

House Section 723.—The conference agreement includes language (Section 724) proposed by the House to prohibit USDA from transmitting or otherwise making available to any non-Department employee questions or responses to questions that are the result of information requested for the appropriations hearing process. The Senate bill had no similar provision.

House Section 724.—The conference agreement includes language (Section 725) proposed by the House to prohibit the use of funds in this Act for the Western Director and Special Assistant to the Secretary within the Office of the Secretary. The Senate bill had no similar provision.

House Section 726.—The conference agreement does not include language proposed by the House to reduce the National Agricultural Statistics Service budget by $1,500,000 and add it to Departmental Administration for civil rights enforcement. The Senate bill had no similar provision.

House Section 727.—The conference agreement does not include language proposed by the House to prohibit funds from being used to provide assistance to North Korea except for assistance provided directly to needy people by the United Nations Food Programme or private voluntary organizations registered with the United States Agency for International Development. The Senate bill had no similar provision.

House Section 728.—The conference agreement does not include language proposed by the House relating to the City of Galt, California. The Senate bill had no similar provision.

Senate Section 724.—The conference agreement includes language (Section 728) proposed by the Senate to amend section 3(c) of the Federal Noxious Weed Act of 1974 to include kudzu. The House bill had no similar provision.

Senate Section 725.—The conference agreement includes language (Section 729) proposed by the Senate to make the Martin Luther King area of Pawley's Island, South Carolina eligible for loans and grants under section 504 of the Housing Act of 1949. The House bill had no similar provision.

Senate Section 726.—The conference agreement includes language (Section 730) proposed by the Senate to prohibit the Food and Drug Administration from closing or relocating the FDA Division of Drug Analysis in St. Louis, Missouri. The conference agreement does not include language proposed by the Senate to prohibit the Food and Drug Administration from proceeding with a plan to close or consolidate the laboratory in Baltimore, Maryland. The House bill had no similar provision.

Senate Section 727.—The conference agreement does not include language proposed by the Senate to require the Secretary of Agriculture to submit a plan for reducing the employee level in the Rural Development mission area below the level described in the budget to the House and Senate Committees on Appropriations. The House bill had no similar provision.

Senate Section 728.—The conference agreement includes language (Section 731) proposed by the Senate to modify the conditions for issuance of cotton user marketing certificates. The House bill had no similar provision.

Senate Section 729.—The conference agreement includes language (Section 732) proposed by the Senate that requires the Office of Management and Budget to conduct a comprehensive economic evaluation of the direct and indirect effects of the Northeast Dairy Compact. The House bill had no similar provision.

Senate Section 730.—The conference agreement includes and amends language (Section 733) proposed by the Senate to allow the Secretary of Agriculture to use up to $2,000,000 from proceeds earned from the sale of grain in the disaster reserve to implement a livestock indemnity program. The House bill had no similar provision.

Senate Section 731.—The conference agreement includes language (Section 734) proposed by the Senate to prohibit contract payments to a producer who plants wild rice on contract acreage unless the contract payment is reduced by an acre for each contract acre planted to wild rice. The House bill had no similar provision.

Senate Section 732.—The conference agreement does not include language proposed by the Senate to prohibit the inspection or certification of agricultural products unless the Secretary of Agriculture inspects and certifies the processing equipment and imposes a fee for the inspection and certification. The House bill had no similar provision.

Senate Section 733.—The conference agreement includes language (Section 735) proposed by the Senate to change the term for Section 515 multi-family rural housing loans from 50 years to 30 years and allow the Secretary of Agriculture to structure loan repayments based on a 50-year amortization schedule. The conference agreement also extends the authorizations for the Section 515 Rural Rental Housing Program and the Section 538 Multi-Family Guarantee Program for one year. The House bill contained no similar provision.

New Section 727.—The conferees have included language that provides for reprogramming procedures for agencies funded by this bill. The conferees are concerned about the lack of formal reprogramming procedures for agencies funded by this bill. Recent testimony before the Committees on Appropriations has indicated many instances of funds being used for purposes other than intended by Congress. Accordingly, the conferees have instituted a formal process and expect all agencies to implement the procedures immediately.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$53,889,489,000
Budget estimates of new (obligational) authority, fiscal year 1998	52,302,190,000
House bill, fiscal year 1998	49,603,627,000
Senate bill, fiscal year 1998	50,713,787,000
Conference agreement, fiscal year 1998	49,749,679,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	−4,139,810,000
Budget estimates of new (obligational) authority, fiscal year 1998	−2,552,511,000
House bill, fiscal year 1998	+146,052,000
Senate bill, fiscal year 1998	−964,108,000

JOE SKEEN,
JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
GEORGE R. NETHERCUTT, Jr.,
HENRY BONILLA,
TOM LATHAM,
BOB LIVINGSTON,
MARCY KAPTUR,
VIC FAZIO,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER BOND,
SLADE GORTON,
MITCH M. MCCONNELL,
CONRAD BURNS,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
HERB KOHL,
ROBERT C. BYRD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

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. FARR of California, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. PAUL) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

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

Mrs. CLAYTON, 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) and to include extraneous matter:)

Mr. NEAL of Massachusetts.
Mr. HAMILTON.
Mr. SCHUMER.
Mr. TOWNS.
Mr. LEVIN.
Mr. ABERCROMBIE.
Ms. SLAUGHTER.
Ms. HARMAN.
Mr. KENNEDY of Rhode Island.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. SMITH of New Jersey.
Mr. BARRETT of Nebraska.
Mr. BACHUS.
Mr. PORTER.
Mr. CAMP.
Mr. HASTERT.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. LANTOS.
Mr. ORTIZ.
Mr. BOB SCHAFFER of Colorado.
Mr. EHLERS.
Mr. PARKER.
Mr. KIND.
Mr. RIGGS.
Mr. BENTSEN.
Mr. SKELTON.
Ms. SANCHEZ.
Mr. ADERHOLT.
Mr. CLYBURN.
Ms. CARSON.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 965. An act to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes; to the Committee on Science.

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 International Relations.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 11, 1997:

H.R. 1866. An act to continue favorable treatment for need-based educational aid under the antitrust laws.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 1997, at 10 a.m.

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. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 105–164, Pt. 2).

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2343. A bill to abolish the Thrift Depositor Protection Oversight Board, and for other purposes; with an amendment (Rept. 105–249). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 230. Resolution providing for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force (Rept. 105–250). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2247. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; with an amendment (Rept. 105–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 2160. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–252). Ordered to be printed.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2343. A bill to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

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. SHAW (for himself and Mr. LEVIN):

H.R. 2487. A bill to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families including those attempting to leave welfare; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. CRAMER, Mr. CASTLE, Mrs. THURMAN, Mr. FRANKS of New Jersey, Mrs. FOWLER, Mr. BENTSEN, Mr. LUTHER, Mr. BRADY, Ms. DUNN of Washington, Mr. REYES, Mr. WEXLER, Mrs. MORELLA, and Mr. BARCIA of Michigan):

H.R. 2488. A bill to amend the National Child Protection Act of 1993 to facilitate the fingerprint checks authorized by that act, and for other purposes; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself, Mr. EWING, Mr. BARRETT of Nebraska, Mr. NUSSLE, Mr. EVANS, Mr. MINGE, Mr. SHIMKUS, Mr. WELLER, Mr. HASTERT, Mr. GUTKNECHT, Mr. MANZULLO, Mr. DAVIS of Illinois, Mr. POSHARD, Mr. LEACH, Mr. BOSWELL, Mr. GANSKE, Mr. LATHAM, Mr. MARTINEZ, Mr. COSTELLO, Mr. THUNE, Mr. CHRISTENSEN, Mrs. EMERSON, Mr. SKELTON, Mr. HULSHOF, Ms. DANNER, Ms. STABENOW, Mr. TRAFICANT, Mr. LIPINSKI, Mr. HILL, Mr. POMEROY, Mr. GUTIERREZ, Mr. YATES, Mr. PETERSON of Minnesota, and Mr. BONIOR):

H.R. 2489. A bill to amend the Internal Revenue Code of 1986 to provide that the incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Ways and Means.

By Mr. LARGENT:

H.R. 2490. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 2491. A bill to amend the Immigration and Nationality Act to make permanent the religious worker visa program; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 2492. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income and to allow a refundable credit for job training expenses of older long-time employees who are laid off; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. KING of New York, Mr. MANTON, Mr. WALSH, Mr. KENNEDY of Massachusetts, Mr. MCHUGH, Mr. PAYNE, Mr. SHAYS, Mr. HINCHEY, Mr. ANDREWS, and Mrs. KENNELLY of Connecticut):

H. Con. Res. 152. Concurrent resolution expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. HUNTER, and Mr. BURTON of Indiana):

H. Res. 231. A resolution urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam; 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. 12: Mr. BLUMENAUER, Mr. DIXON, and Mr. ROTHMAN.

H.R. 23: Mr. GUTIERREZ and Mr. BISHOP.

H.R. 84: Mr. GUTIERREZ.

H.R. 96: Mr. MCINTOSH.

H.R. 336: Mr. PARKER.

H.R. 492: Mr. BLUMENAUER.

H.R. 598: Mr. COLLINS.

H.R. 631: Mr. BOYD.

H.R. 634: Mr. SPENCE.

H.R. 725: Mr. STUMP and Mr. BAESLER.

H.R. 754: Mr. DEUTSCH.

H.R. 859: Mr. SOUDER.

H.R. 875: Mr. LAHOOD and Ms. DELAURO.

H.R. 934: Mr. INGLIS of South Carolina.

H.R. 979: Mr. CONYERS, Ms. STABENOW, and Mr. TIERNEY.

H.R. 1022: Mr. BLUNT.

H.R. 1047: Mr. KENNEDY of Massachusetts.

H.R. 1059: Mr. FAWELL, Mr. LEWIS of Kentucky, Mr. SOUDER, and Mr. DUNCAN.

H.R. 1061: Mr. SOUDER.

H.R. 1114: Mr. FLAKE.

H.R. 1126: Mrs. TAUSCHER.

H.R. 1232: Mr. STUPAK, Mr. COSTELLO, Mr. SENSENBRENNER, and Mr. PASCRELL.

H.R. 1264: Mr. KENNEDY of Massachusetts.

H.R. 1335: Mr. WATT of North Carolina.

H.R. 1378: Mr. HULSHOF, Mr. HOBSON, Ms. PRYCE of Ohio, and Mr. BACHUS.

H.R. 1531: Mr. DEUTSCH and Mr. GUTIERREZ.

H.R. 1595: Ms. PRYCE of Ohio and Mr. MCCOLLUM.

H.R. 1609: Mr. JACKSON, Mr. KENNEDY of Massachusetts, and Mr. WEYGAND.

H.R. 1625: Mr. LINDER and Mr. COLLINS.

H.R. 1689: Mr. DREIER, Mr. DOYLE, and Mr. BARCIA of Michigan.

H.R. 1754: Mr. SESSIONS, Mr. BAKER, Mrs. CHENOWETH, and Mr. SPENCE.

H.R. 1777: Mr. LUTHER.

H.R. 1839: Mr. CLEMENT, Mr. JEFFERSON, Mr. WICKER, Mr. SCHIFF, Mr. HILLEARY, Mr. STEARNS, Mr. STUMP, Mr. DOYLE, Mr. DAVIS of Virginia, Mr. CANADY of Florida, Mr. CHRISTENSEN, Mr. HALL of Ohio, Mr. GIBBONS, Mr. BEREUTER, Mrs. MALONEY of New York, Mr. GUTKNECHT, Mrs. FOWLER, Mr. BLUNT, Mr. RAMSTAD, Mr. NEUMANN, Mr. TALENT, and Mr. BARRETT of Nebraska.

H.R. 1842: Mr. BONO.

H.R. 1849: Mr. GOODLATTE.

H.R. 1970: Ms. MCKINNEY.

H.R. 1984: Ms. CARSON, Mr. GIBBONS, Mr. MCCOLLUM, Mr. CANNON, and Mr. THUNE.

H.R. 1995: Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. TORRES, Mr. CUMMINGS, Mr. FALEOMAVAEGA, Ms. ROYBAL-ALLARD, Mr. BASS, and Mr. LANTOS.

H.R. 2113: Mr. ROGERS.

H.R. 2140: Mr. GREEN.

H.R. 2212: Mr. FARR of California.

H.R. 2248: Mr. CAMPBELL, Mr. GORDON, Mr. FAWELL, Mr. HILLEARY, Mr. SISISKY, Ms. WATERS, Mr. JONES, Mr. GEPHARDT, Ms. BROWN of Florida, Mr. CLYBURN, Mr. MCINNIS, Mr. OBEY, and Mr. BOEHNER.

H.R. 2293: Mr. HERGER.

H.R. 2321: Mr. CHRISTENSEN and Mr. YATES.

H.R. 2345: Mr. MARKEY, Mr. FARR of California, and Ms. ROYBAL-ALLARD.

H.R. 2385: Mr. HAYWORTH.

H.R. 2387: Mr. VISCLOSKY, Mrs. MCCARTHY of New York, Mr. BROWN of California, Mr. MARKEY, Mr. MALONEY of Connecticut, Mr. STRICKLAND, Mr. SANDERS, Mr. SNYDER, Mr. BACHUS, Ms. SLAUGHTER, Mr. COOK, Ms. JACKSON-LEE, Mr. BENTSEN, Mr. LEVIN, Mr. VENTO, Mrs. TAUSCHER, and Mr. MCNULTY.

H.R. 2409: Mrs. MCCARTHY of New York, Mr. STARK, and Mr. MCNULTY.

H.R. 2428: Mr. STARK, Mrs. KENNELLY of Connecticut, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. OLVER, Mr. YATES, and Mr. FROST.

H.R. 2449: Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. MCINTOSH, Mr. UPTON, Mr. DAVIS of Virginia, Mrs. NORTHUP, Mr. ISTOOK, and Mr. WICKER.

H.R. 2465: Mr. MICA, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CANNON, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. ENSIGN, Mr. FOLEY, Mr. GIBBONS, Mr. GOSS, Mr. GRAHAM, Mr. HASTERT, Mr. HAYWORTH, Mr. HILL, Mr. HILLEARY, Mr. HOEKSTRA, Mrs. KELLY, Mr. KNOLLENBERG, Mr. KOLBE, Mr. MCCRERY, Mr. METCALF, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PACKARD, Mr. PAUL, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SKEEN, Mr. SNOWBARGER, Mr. SOUDER, Mr. STUMP, Mr. WALSH, and Mr. WHITE.

H.J. Res. 89: Mr. CUMMINGS, Mr. BROWN of California, Mr. BLUMENAUER, Mr. ROHRABACHER, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. BORSKI, Mr. MCGOVERN, and Mr. DELLUMS.

H. Con. Res. 19: Mrs. MCCARTHY of New York.

H. Con. Res. 132: Mr. HASTINGS of Washington, Mr. ANDREWS, and Mrs. TAUSCHER.

H. Res. 37: Mr. SANDLIN and Ms. ESHOO.

H. Res. 83: Mr. MCGOVERN and Mr. BALDACCI.

H. Res. 139: Mr. GIBBONS.

H. Res. 224: Mr. HOUGHTON, Mr. SOLOMON, Mr. QUINN, Mr. MINGE, Mr. BALDACCI, Mr. LEWIS of Kentucky, and Mr. EVANS.

H. Res. 229: Mr. CAPPS, Ms. DELAURO, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2029: Mr. HASTINGS of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2267

OFFERED BY: MR. COBURN

AMENDMENT NO. 35: Page 34, line 13, after the dollar amount, insert the following: ''(increased by $74,100,000)''.

Page 49, line 9, after the dollar amount, insert the following: ''(reduced by $74,100,000)''.

H.R. 2267

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 36: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

H.R. 2267

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 37: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calender quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

H.R. 2267

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 38: Page 50, line 13, after the dollar amount insert ''(increased by $2,500,000)''.

Page 50, line 23, after the dollar amount insert ''(increased by $2,500,000)''.

Page 51, line 11, after the dollar amount insert ''(increased by $2,500,000)''.

Page 51, line 13, after the dollar amount insert ''(increased by $2,500,000)''.

Page 51, line 16, after the dollar amount insert ''(increased by $2,500,000)''.

H.R. 2267

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 39: Page 5, line 9, insert ''(reduced by $100,000)'' after the dollar amount.

Page 7, line 6, insert ''(increased by $100,000)'' after the dollar amount.

H.R. 2267

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 40: Page 7, line 6, insert ''(increased by $100,000)'' after ''$973,000,000''.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 41: Page 67, line 19, after the dollar amount, insert the following: ''(reduced by $7,270,260)'' .

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 42: Page 67, after line 19, insert the following:

DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248), to be derived by transfer from the amount provided in this title for ''DEPARTMENT OF STATE—Administration of Foreign Affairs—Salaries and Expenses''. $7,270,260.

H.R. 2267

OFFERED BY: MR. WEYGAND

AMENDMENT NO. 43: Page 20, line 19, strike ''Service'' and insert ''Service,'',

Page 20, line 20, strike ''or State'' and insert ''a State''.

Page 20, beginning on line 20, strike ''agency and'' and all that follows through ''interview:'' on line 25 and insert ''agency, or a designated fingerprinting service certified to take fingerprints under 8 C.F.R. §103.2(e):''.

H.R. 2378

OFFERED BY: MR. BLAGOJEVICH

AMENDMENT NO. 8: Page 5, line 6, after the first dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 12, line 2, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

H.R. 2378

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 9: Page 101, after line 18, insert the following:

MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS

SEC. 633. (a) IN GENERAL.—Section 923 of title 18, United States Code, is amended hereafter by adding at the end the following:

''(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

''(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

''(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

''(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

''(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).''.

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (A)—

(A) in clause (i), by striking '', and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m).''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''and the place of business of a licensed dealer'' after ''licensed dealer'';

(B) in clause (ii), by striking ''or'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).''.

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, SEPTEMBER 17, 1997 No. 124

Senate

The Senate met at 9:45 a.m., and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

PRAYER

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

Almighty God, our Creator, Sustainer, and loving heavenly Father, thank You for this moment of profound communication with You. We come to You just as we are—with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us so faithfully when we trusted You in the past.

Now, in the peace of Your presence, we sense a fresh touch of Your Spirit. With a receptive mind and a heart wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry out the responsibilities that are upon us this day.

Humbly, we now ask for divine inspiration in the decisions of this day. Because we are here to please You in all that we do. Our hope is that at the end of this day we will hear Your voice sounding in our souls, ''Well done, good and faithful servant.'' Through our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 1997.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of Pennsylvania, suggests the absence of a quorum. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of H.R. 2107, the Interior appropriations bill. Senators who have any additional amendments to this legislation are encouraged to contact the managers and come to the floor this morning so that we can continue to make real progress on this bill.

At 10:45 this morning, the Senate will begin 15 minutes of debate on H.R. 2016, the military construction appropriations conference report. A vote will occur at approximately 11 o'clock on the MilCon conference report. Following disposition of that report, the Senate will resume consideration of the Interior appropriations bill with the intention of completing that measure today. Therefore, Senators should anticipate votes throughout today's session. As always, Members will be notified as these votes are ordered. I thank my colleagues for their attention and yield the floor.

Mr. BIDEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

ORDER OF PROCEDURE

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as if in morning business for up to 30 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, first of all, I have two statements I wish to make, but if any of my colleagues come in and wish to begin on the amendments, I will cease at that point and not ask for all 30 minutes.

Second, Mr. President, I apologize to you and others for my gravelly voice; I have a cold, and I understand sitting in the chair can be a task. It is hard enough sometimes to listen to me, and it is even harder sometimes when I am in this condition.

THE CHINA SUMMIT: WHAT KIND OF ENGAGEMENT?

Mr. BIDEN. Mr. President, at the end of October President Clinton will sit down with Chinese President Jiang Zemin to try to put the United States-China relationship on a sounder footing. After 8 years of tension in the relationship, it should go without saying that there is plenty of work to be done by both Presidents.

With over a billion people and a burgeoning economy undergoing a dramatic transformation from doctrinaire communism to market-driven capitalism, China undeniably is an emerging great power. How we deal with China will be one of the great foreign policy challenges of the next century.

The forthcoming meeting with President Jiang Zemin is one of a series of important opportunities to advance our relations that will occur over the next several months.

Today I want to outline some of the objectives that I think the United States should pursue during Jiang's visit, particularly in regard to one of the central issues in our relationship.

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

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The issues on the agenda are familiar. We have deep concerns about China's human rights record, its trade practices, and most important, from the perspective of international security, its lackluster record of adherence to nonproliferation agreements.

It is unrealistic to assume that we will resolve all our differences next month, next year, or even over the next several years.

I am convinced, however, that it is possible to build a mutually beneficial relationship with China. A rising China need not threaten United States interests. In fact, China cannot achieve the economic growth, international respect, and regional stability it seeks without a workable relationship with the United States and close, constructive, integration with global economic, political, and security regimes.

THE CONTAINMENT-VERSUS-ENGAGEMENT DEBATE

Just as China is engaged in a great internal debate about its future direction, the United States is undertaking a great debate about the future direction of its policy toward China. The choice is often framed, simplistically, as one between two mutually exclusive paths: containment or engagement.

But the relationship between these two great nations is far more complicated than that. It demands a more sophisticated strategy.

Containment—the central organizing principle of the West during the cold war—is not a realistic policy option for China. Economically, China is already a powerhouse, the third largest market in the world and our fastest growing export market. Unlike the former Soviet Union, China has a vibrant economy, enjoys normal relations with all of its neighbors, and is attracting vast amounts of foreign investment.

If we try to smother China by denying it access to our markets, the effect on China would be less severe than commonly expected. Exports to the United States represent only about 2 to 3 percent of China's gross domestic product, and the injury would be borne not only by China, but also by our many allies in the region. This is because 70 to 80 percent of the value of China's exports to the United States represent products originally imported by China from the United States and other countries and then processed for export.

Militarily, a containment strategy for China would be a terrible act of folly worthy of a Barbara Tuchman history volume. For the last 25 years our alliances with Japan, South Korea, Australia, Thailand, and the Philippines have helped to foster peace and stability in the Pacific—all without vilifying China. While it is essential that we adapt our regional alliances to post-cold war realities, we should not cast China as an adversary.

Our allies support the integration of China into the region's economic and political structure, including the Association of Southeast Asian Nations regional forum. None would support a policy of containment premised, as it would have to be, on the notion of an expansionist China bent on regional hegemony.

If containment fails to advance our interests, what about engagement? Engagement, a term frequently used to describe the Clinton administration's policy, is, by itself, virtually without substance. ''Engagement'' could run the gamut from normal diplomatic relations, to a zealous mercantilist approach that runs the risk of placing profits over principle. Or to paraphrase George Will in another context from years ago, he said, ''Some of my friends love capitalism more than they hate communism.''

Engagement is not a policy. It is a means to an end. It is the content of the engagement that matters.

We should not be passive in our relationship with China. We can influence what kind of great power China becomes.

Encouraging China's transition from a poor, isolated Communist state to a more prosperous, open, and democratic partner, however, will take more than a bland policy of engagement. It requires patience and purpose in the pursuit of clearly articulated U.S. interests.

U.S. INTERESTS

American interests in China are clear. We seek a free, prosperous, and secure China, at peace with its neighbors. We want China to respect international norms—particularly, nonproliferation, human rights, trade, and the environment.

THE SUMMIT'S MEASURE OF SUCCESS

Next month, Chinese President Jiang Zemin will visit Washington, the first such visit since the Tiananmen Square massacre. I am prepared to support this diplomatic step, provided that it yields meaningful progress on issues of concern to us.

Early reports about China's priorities at this summit call into question whether such progress can be achieved. According to press reports, China is obsessed with ensuring that President Jiang receives the red carpet treatment, similar to the celebrated visit of Deng Xiao-Ping in 1979.

Let me state it plainly: this visit must be about more than ceremony.

In the area of international security, we should not hesitate to criticize China for conduct which calls into question Beijing's commitment to nonproliferation and invites U.S. sanctions.

However, we should also be prepared to lay out plainly the benefits that might accrue to China if it takes decisive steps to join with the United States to halt the spread of weapons of mass destruction.

NONPROLIFERATION CONCERNS

As my colleagues know, I have for several years been critical, along with Senator HELMS, of China's behavior in the area of nonproliferation. Their consistent flouting of international norms warrant skepticism that China is willing to engage us honestly on our proliferation concerns.

Nonetheless, I agree with this objective: we must strive to transform nonproliferation from an issue that has become emblematic of the difficulties in Sino-United States relations to an example of cooperation and trust.

Toward that end, China deserves some credit for development of its official policy on nonproliferation. For example, since 1992, Beijing has promised to abide by the Missile Technology Control Regime, acceded to the Nuclear Nonproliferation Treaty [NPT], signed and ratified the Chemical Weapons Convention, developed regulations governing exports limited by the Chemical Weapons Convention, and issued its first public defense white paper, which focused on arms control and disarmament.

On May 11, 1996, following what the Chinese maintain was an unauthorized sale of ring magnets used in uranium enrichment to Pakistan in violation of China's Nonproliferation Treaty [NPT] commitments and United States law, China pledged not to provide assistance to any nuclear facilities not under International Atomic Energy Agency safeguards.

Last year, China began a moratorium on nuclear testing and signed the Comprehensive Test Ban Treaty. Finally, just last month China promulgated a list of controlled nuclear technologies which are prohibited from export.

Perhaps even more significantly, in recent months we have observed for the first time a Chinese willingness to forego exports of nuclear technology to Iran in response to United States concerns.

Hopefully, this is the dawning on the part of the Chinese of not only a recognition of the commitments they made, but what their self-interest is. It is not in their self-interest, in my humble opinion—although I never tell another man or woman their politics or lecture another country about what is their interest—but on the surface it clearly is not in their interest to continue to engage in the activities they have engaged in during the decades of the 1980's and the 1990's. So I am not making any prophecy about what this portends, I am just stating a fact, that there has been a change—not sufficient change, but a change. Again, hopefully, it is a recognition of their self-interest in addition to their international obligations.

The China Nuclear Energy Industry Corporation reportedly has canceled an agreement to sell Iran a facility to convert uranium ore into uranium hexaflouride gas, which could be enriched to weapons-grade material. I hope that is correct. China has also suspended an agreement to sell nuclear reactors to Iran. Again, if true, if they keep on that path, that is a very positive change.

I hope that these developments are evidence that Chinese leaders now fully

accept that China's own national security would be threatened by the proliferation of weapons of mass destruction and the means to deliver them. I also hope that China understands that great powers go beyond their minimum treaty obligations in the interest of peace and security. If they wish to be a great power, they will be required to do the same.

China wants to be accepted as a great power. I welcome that desire and understand it. A great power bears an obligation not to sell dual-use equipment to a country that is known to have a program to develop long-range missiles. A great power bears an obligation not to sell chemical weapons precursors or technology to firms or institutes that are fronts for military programs. A great power agrees to work with other countries to ensure that the burdens of nonproliferation are shared equitably. China must step up to that obligation.

CHINA'S NEXT STEPS

There are several steps China could take to shoulder their share of the nonproliferation burden and to increase the world's confidence in their stance on nuclear nonproliferation. Specifically, in my humble opinion, China should do the following: Expand its pledge not to assist unsafeguarded facilities to include unsafeguarded programs; clarify its recent commitment not to assist Iran's nuclear program and put it in writing; make its nuclear export control list available to Chinese and foreign firms and expand controls to include dual-use nuclear technology; establish a comprehensive export controls enforcement mechanism, and demonstrate its effectiveness through the arrest and prosecution of violators within China; stop all contact between Chinese nuclear engineers and those Pakistani experts with ties to Pakistan's nuclear weapons program; and last, I believe China should agree to join multilateral bodies committed to nuclear nonproliferation, including the Zanger Committee.

If China took these steps, we would be well on our way to transforming nuclear nonproliferation from a sore point in Sino-United States relations to a genuine success story.

ACTIVATING THE NUCLEAR COOPERATION AGREEMENT

United States concerns about Chinese proliferation are not restricted to nuclear technology. China's export of chemicals and equipment destined for Iran's chemical weapons factories and its sale of cruise and ballistic missile technology to Iran, Pakistan, and other countries remain of serious concern to the United States and must be addressed.

But progress in the area of nuclear nonproliferation could serve as an example for these other areas of our bilateral relationships. Moreover, there are benefits that could flow to both the United States and China once we became convinced by China's actions of the sincerity of its commitment to halt the spread of weapons of mass destruction.

For example, if recent progress in the area of nuclear nonproliferation continues, the President could choose to implement the 1985 Peaceful Nuclear Cooperation Agreement with China. That early agreement permits the export of United States nuclear energy technology to China. We have suspended it because of our doubts about China's intentions. If China continued on the path that they have begun of late, the President, or the next President, could in fact reengage that agreement.

The Peaceful Nuclear Cooperation Agreement was suspended in 1986 in response to Congressional concerns about Chinese assistance to Pakistan's nuclear weapons program. I was one of those expressing concern at that time. I think we made the right decision.

For the past decade, China's nonproliferation track record has effectively, in my view, precluded resumption of nuclear cooperation with the United States. I have been one of the people on this floor calling for the rare secret sessions that we occasionally have here to discuss China's activities over the last decade in this area.

During the intervening years, China has pursued a ''Noah's Ark'' approach to nuclear energy, purchasing two Russian reactors, two French reactors, and two Canadian reactors. Now they are close to reaching a decision on a standard configuration for their nuclear industry, and they would like to purchase two American reactors. The Chinese rightly believe that United States reactors are the safest, most efficient, and reliable on the planet—which they are.

For the United States, reactivation of the nuclear cooperation agreement could mean billions of dollars' worth of exports to help balance our trade with China, additional high-paying jobs for Americans, and a beneficial change in the relationship. There would also be an environmental benefit: reducing China's consumption of high-sulfur coal, which fouls the air over China's cities and contributes to global warming.

So, there could be a great benefit. But China must first, must first demonstrate to us that their recent adumbrations with regard to nuclear nonproliferation, are real, and that is why I was presumptuous enough to suggest the things that I think China could and should do, and should be discussed in the impending visit.

The world system has never been adept at accommodating the aspirations of rising powers.

As a student of history, and although it has been 100 years since I was in undergraduate school, my love and my avocation still, as a student of history—I know, and you know and all our colleagues know, that the world has never been adept at accommodating the aspirations of rising powers. To deny that China is a rising power is to deny reality. China's rise is not likely to be an exception in the way in which the world responds.

Increasingly, China not only wants a seat at the table, it expects its interests to be taken seriously and balks at being held accountable to rules it had no role in shaping when the great powers shaped them, before they had a seat at the table.

China is an ancient country with a rich history and a proud list of cultural and technological accomplishments which will forever distinguish it from our western, Judeo-Christian traditions. In light of this, one can understand why they might feel that it could be unreasonable for us to try to mold them in our image. But we do China no favors by failing to communicate our concerns, or by jettisoning our principles or our strategic interests in pursuit of an ill-defined policy of engagement. To suggest that international norms that all the world are willing to accept, or should be willing to accept, are an imposition of our system on China, is in fact, I think, an incorrect way of looking at it.

We are not trying to make China in our own image. But there are certain basic international norms to which they must conform.

We are not being unreasonable when we expect China to accept international norms of behavior in the area of nonproliferation, human rights, and trade. We are not being unreasonable when we expect China to adhere to the terms of its international agreements—period.

Since the introduction of Deng Xiaoping's reforms 20 years ago, China has opened to the world, seeking even greater integration into global trade and security regimes. And during that process, as an observer, it seems to me, like all change, like all transitions, they have begun to learn. They have begun to learn where their interests lie. My hope is their learning curve continues.

Some China watchers discount this trend as mere tactics. I believe that these China watchers are mistaken. Only in a Chinese historical context of dynasties and centuries could the consistent policy of two decades be dismissed as tactics. China's opening is the single greatest force for economic modernization and political reform that the Middle Kingdom has ever known. We should reinforce this strategic opening.

How ironic and tragic it would be if we attempted to contain China just at the moment in history when China becomes convinced that it no longer needed a great wall to protect it from the barbarian hordes and foreign influences.

Rather than throwing up the ramparts, we should be seeking to expand the areas of cooperation. China must do its part by adhering to international norms of behavior and following through on its commitments, and we must do our part standing ready to

welcome China as it strives to become a truly great power. Our interests with China are too vital—the consequences of failing to build a constructive relationship with China too profound—to do otherwise.

Mr. President, how much time do I have left in my request?

The PRESIDING OFFICER. The Senator has 8 minutes 4 seconds.

THE BOSNIAN ELECTIONS

Mr. BIDEN. Mr. President, I would like now to speak very briefly, 8 minutes, to the issue of Bosnia. Last weekend, the people of Bosnia-Herzegovina went to the polls to elect their various municipal governments. I know the President has recently been to Bosnia, as I have. These local elections had been postponed from last year because of tampering with registration, chiefly by the Bosnian Serbs.

But I am happy to report, and we have all observed, that this year's municipal elections were a success. Despite dire threats of violence against refugees and displaced persons who wanted to cross over to their former homes to vote, over 2 days, not one single incident of violence occurred in the entire country.

Why? For a simple reason, I believe, Mr. President. Because of the presence of SFOR, the NATO-sponsored troops on the ground led by recently reinforced American troops. SFOR made clear to all parties that violence would not be tolerated and force would be met with force.

Every single time over the past several years when the West has been forceful in its behavior, the ultranationalists in Bosnia, primarily the Serbs but all ultranationalists, have backed down—every single time.

The elections were carried out by the Organization for Security and Cooperation in Europe, the so-called OSCE, in which the United States is an active member, but only one of many. The OSCE observers deserve a great deal of credit for their successful labors.

The results of the election will not be known for another couple of days. Already, however, some encouraging signs are emerging. In Tuzla, a place I have visited on more than one occasion, the Muslim Party for Democratic Action, the SDA, conceded defeat by Mayor Selim Beslagic, who represented not just the Muslim party but the multiethnic joint group that was running.

I met the mayor last month. I met with him last month in Bosnia in Sarajevo. When I met with him, he indicated that he represents not just Muslims, but he represents this multiethnic slate and he represents just the kind, in my view, of democratic, tolerant, pragmatic politician that is going to be needed to rebuild Bosnia. But the point is, the controlling party in the area lost. The election was free.

Until now, three ethnically based parties that profess to represent the interests of the Muslims, Serbs, and Croats have been dominating the airwaves and the patronage system. Tuzla, and perhaps other cities in both the federation and the Republika Srpska, show that if SFOR and the international community guarantee equal access, the monopoly of these parties on power can be broken.

Moreover, Mr. President, I would argue it represents what I believe to be the majority view of Bosnian Serbs, Bosnian Croats and Bosnian Muslims, who, I might add, lived together in peace for decades and decades prior to this and the majority of whom wish to do that again. But it shows that the monopoly of the parties that are representing purely the xenophobic notions of their particular interests are not necessarily the views of the people of Bosnia.

Moreover, it is likely that, thanks to the absentee voting and the protection offered by SFOR for returning refugees, the election may reverse the vile ethnic cleansing of the war. For example, in the town of Drvar in western Herzegovina, it was 97 percent Serb until the town's inhabitants were driven out in the fall of 1995 by Croats. Last weekend, the Croats who displaced the Serbs did their best to harass returning Serb voters. International election officials from the OSCE, however, insisted the Serbs be allowed to vote, and it looks like there may be a turnaround in that community as well.

Several other towns, like Jajce and Srebrenica, site of the largest civilian massacre in Europe since World War II, may see their former inhabitants, in these two cases Muslims, forming the governments in those two cities.

The international community is now faced with the next—and this is an incremental thing, Mr. President—they are faced with the next stark question of whether now we will enforce the election results, whether we will now be part of that.

I realize that is a dicey deal, but I continue to argue that when we demonstrated force, and given the power of the people in those communities, we, the Western community, have prevailed.

So now the question is, will we enforce the results of the election by guaranteeing that the newly elected councils not remain governments in exile? Enforcing the election results, of course, means that the right of refugees and displaced persons to return must be honored, which Dayton calls for. In most cases, that would be able to be accomplished only by the international community being present and the presence of SFOR.

Mr. President, I believe we have no choice in this matter. Both for moral and practical reasons, it seems to me we must move rapidly to enforce the resettlement of refugees as the results of the election will dictate. This will be a difficult task, and the time is short before the onset of the Balkan winter. Most likely we will have to begin with highly visible demonstration returns in one or two selected towns. But, Mr. President, we must keep the democratic momentum going.

Rebuilding shattered Bosnia is an immense undertaking, and now, for the first time in years, there has been a string of successes. The United States has been the prime mover in these, although not the prime player in terms of numbers. We must continue to exert our leadership on the European Community, and we must continue the valuable and honorable work we have undertaken, for, Mr. President, to do otherwise, I will predict, the result will be disastrous for Europe, disastrous for our interests.

I will end with a rhetorical question. How can we expect stability in Europe if the ethnic cleansing is able to be justified, and partitioning takes place? How do we then explain that to the other parts of the former Soviet Union who have equally deep divisions that exist? Mr. President, there are 5 million ethnic Russians in the Ukraine. There are 5 million of them. There are millions of people who have ethnic differences living throughout that area. How do we deal with Rumania and Hungary? If we say that this vile ethnic cleansing will be rewarded by us backing out and letting it return to the status quo, you know European leadership will not step up to the ball. Again, I want to make it clear, we play the smallest part relative to the rest of the world in this, in the sense that we are only a small portion of the overall effort, but the overall effort is occurring because of our leadership.

So, Mr. President, I acknowledge that this is a dicey deal. I acknowledge that it is going to be difficult, but I would suggest that those who have a different view from me acknowledge that there have been recent successes that at least lend hope to the possibility that we can continue down this path.

I thank the Chair, and I thank my colleague. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of H.R. 2107, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

Pending:

Ashcroft amendment No. 1188 (to committee amendment beginning on page 96, line 12, through page 97, line 8) to eliminate funding for programs and activities carried out by the National Endowment for the Arts.

Hutchinson amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers

Initiative subject to designation of qualified rivers by act of Congress.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Delaware has used this time very much to good effect with thoughtful analyses of two questions, and he certainly did not interfere with debate on the Interior appropriations bill, as no one was here to present an amendment on the subject. I do have a unanimous consent request that has been agreed to by both sides, Mr. President, and I will present it now.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that at 1:30 p.m. today, the Senate resume consideration of the Ashcroft amendment No. 1188, and that the time be divided in the following fashion: 70 minutes under the control of Senator BYRD, or his designee; 70 minutes under the control of Senator ASHCROFT, or his designee; 5 minutes under my control.

I further ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Ashcroft amendment.

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

Mr. GORTON. Mr. President, I also express my strong hope and preference, and that of the majority leader, that after disposition of the Ashcroft amendment, unless it is adopted, that we proceed promptly to the consideration of the other amendments relating to the National Endowment for the Arts. They are: an amendment by Senator ABRAHAM; an amendment by Senator SESSIONS and Senator HUTCHINSON of Arkansas; and an amendment by Senator HUTCHISON of Texas. Each of them has been debated thoroughly. While no unanimous-consent request has been made with respect to any of them, I hope that we will be able to get relatively short debate periods and thereby finish dealing with the most controversial aspect of this bill.

There are also other outstanding amendments, some of which may require rollcall votes. I know of one relating to forest roads that will be proposed by Senator BRYAN of Nevada. I hope we will, within the hour at least, be able to arrange a time for its debate.

I believe that there are a couple of others. I am also delighted to report that Senator BUMPERS and Senator REID have apparently reached an agreement on an element in this bill which divided the two of them. I believe that, again, within the hour or hour and a half, we may be able to adopt an agreed amendment on that subject.

I know the majority leader still would like to finish this bill tonight. That may be a vain hope, but I certainly hope we will get a long way toward that end. With that, 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPPORTING THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. KENNEDY. Mr. President, here we go again. Every year since 1989, Congress has held a highly charged debate about the future of the National Endowment for the Arts. This year is no different. Ironically, extremists opposing NEA have recently been claiming that there has been inadequate oversight of the agency. Dollar for dollar, it is likely that no agency has been more heavily scrutinized than the Arts Endowment.

The arts and humanities have, and deserve to have, a central role in the life of America. The Arts Endowment has contributed immensely to that role. It has encouraged the growth and development of the arts in communities across the Nation, giving new emphasis and vitality to American creativity and scholarship, and to the cultural achievement that are among America's greatest strengths.

Americans have a great deal to celebrate and learn about our extraordinary cultural traditions. The arts are an important part of our complex and modern society, and will play a key role in fulfilling our country's many possibilities for the future.

Critics used to claim that the Endowment spent money unwisely—awarding grants to unqualified artists or to artists that clearly did not merit Federal aid. But the critics quickly ran out of examples. Over the period of its entire 32-year history, a grand total of about 25 of the tens of thousands of grants awarded by the Endowment have raised genuine concerns. Yet, the budget for the Arts Endowment has been cut to penalize the agency for these so-called inappropriate grants. Other restrictions have also been imposed—on content, on seasonal support grants, on grants to individuals, and on subgrants.

Nothing will ever satisfy the critics, because their real intent is to eliminate any Federal role in the arts. Their goal is to abolish the agency—either directly by denying it any funds at all, or, indirectly by block-granting all the funds to the States.

In fact, the Arts Endowment has an extraordinary record of successful achievement. As a result of the its leadership over the past three decades, there are now double the number of orchestras in America, 11 times the number of dance companies, and 50 times the number of local arts agencies. The NEA reaches out to thousands of America's communities and neighborhoods. It is functioning as it should, encouraging the arts in all parts of the country, providing the seed money that enables local arts to grow and thrive.

Let us be honest. In recent years, since the rightwing's misguided ideological assault on the agency first began, Congress has gone the extra mile. We have taken every reasonable action to ensure that the Arts Endowment only supports grants and programs that are responsible, that fulfill the agency's widely accepted mission, and that reach the widest possible audience. Every year the agency has to run the appropriations gauntlet and every year it convinces a majority of Congress that it deserves support. This year should be no different, because there is no new evidence to justify the critics' shameful attack.

The Labor and Human Resources Committee recently approved a 5-year reauthorization of the Arts Endowment. The bill includes appropriate restrictions and set-asides, so that the arts will reach as many communities across the country as possible. The bill also establishes arts education as a primary focus of the agency. The bill was approved by a solid bipartisan committee vote of 14 to 4.

I commend Senator JEFFORDS of the Labor Committee for his excellent job in guiding that authorization through the committee. He is a strong supporter of the arts and has been thorough and conscientious in his oversight of the Endowment.

The Appropriations Committee has also demonstrated its support for the Endowment, by recommending just over $100 million for the Arts Endowment in this bill. I commend the committee for its support.

The agency has made a significant contribution to the quality of life in thousands of communities in our country. The arts have broad appeal, and the Endowment's mission is to encourage artists and institutions across the country to create, produce, and present programs to tap and encourage that appeal. In 1996, for example, the NEA supported significant programs such as the Delaware Theater Co., the Atlanta Ballet, the Tulsa Philharmonic Society, the University of Southern Mississippi's Folk and Traditional Arts Program, and the International Association of Jazz Educators.

Countless other examples can be cited. Federal support for the arts has clearly made a large difference in communities across the country. The current Federal role is significant, and it has overwhelming support in every State. Families want their children to visit symphonies and museums. They want to enjoy theater and dance. The arts are more than a diversion or entertainment. They are educational and enriching, and their central place in the Nation's life and experiences should be supported and increased.

The Conference of Mayors has strongly endorsed the Arts Endowment. These local officials, who know their communities best, clearly understand the positive role of the arts. They know that the arts contribute to the vitality of their locality, and increase its economic base as well.

In Massachusetts, the arts community is thriving and dynamic. A wealth

of cultural and educational activities is available to every citizen. These activities also attract tourists to our State. Recently, the Museum of Science presented its hugely successful Leonardo da Vinci exhibition. A major retrospective on Picasso's early years is about to open at the Museum of Fine Arts. Many of my colleagues, I am sure, had the opportunity to see this extraordinary exhibition at the National Gallery of Art in Washington. The Endowment's support helped to make this dramatic exhibition possible.

People in every State treasure their own arts institutions and arts programs in the same way. Whatever the size of the State or community, the impact of the arts is significant and indisputable, from the youngest child to the oldest senior citizen.

Leaders in State and local institutions across the country are convinced that support by the Arts Endowment has been a significant part of their success. Federal aid is seed money. It has never been intended to replace State or local or private support for the arts. But it has often been a critical component in the overall development and success of countless local institutions.

In many communities, the Federal role has been indispensable, especially in disseminating innovative programs to institutions that might not have the resources to develop and produce their own programs.

Arts education is an excellent example of this impact. Music is an especially effective tool in developing the discipline and the learning potential of students. Recent studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests.

Let me just repeat that. The studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests—up to about 50 points more.

You would find it extremely difficult to point to any single particular educational program that results in that kind of a bump in terms of educational achievement and accomplishment. But there it is. There are the statistics. And it should not be any mystery.

We know, for example, for 300 years the Greeks had the greatest mathematicians in the world. It is interesting to note that the reason that they had the greatest mathematicians in the world is that they taught their youngest children mathematics through the arts and through music—for 300 years.

I have 10 schools in my own city of Boston where the Conservatory of Music is working with those schools to try and provide the same kinds of initiative in terms of the music and the math that was used many hundreds of years ago with phenomenal success.

I remember being in the Trotter School in Boston with Larry Lesser, who is probably one of the world's great cellists, and the time he was working in an inner-city school and working with those inner-city children in terms of enhancing their academic achievement and accomplishment. You would, as I say, rarely find a particular educational program that would have that kind of result.

We are all looking to what is going to be magical in terms of education, that is going to enhance academic achievement. We have the results in with regard to those students who study music for 4 or more years and how that has enhanced children who have that 4 or 5 years of study in their academic achievement. And it is out there for all of us to see.

So it is not only an issue that we are talking about in terms of the value of the arts, in terms of the culture, and the values which we value in our society, but it is very, very tangible and a very important component in terms of education.

We have some important alterations and changes in the authorization to try and enhance and build on that in the reauthorization which Senator JEFFORDS and I have been strongly supportive of.

We should be doing more, not less, for the arts. The heavy-handed attempt by the House Republican leadership to eliminate the Arts Endowment should be categorically rejected, and it is gratifying that President Clinton has pledged to veto any bill that reaches his desk that attempts to do so. In fact, many of the agency's strongest and most effective supporters are on the Republican side of the aisle.

Congress should start listening to the people and stop bashing this small agency. When we listen to the exaggerated protests of the critics, it is hard to remember that we are talking about a program that costs each taxpayer 37 cents a year.

We have already taken a full range of steps to see that the agency operates as effectively and responsibly as possible. It is time to support fair funding for this important agency, and give it the solid vote of confidence it deserves.

Mr. President, I remember last year—maybe others do—when we had the Vermeer exhibition at the National Gallery. It was in the wintertime. I remember over a weekend going down to try and visit that exhibit on a cold and blustery day and getting there on a Sunday morning at 8 or 9 o'clock in the morning, and seeing the lines there four blocks long, people outside waiting 4 hours.

Finally, when I was able to get in there a number of people came up and spoke to me just quietly saying to me, ''Senator, we hope you will tell Members in the Congress and the Senate that we value the arts. We are prepared to wait for the 3 or 4 hours outside to see this extraordinary exhibit of the arts.''

Whether the National Endowment supported that particular exhibit or not, it is doing otherwise, primarily in exhibits that might not have as high a visibility as the Vermeer exhibit but certainly still bringing the value of those programs to the American people.

Mr. President, in his 1960 campaign for President, President Kennedy discussed the close historical relationship between great achievement in public life and great achievement in the arts. He said, ''There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts. The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci. The age of Elizabeth also the age of Shakespeare. And the New Frontier for which I campaign in public life, can also be a new frontier for American arts.''

Three years later, as President, in a major address at Amherst College in October 1963, he said this:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Those are timeless goals. They apply to our own day and generation as well. I urge the Senate to heed them, to give the arts in America the strong support they so eminently deserve.

Mr. President, I have one further observation. Yesterday one of the critics of the Endowment raised the issue of elitism and cited a grant to my State as an example of the elitist focus of the National Endowment for the Arts.

Well, I agree. This grant—to the Phillips Academy—is a perfect example. It is an example of a worthwhile program—and an example of the distortion that critics of the agency rely on to make their specious arguments.

The Addison Gallery of American Art, which is affiliated with Phillips, applied for a NEA grant as the lead members of a consortium. The grant seeks support for a project entitled ''To Conserve a Legacy: American Art From Historically Black Colleges.'' The other consortia organizations are Clark Atlanta University, Fisk University, Hampton University, Howard University, North Carolina Central University, the Studio Museum of Harlem, and the Williamstown Art Conservation Center.

Art work from each of the five participating black colleges and universities will be selected for conservation and inclusion in the exhibit which will travel to Clark, Hampton, Howard, and the Studio Museum of Harlem, in addition to the Addison.

The works in the exhibition will represent artists such as Romare Beardon, Sam Gilliam, Jacob Lawrence, and others. And one component of the project

is a year-long training program in which minority students will be selected by the participating universities to work on-site for one school year during the selection and conservation of the art work.

This is one of those grants that is going to Massachusetts—yes, it is, but its scope and audience and impact is national. And the funds were matched on a 3-to-1 basis.

I believe that this grant is not only defensive but also commendable. And I think those that have criticized this grant as an elitist grant will take a second look.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 having arrived, the Senate will now proceed to consideration of the conference report that accompanies H.R. 2016, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1997.)

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes' debate each for the Senator from Montana, the Senator from Washington, and the Senator from Arizona.

The distinguished Senator from Montana is recognized.

Mr. BURNS. I am pleased to bring before the Senate the military construction conference report for fiscal year 1998.

Mr. President, this conference report was passed by the House of Representatives yesterday by a vote of 413 to 12 and sent to the Senate last night. Now it awaits final passage here.

Mr. President, we worked very hard with our House colleagues to bring this military construction conference to a successful conclusion. Both sides did take a little bit different perspective on the allocation of military construction funding for the Department of Defense, but in the final conference report we met our goals of promoting the quality of life, other initiatives, and enhancing the mission for readiness.

Mr. President, this bill has some points I want to highlight. It provides a total of $9.2 billion for military construction. Even though this is an increase of $800 million over the President's budget for fiscal year 1998, it is still a reduction of $600 million from what was appropriated just a year ago. That is an overall reduction of 6 percent.

Some 42 percent of this bill is allocated to family housing, for a total of $3.9 billion, so this includes new construction, improvement in existing housing, and funding for operation and maintenance of housing.

The base realignment and closure part of the bill accounts for 23 percent of our total funding, about $2.1 billion. Yes, there is talk of another round of BRAC, and I want to tell my colleagues that base closure does take up a lot of funds. This encompasses funding for environmental cleanup of the closing of those bases and for the construction of new BRAC-related facilities.

Mr. President, I continue to be concerned about the growing cost of the environmental cleanup of our BRAC installations. These costs frequently continue long after the base is closed. In some way or another we have to get a handle on that cost. But right now it seems like it is almost impossible to do.

We strongly protect the quality-of-life initiatives. We provide $724 million for barracks, $32 million for child development centers, $163 million for hospital and medical facilities.

We provide a total of $640 million for guard and reserve components, a reduction of $100 million from the Senate-passed bill. Overall, this represents an increase of $290 million from the President's budget request. Many of those projects will enhance our readiness and mission capabilities of our reserve and guard forces. I have to say, they are vital in the overall national defense scheme. It seems like every year when the budget comes down from the administration, those two parts of our military complex are forgotten about.

I thank my ranking member, Senator MURRAY of Washington State, for her assistance and support through this process. She and her staff have been extremely cooperative. I also want to commend our colleagues in the House, because we went through the conference, and I think it is a good lesson on get your work done before you go and it makes it a lot easier when coming to an understanding and bringing all the minds together.

I commend this product to the Senate. I recommend that it be signed by the President without modification.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to strongly support and recommend to the Senate this military construction appropriations conference report. The final amount, $9.18 billion, is slightly below the Senate-passed amount, and is about $800 million above the budget request. Nevertheless, it is a frugal bill, some $600 million, or 6 percent below last year's appropriated amount.

We have added $800 million to the bill to correct what the subcommittee perceived to be serious shortfalls in quality-of-life initiatives particularly housing and also including child care centers and medical facilities, as well as what has been the annual shortchanging of our guard and reserve forces. In particular, the budget request was for approximately $172 million for our guard and reserve forces, and the conference result was about $460 million, some $290 million over the request. I would point out that the Senate conferees reduced the Senate-passed figure for our guard and reserve forces by over $100 million in order to reach an acceptable compromise with the House.

In the housing area, the conferees added some $210 million over the requested amount, for a total of $3.9 billion, or 42 percent of the total bill. Even so, the committee ended up approximately $250 million below last year's appropriated amount.

Furthermore, the committee worked to satisfy the request of Senators on both sides of the aisle for worthy projects that were not included in the request, and I believe we ended up with a very balanced recommendation.

I do hope that the President will support the bill as passed, and not disturb the balance that we carefully constructed to satisfy the needs of our Nation from coast to coast.

Mr. President, I would point out to my colleagues that the conference report protected all the design, minor construction, and reporting initiatives that we included in the Senate report, so my colleagues may be assured that those initiatives which were included in the Senate report have been preserved.

Fully 23 percent of the bill is for the base realignment and closure accounts, and we have included $153 million for NATO initiatives. I would point out, however, that the Senate report includes a requirement for a report on future costs of NATO expansion, as well as a burden-sharing report regarding our initiatives in Southwest Asia. The committee expects these requirements to be taken seriously and to have a full report from the Department of Defense on these matters.

I am particularly pleased that the conference was able to retain the funding that we included in the Senate-passed bill for new quality-of-life initiatives in Washington, in particular a new library/education center at Fairchild Air Force Base, a barracks replacement at Fort Lewis, health clinics at Fort Lewis and Everett Naval Station, an expansion of an important dining facility and a new child development center at Bremerton Naval Shipyard, and housing at Whidbey Island Naval Air Station.

I thank the distinguished Senator from Montana, Senator BURNS, for the excellent cooperation that he has extended to me throughout this process. I want to thank him for all of his courtesies and for the congenial and cooperative way that his staff, particularly Ms. Ashworth, has extended to all of us. We have enjoyed working with them and all their staff. And I thank Dick D'Amato, from my staff, and Ben McMakin for a job well done.

I commend this product to the Senate and to the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 1 minute 9 seconds remaining.

Mr. BURNS. I reserve the remainder of my time.

Senator MCCAIN wanted to make a statement on this bill, and I understand he is on his way. As a courtesy to him, 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. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. I ask unanimous consent to address the Senate for approximately 6 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ron Moranville, a fellow working on my staff, be granted privileges during the debate of H.R. 2016.

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

Mr. MCCAIN. For 5 straight years, President Clinton has submitted a defense budget to Congress that reflects the low priority given by this administration to our men and women serving in the Armed Forces. For the past 3 years the Republican Congress has added over $20 billion to the administration's requests in order to provide the resources necessary to ensure the readiness of our forces to protect our Nation's security.

I fully supported the congressional add-ons for national defense because I have seen the dangerous effects of declining defense budgets on military modernization and readiness.

However, I simply cannot support the diversion of nearly $1 billion of the $2.6 billion added this year for unrequested, low-priority military construction projects.

This conference agreement on fiscal year 1998 military construction spending earmarks funding for 129 building projects totaling $941 million. This figure includes a plus-up of $268 million for National Guard and Reserve projects, including 12 Reserve centers.

I ask unanimous consent to have that list printed in the RECORD.

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

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD–ONS

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriated
Alabama:				
Maxwell AFB	Maint Facility	$0	$9.3	$9.3
Redstone Arsenal	Engineering Annex	0	13.0	13.0
Dannelly Field [1]	Munitions Complex	0	4.8	4.8
Alaska:				
Eielson AFB	Water Storage Upgrade	0	6.0	6.0
Elmendorf AFB	Electrical System Upgrade	0	6.1	6.1
Bethel [1]	Army Guard OPS Facility	0	4.6	4.6
Arizona:				
MCAS Yuma	Bachelor Enlisted Quarters	0	12.3	12.3
Luke AFB	Land Acquisition	0	10.0	10.0
Arkansas				
Little Rock AFB	Control Tower	0	3.4	3.4
Pine Bluff	Ammunition Facility	0	10.0	10.0
California:				
Fort Irwin	Live Fire Control Facility	0	2.7	2.7
Fort Irwin	Rotational Wash Point	0	8.5	8.5
MCB Camp Pendleton	Enlisted Quarters	0	16.1	16.1
MCB Camp Pendleton	Child Development Center	0	4.5	4.5
NAB Coronado	Waterfront OPS Building	0	10.1	10.1
NCBC Port Hueneme	Storm Water Runoff Improvements	0	3.2	3.2
Sacramento [1]	USARC/OMS/AMSA	13.1	7.9	21.0
Fresno Air Terminal [1]	Base Supply Complex	0	7.0	7.0
Psasdena [1]	Reserve Center	0	6.7	6.7
Colorado:				
Fort Carson	Rail Yard Expansion	0	16.0	16.0
Greeley [1]	Mobile Ground Maint Complex	0	4.7	4.7
Connecticut: New London	Child Development Center	0	3.7	3.7
Delaware: New Castle Airport [1]	OPS Facility	0	7.0	7.0
Florida:				
NAS Whiting Field	Runway Upgrades	0	1.3	1.3
NS Mayport	Pier Improvements	0	17.9	17.9
MacDill AFB	Child Development Center	0	3.4	3.4
MacDill AFB	Education Center	0	4.8	4.8
Georgia:				
Fort Stewart	Barracks Complex Renewal	0	11.5	11.5
Moody AFB	HH–60 OPS Facility	0	6.8	6.8
Robbins AFB	Physical Fitness Center	0	9.1	9.1
Hawaii:				
Fort Derussey	Asian Pacific Center	0	9.5	9.5
Pearl Harbor NS	Seal Delivery System	0	7.4	7.4
Bellows AFB [1]	Army Guard Training Facility	0	5.2	5.2
Idaho:				
Mountain Home AFB	B–1B Avionics Bldg	0	9.2	9.2
Mountain Home AFB	F–15 OPS Facility	0	3.8	3.8
Boise Air Terminal [1]	C–130 OPS Facility	0	8.8	8.8
Indiana:				
NSWC	CHEM–BIO Warfare Center	0	4.1	4.1
Grissom ARB	Civil Engineering Complex	0	8.9	8.9
Kansas:				
McConnell AFB	Transportation Complex	0	5.0	5.0
McConnell AFB	Child Development Center	0	2.9	2.9
McConnell AFB [1]	Maint Shop	0	2.0	2.0
Kentucky:				
Fort Knox	Training Range	0	7.2	7.2
Fort Campbell	Education Center	0	6.7	6.7
Fort Campbell	Tactical Equip Shop	0	9.9	9.9
Greenville [1]	Training Range (Phase III)	0	3.6	3.6
Louisiana:				
Camp Beauregard [1]	Machine Gun Range	0	1.3	1.3
NAS New Orleans [1]	Engineering & Comm Complex	0	5.9	5.9
NAS New Orlenas [1]	Enlisted Quarters	0	4.5	4.5
NAS New Orleans [1]	Physical Fitness Center	0	3.6	3.6
Maine:				
Bangor IAP [1]	Upgrade Base Facilities	0	6.5	6.5
Maryland:				
NAVELEX St. Inigoes	Maint Hangar	0	2.6	2.6
Annapolis [1]	Army Guard Readiness Center	0	2.9	2.9
Massachusetts:				
Barnes ANGB [1]	Dining Hall/Fitness Center	0	3.0	3.0
Westover ARB	Building Renovation	0	4.1	4.1
Michigan:				
Augusta [1]	Army Guard Readiness Center	0	6.4	6.4
Selfridge AGB [1]	Air Guard Maint Complex	0	9.0	9.0

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD–ONS—Continued

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriated
Minnesota: Minneapolis IAP [1]	Civil Engineering Complex	0	4.6	4.6
Mississippi:				
Army Ammo Plant	OPS and Maint Facility	0	9.9	9.9
Gulfport-Biloxi	Training Quarters	0	9.5	9.5
Nas Meridian [1]	Enlisted Quarters	0	7.0	7.0
Key Field [1]	KC–135 Sim Training Center	0	2.0	2.0
Key Field [1]	Dining Hall	0	3.2	3.2
Senatoba [1]	Army Guard Readiness Center	0	4.4	4.4
Missouri:				
Fort Leonard Wood	Fire Station	0	3.2	3.2
Macon [1]	Armory	0	3.2	3.2
Montana:				
Malmstrom AFB	Dining Facility	0	4.5	4.5
Billings [1]	Army Guard Reserve Center	0	15.0	15.0
Nevada:				
Nellis AFB	Maint Facility	0	2.0	2.0
Reno/Tahoe IAP [1]	C–130 Aerial Port	0	3.0	3.0
New Jersey:				
Fort Monmouth	Fire Station	0	2.0	2.0
McGuire AFB	Large Fire Station	0	8.8	8.8
New Mexico:				
White Sands Range	Launch Complex	0	6.9	6.9
Kirtland AFB	Sim Training Facility	0	14.0	14.0
Kirtland	Bridge Replacement	0	6.3	6.3
New York:				
Fort Drum	Gunnery Range (Phase I)	0	9.0	9.0
Fort Drum	Training and Education Center	0	6.9	6.9
Stratton ANGB [1]	Support Complex	0	7.5	7.5
Niagara Falls IAP [1]	Training Facility	0	2.1	2.1
North Caolina:				
Fort Bragg	Mountain Training Complex	0	7.9	7.9
Fort Bragg	Barracks Renewal	0	9.8	9.8
Fort Bragg	SOF Medical Training Barracks	0	8.3	8.3
Pope AFB	Family Services Center	0	2.6	2.6
North Dakota:				
Minot AFB	Fire/Crash Rescue Station	0	5.2	5.2
Ohio:				
Wright-Patterson	Child Development Center	0	8.6	8.6
Rickenbacker ANGB [1]	Corrosion Control Facility	0	5.7	5.7
Springfield ANGB [1]	Base Supply Complex	0	5.5	5.5
Oklahoma:				
Fort Sill	Barracks Renewal	0	8.0	8.0
Altus AFB	Land Purchase	0	11.0	11.0
Vance AFB	Base Engineering Complex	0	6.7	6.7
Will Rogers Airport [1]	Training Facility	0	3.1	3.1
Pennsylvania:				
Johnstown [1]	Reserve Hangar	0	14.0	14.0
Oakdale [1]	Maint Support Activity	0	6.0	6.0
South Carolina:				
Leesburg [1]	Simulation Center	0	3.8	3.8
McEntire ANGB [1]	Dining Facility	0	7.0	7.0
MCAS Beaufort	Enlisted Quarters	0	15.3	15.3
MCAS Beaufort	Vehicle Maint Shop	0	2.4	2.4
South Dakota:				
Ellsworth AFB	Fire/Crash Rescue Station	0	6.6	6.6
Rapid City [1]	Aviation Support Facility	0	5.2	5.2
Tennessee:				
Arnold AFB	Air Dryer Facility	0	9.9	9.9
Knoxville	USARC/OMS/AMSA	0	8.3	7.9
Nashville Map [1]	Maint Complex	0	3.4	3.4
Texas:				
Fort Bliss	Ammunition Supply Expansion	0	7.7	7.7
Fort Hood	Force XXI School	0	12.8	12.8
NAS Corpus Christi	Boiler Plant Replacement	0	.8	.8
Dyess AFB	B–1B Squadron OPS	0	10.0	10.0
Laughlin AFB	Corrosion Control Facility	0	4.8	4.8
Utah: Camp Williams [1]	USARC/OMS	0	12.7	12.7
Vermont: Camp Johnson [1]	Maint Shop	0	6.7	6.7
Virginia:				
Fort Story	Post Chapel	0	2.0	2.0
NAS Norfolk	Air OPS Building	0	4.0	4.0
Portsmouth Hospital	New Hospital (Phase IX)	0	17.0	17.0
NSY Norfolk	Waterfront Improvements	0	19.9	19.9
NWS Yorktown	Tomahawk Magazine	0	3.3	3.3
Washington:				
Fort Lewis	Medical Clinic	0	5.0	5.0
Fairchild AFB	Fire Station	0	4.8	4.8
Fairchild AFB	Education Center	0	8.2	8.2
Fairchild AFB [1]	Upgrade KC–135 Flightline	0	9.5	9.5
West Virginia: Camp Dawson [1]	Reserve Center	0	6.8	6.8
Wisconsin: Mitchell ARS [1]	Training Facility	0	4.2	4.2
Active Duty Milcon add-ons		0	560.4	560.4
Reserve/Guard Milcon add-ons		0	268.2	268.2
Total U.S. based Milcon add-ons		0	828.6	828.6
Total Milcon and family housing add-ons		.....	941.6	.....

[1] Denotes Reserve/National Guard construction projects.

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriation
Arizona: Fort Huachuca	Family housing	0	$8.0	$8.0
California: NC San Diego	Family housing	0	13.5	13.5
Hawaii: NC Pearl Harbor	Family housing	0	13.0	13.0
Kansas: McConnell AFB	Family housing mangt office	0	.6	.6
Louisiana: NC New Orleans	Family housing	0	11.9	11.9
Montana: Malmstrom AFB	Management office	0	13.0	13.0
New Jersey: Picatinny Arsenal	Family housing	0	7.3	7.3
Texas:.				
NAS Kingsville	Replace family housing	0	22.3	22.3
Lackland AFB	Replace family housing	0	7.4	7.4
Washington: Whidbey Island	Family housing	0	16.0	16.0

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS—Continued

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriation
Total family housing add-ons		0	113.0	113.0

Mr. McCAIN. Mr. President, pork barrel spending in the defense budgets is not only unwise but potentially dangerous to our national security.

Wasting scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund the high-priority modernization and operational requirements identified by the military Services.

I cannot disagree with those of my colleagues who believe that the active military has failed to allocate the resources necessary to ensure the readiness of the reserve forces. However, by diverting more than one-third of the congressional add to construction projects for the Reserves, Congress is ignoring the most urgent unfunded requirements that the Reserve components themselves have identified.

Certainly, the Pentagon has not been responsive to congressional direction to redress the underfunding of the Reserve components. But I think this bill clearly demonstrates that Congress is over-zealous in adding money for the Guard.

For example, last year, the Appropriations Committee directed the Army to budget $75 million for Army National Guard military construction in fiscal year 1998. Unfortunately, the Army failed to follow the committee's direction and budgeted only $45.1 million in the budget request for Army Guard construction projects. But I fail to see how that gap of $30 million should become an add of over $70 million. This conference report provides $118.3 million for Guard construction—$43 million more than the Congress said last year should be provided.

Another example—The budget request for Air National Guard projects was $60.2 million. This conference report more than tripled that number, providing $190.4 million in fiscal year 1998 alone for Air Guard construction.

Mr. President, I am sure there are many programs on the list of add-ons in this bill. These programs may well be high priorities for individual unit commanders of adjutants general. Undoubtedly, these projects are high priorities for the Members of Congress who requested that they be added to this bill.

But, Mr. President, the simple fact is that military training exercises continue to be cut back, backlogs in aircraft and ship maintenance continue to grow, there is a shortage of funds for flying hours, military health care is underfunded by $600 million, and 11,787 servicemembers and their families are reportedly on food stamps.

It is unconscionable for the Congress to ignore these urgent priorities that directly correlate to military readiness and personnel quality of life. I might add, we are now experiencing a hemorrhage of qualified pilots out of the Navy, Air Force, and Marine Corps.

It is wrong to divert much-needed funds from truly high-priority needs to instead fund these building projects.

Mr. President, last year, Congress provided the executive branch with an important tool to prevent wasteful spending—the line-item veto. Today, I am sending a letter to President Clinton urging him, in the interest of national security and fiscal responsibility, to exercise his line-item veto authority and eliminate the $941 million set aside for the 129 unrequested military construction projects contained in this bill.

I intend to vote against the bill, and I urge my colleagues to consider very carefully whether they wish to vote in favor of wasting nearly $1 billion on these low-priority construction projects.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
September 17, 1997.

Hon. BILL CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Today, the Congress completed action on the first regular appropriations measure for Fiscal Year 1998, the Military Construction Appropriations Act. I am writing to urge you in the strongest possible terms to exercise your line item veto authority to eliminate $941 million in unnecessary spending contained in this bill.

This bill contains earmarks for 129 projects which were not included in the Department of Defense budget request because they are lower priority projects than those that were requested by the military Services. As I promised in my August 6, 1997, letter, I am providing a list of the unrequested projects in this bill.

As the Commander-in-Chief of our Armed Forces, you bear the primary responsibility for ensuring that our troops are trained, equipped, and ready to protect the security of our nation. Because of the continuing push toward a balanced budget and taxpayer relief, the resources available for vital defense priorities are limited, as are resources for almost every other government priority. Wasting these scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund its high-priority modernization and operational requirements. This spending habit is not only unwise, but potentially dangerous to our national security.

While your exercise of the line item veto to eliminate wasteful earmarks in this bill would not unfortunately make these funds available for other pressing defense needs, it would certainly send a pointed message to Congress from the Commander-in-Chief that this wasteful spending of defense dollars must stop.

I recall that, several years ago, you proposed to rescind funding for Congressional add-ons in the military construction accounts. That proposal was defeated by Congressional inaction, but you now have an important tool that increases the prospects for successfully eliminating the add-ons in this military construction bill. Therefore, I urge you again to take advantage of this opportunity to line item veto the $941 million earmarked by Congress for unrequested, low-priority military construction projects.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

Mr. BURNS. Mr. President, we take note of the Senator from Arizona. I just made a comment here that the complete emphasis on military construction has probably doubled toward the quality of life, just since I have been on this committee. We can make those moves as long as we are allowed to make those moves and to continue to fund those things that we think are important in the overall makeup of our military readiness.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for this bill. I am pleased that the conferees included several projects important to the quality of life and safety at New Jersey's military installations, and I thank the conferees for their efforts to ensure that New Jersey's defense infrastructure needs received adequate funding.

I appreciate the willingness of the conferees to provide funding for three important projects at McGuire Air Force Base. The bill includes $9.954 million for an Air Mobility Operations Group Warehouse, which will increase the efficiency of the base's mobility operations. Additionally, it includes $35.217 million for an ambulatory health care center replacement. This new facility will house a full-service outpatient operation and provide adequate space for clinics, ambulatory surgery, ancillary services, storage, offices, and administration. It will improve the quality of care provided to our military personnel.

I am also pleased the conferees included $8.8 million for a new fire station at McGuire. McGuire's current fire station is inadequate to provide the fire protection and response to aircraft casualties that its mission requires. This facility has inadequate communication and alarm equipment, insufficient vehicle storage areas, deficient living quarters, and inadequate space for training and administrative duties. Due to these conditions, in certain situations, I am told that the base cannot respond simultaneously to a fire emergency and a 911 call. The funding provided for a new fire station will improve the base's ability to respond more adequately and will allow firefighters to execute emergency response operations in a more efficient and timely manner.

For Fort Monmouth, another important military installation in New Jersey, I am pleased the conferees included $2.05 million for a new fire station. The fort's fire station is currently housed in a World War II vintage structure. This station is charged with protecting the base's numerous research and development facilities, as well as its over 1,000 military family housing units. The funding provided for a new fire station will ensure that facilities on the base are adequately protected, and that the Fort Monmouth community has access to the timely response and fire protection services it deserves. This project is vital to the safety of the entire Fort Monmouth community, and I am pleased the conferees agreed to provide funding for this important project.

I also appreciate the willingness of the conferees to include funding for two important projects at Picatinny Arsenal. I am pleased they provided $7.3 million to build 35 units of family housing on the base. The existing units have deteriorated since they were constructed in 1940. Most of these units are undersized and lack basic conveniences such as air-conditioning. Their electrical, plumbing, and heating systems are poorly configured and inefficient. The funding provided by the conferees will improve the existing living conditions and the quality of life for the enlisted and their families. It will produce units of family housing that meet current standards of quality of life, energy conservation, size, and safety.

I am also pleased the conferees agreed to provide $1.3 million in design funding for a new software engineering facility at Picatinny. This funding will allow Picatinny to consolidate the design, development, testing, configuration control, field release and maintenance of weapon systems, simulators, and trainers. It will result in reduced cost for the Army and will improve efficiency in the software engineering process.

These projects are vital to the safety and quality of life of New Jersey's defense infrastructure. Again, I thank the conferees for their support of these important projects in the fiscal year 1998 military construction bill.

Mr. DOMENICI. Mr. President, the pending military construction appropriations conference agreement provides $9.183 billion in new budget authority and $3.024 billion in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1998 program total $9.862 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the Active Forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The conference report falls within the current section 602(b) allocation for the Military Construction Appropriations Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1998, and I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be placed in the RECORD.

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

H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS, 1998—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

Category	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,862	—	—	—	9,862
Senate 302(b) allocation:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,920	—	—	—	9,920
President's request:					
Budget authority	8,384	—	—	—	8,384
Outlays	9,839	—	—	—	9,839
House-passed bill:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,909	—	—	—	9,909
Senate-passed bill:					
Budget authority	9,187	—	—	—	9,187
Outlays	9,902	—	—	—	9,902
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	—	—	—	—	—
Outlays	−58	—	—	—	−58
President's request:					
Budget authority	799	—	—	—	799
Outlays	23	—	—	—	23
House-passed bill:					
Budget authority	—	—	—	—	—
Outlays	−47	—	—	—	−47
Senate-passed bill:					
Budget authority	−4	—	—	—	−4
Outlays	−40	—	—	—	−40

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BURNS. Mr. President, I commend the bill to the Senate, ask for its passage, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GREGG). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—97

Abraham	Bingaman	Burns
Akaka	Bond	Byrd
Allard	Boxer	Campbell
Ashcroft	Breaux	Chafee
Baucus	Brownback	Cleland
Bennett	Bryan	Coats
Biden	Bumpers	Cochran
Collins	Helms	Murray
Conrad	Hollings	Nickles
Coverdell	Hutchinson	Reed
Craig	Hutchison	Reid
D'Amato	Inhofe	Robb
Daschle	Inouye	Roberts
DeWine	Jeffords	Rockefeller
Dodd	Johnson	Roth
Domenici	Kempthorne	Santorum
Dorgan	Kennedy	Sarbanes
Durbin	Kerrey	Sessions
Enzi	Kerry	Shelby
Faircloth	Kohl	Smith (NH)
Feinstein	Landrieu	Smith (OR)
Ford	Lautenberg	Snowe
Frist	Leahy	Specter
Glenn	Levin	Stevens
Gorton	Lieberman	Thomas
Graham	Lott	Thompson
Gramm	Lugar	Thurmond
Grams	Mack	Torricelli
Grassley	McConnell	Warner
Gregg	Mikulski	Wellstone
Hagel	Moseley-Braun	Wyden
Harkin	Moynihan	
Hatch	Murkowski	

NAYS—3

Feingold	Kyl	McCain

The conference was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have now passed our first conference report of the year, and I am hoping that within the next 10 days we will pass at least a half dozen more. I know the chairman is working with Members on both sides of the aisle and with our colleagues on the other side of the Capitol to do that. I appreciate the cooperation we have received on appropriations bills, although we seem to be a little stalled out here on the Interior appropriations bill. I am not sure the Members are back from the August State work period; we seem to have difficulty in getting Senators to come forward and offer amendments that they say are important.

Now, we were on this some last week. We were on the bill yesterday. We have been on it today. We did not have a vote on an amendment all day Monday, and I am being told now that, well, we have several very important amendments. I want to say this is not just directed to our colleagues on the Democratic side. We have four amendments cooking on the National Endowment for the Arts. My answer is, great, let's have a debate and let's vote. And let's do it in the daylight or we will have to do it tonight.

Now, I have tried very hard for us to do our work during normal working hours like normal people. I know that's very difficult, but that would be helpful. It keeps you from being cranky. It allows us to live somewhat normal lives with our families. But if we refuse to come forward with our amendments and agree to reasonable time agreements—how many of you think you are going to change anybody's mind by giving a 90-minute speech? How many of you think you are going to change

somebody's mind on NEA by giving a 30-minute speech on NEA?

Come forward, my colleagues, offer your amendments, agree to a reasonable time, and let's vote. If we are not going to do it now, we will have to do it tonight because we need to get this appropriations bill done.

We have made good progress. We have worked together. We have had good cooperation. Let's not bog down. If we have a mining amendment, grazing, NEA, let's get them up, let's have reasonable debate with hopefully not more than an hour on anything, and let's vote. I believe we can complete this tonight and go on to the FDA reform package that I believe at least 94 Senators want to do. The Democratic leader has agreed to work with me to try to get that done this week, so I urge my colleagues, let's get going here.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the majority leader for helping in getting this debate going. We already have a unanimous-consent agreement for a debate on the Ashcroft amendment on the National Endowment for the Arts of a maximum of 145 minutes beginning at 1:30. So there will be a vote on or in relation to the Ashcroft amendment before 4 o'clock. Personally, I hope it is much before 4 o'clock if not all of that time is used. There are 2 hours between now and the time at which that amendment starts.

My friend, Senator BRYAN, from Nevada, seems perhaps, I hope, ready for a 1½ hour debate on his amendment on forest roads. I am attempting to clear that on this side of the aisle and hope I can have it done so that we can complete that amendment and have the vote before the NEA debate begins. I do know there are several other National Endowment for the Arts amendments that will succeed the Ashcroft amendment, and maybe one or two others that require votes. Senator BUMPERS may have one on mining.

The majority leader is correct; we have been on this bill off and on, mostly on, since last Friday. We have yet to have our first rollcall vote on the bill or on any amendment to the bill. It is time to get going, and I believe my colleagues are about ready to do just that.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior bill, H.R. 2107.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is Hutchinson amendment No. 1196.

Who seeks recognition?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1204

(Purpose: To ensure that the Huron Cemetery in Kansas City, Kansas, is used as a cemetery)

Mr. BROWNBACK. I ask unanimous consent the pending amendment be set aside, and I call up amendment No. 1204.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1204.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

''SEC. 1 . (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term ''Secretary'' means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW 1/4 of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

Mr. BROWNBACK. Mr. President, I will not take too much of the Members' time to discuss this amendment, but I think it is a clear, narrow piece of legislation that is an important one, and what it involves is a particular tract of land in Kansas City that is currently being used by the Kansas Wyandot Indians, which is an informally recognized tribe, as a burial ground. This tribe has used this tract for a number of years as a burial ground. There is a branch of the Wyandot Indians in Oklahoma that is an officially recognized tribe that seeks to acquire this particular tract of land and have a casino on it.

Now, setting aside the dispute about which tribe controls this particular tract of land, I just think it is not an appropriate thing for us to approve, or to allow a tribe, this one in Oklahoma, to acquire this land and put a casino on what has been a tribal ancestral burial ground. I think it is sacrilegious for that to occur.

It is not that we are saying there are not enough casinos in Kansas City; we have a number of them. That is a side issue as well. What we seek by this amendment is very narrow, and that is that this tract will remain a burial ground and that it will not be used for a casino.

We do not seek to mediate the issue of who does the land belong to. We do not seek to establish the Kansas Wyandot tribe as an official tribe. That is not a part of it. We don't seek to recognize the Wyandot Oklahoma Indians' claim to this land. We set all of that aside. This amendment simply says this land should remain an Indian burial ground as it has been for generations and it should not be transferred, it should not be land acquired on which to place a casino.

I ask that the Members look at this particular amendment. I am going to call it back up for a vote later on if we do not have consent from all the Members. This land should not be allowed to be used for a casino. It is hallowed ground and it should be allowed as that.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I commend my good friend from Kansas. I ask the Senator from Kansas to temporarily set this amendment aside because the chairman of the Indian Affairs Committee is presently presiding at a very important hearing, and I believe he would want to be heard. It is not the intention of the committee to stall this but to accommodate Senator CAMPBELL. So as soon as he is completed, we will try to resolve this matter.

Mr. GORTON. Mr. President, I concur with my friend from Hawaii. I believe that this amendment is going to be cleared, but it is appropriate that both the chairman and the vice chairman of the committee be able to speak at least briefly to it. As soon as we have heard from the Senator from Colorado, we may be able to pass this amendment. Personally, I think it is a good amendment, and I commend the Senator from Kansas for bringing it to our attention.

Mr. President, unless someone else seeks recognition, I am going to suggest the absence of a quorum. I am desperately attempting to get a time agreement on the Bryan amendment before 12 o'clock so that we can finish that before we begin the debate on the National Endowment for the Arts. In

the meantime, if there is anyone else within sound or sight who wishes to propose an amendment, we invite their presence.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislate clerk proceeded to call the roll.

Mr. HARKIN. 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.

VISIT TO THE SENATE BY EVGENEY S. SAVCHENKO, MEMBER OF THE RUSSIAN SENATE

Mr. HARKIN. Mr. President, I have the distinct pleasure of having a visitor on the floor of the Senate today, the Honorable Mr. Evgeney S. Savchenko, who is a Senator in the Russian Senate. He is also the chairman of the agriculture committee, the Committee of the Council of Federation for the Agrarian Policy. In other words, it is the Senate Agriculture Committee for the entire Russian Federation.

We are delighted to have Mr. Savchenko here.

He also holds another position, Mr. President. He is Governor of the Belgorod region of the Russian Federation. I thought the occupant of the chair might be delighted to know that in Russia, when you are elected a Governor of a region or Governor of a state, you automatically become a senator. So, therefore, you can fulfill both positions at the same time.

I know the occupant of the chair, in his former life, was the chairman of the Agriculture Committee of the House of Representatives. So I know that the occupant of the chair, the distinguished Senator from Kansas, would have a lot to discuss, I am sure, in terms of agriculture with Mr. Savchenko who is the chairman of the agriculture committee of the Russian Federation.

I am delighted to have him here and present on the Senate floor today.

With that, 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. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JOHNSON. Mr. President, we have today an opportunity to discuss and to ultimately vote on, I think, one of the more important issues, both substantively and philosophically, within the Department of the Interior appropriations bill, that having to do with the future of Federal-State-local partnerships that have existed now for some years with the National Endowment for the Arts and funding for the arts in America.

There are some who would suggest that somehow this is an elitist enterprise that involves large cities in urban areas. Coming from the State of South Dakota, I can assure my colleagues that the NEA and the funding that has gone to my home State of South Dakota has been absolutely critical as seed money for the promotion and the development of artistic efforts that have benefited virtually every school district, virtually every county, and community across my very large and rural State.

We have, as so many States do, a great deal of artistic talent, commitment to the arts, but we don't have a lot of corporate sponsors, we don't have a lot of philanthropists, we don't have a lot of sources for funding that can create the seed money that we need for the arts to blossom, to bloom in places like South Dakota.

The function of this funding has been absolutely critical in our State. It has gone to our school and communities, our touring artists, artisan school programs. It has gone for our Arts Corps Program for South Dakota's juvenile correctional facilities in partnership with our Department of Corrections and the South Dakota Arts Council. It has gone for the Indian services to sponsor the Northern Plains tribal art show and market, which has created a whole new environment, a whole new series of opportunities for Northern Plains Native Americans to develop their artistic skills and to market those skills. It has gone for our Youth at Risk Program. It has gone for our Arts in the Classroom Teachers' Conference, and it has created a whole new environment for the arts in our State.

When I look back at what existed prior to 1965 when the NEA was created, we had people with great artistic talent in the State then, too, but we didn't have the structure to really promote the arts. Now, thanks to the seed money of the NEA over the years, we have in place the South Dakota Arts Council, we have in place the South Dakota Museum Association, the Rural Arts Presenting Program, Dakota Prairie Playhouse, the Black Hills Chamber Music Society for Big Sioux Arts Council. We have literally pages of arts organizations that now exist in every county, in virtually every community of our State that did not exist prior to the creation of the NEA.

So, Mr. President, I can't emphasize too much the importance of this organization to enhance the quality of life for those who would otherwise not have great opportunities to experience performance art or art of any kind without this. I think we need to keep in mind that the issue here is really a philosophic one and not so much a budget issue.

There is $100 million involved here for the Nation's entire artistic effort, less, I might add, relative to the budget and that of any other Western industrialized nation on Earth, but that portion of money has gone a long, long ways in our country. And, in fact, to keep this in some sort of perspective, we are going to be debating later on this month a defense appropriations bill where there are those in conference who would like us to purchase nine more B–2 bombers at a cost of $1 billion apiece. Our entire arts program, that goes to every school, every county and every city in our Nation costs one-tenth of one bomber. It costs less than it would cost to maintain this fleet of aircraft that the Pentagon does not even want.

So this is, relative to the entire budget, a modest effort, less than what other countries devote, but yet crucially, crucially important, not just for large urban areas and large artistic organizations, but for those of us in rural America who find this an absolute lifeline.

It is certainly my hope that by the time we conclude the debate on the Interior appropriations bill today that we will find our way to insist that there continues to be a strong Federal-local, public-private partnership in the arts that has gone on now for over 30 years and which has been responsible, I think, for an enormous amount of very constructive, positive effort for our children, for the quality of life in our communities, big and small.

I know that there are several amendments pending. I won't go into detail about each of them, other than to say, again, I certainly ask my colleagues to very carefully review these amendments. It is critical that when the day is done that we continue to have modest but responsible funding for the arts in the United States. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, the following request has been cleared.

I ask unanimous consent that when the Senate considers Senator BRYAN's amendment regarding forest roads, there be 90 minutes equally divided in the usual form. I further ask unanimous consent that no second-degree amendment be in order to the Bryan amendment. I further ask unanimous consent that following the expiration or yielding back of time, a vote occur on the amendment at a time to be determined by the two leaders.

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

Mr. GORTON. Mr. President, I understand that Senator BRYAN is on his way to the floor to begin that debate. I believe that the principal opponents of the amendment have also been notified. In any event, they should proceed immediately to the floor to engage in

the debate, which is on a seriously contested amendment.

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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS ACT AND OTHER APPROPRIATIONS BILLS

Mr. STEVENS. Mr. President, I want to take just a few minutes of the Senate's time to comment upon the passage of Senate bill 1061, the Labor, Health and Human Services, and Education Appropriations Act.

During the 104th Congress, the bill from this subcommittee was the center of political controversy between the Congress and the White House, and within the Senate itself. We did not succeed in passing a bill as a separate measure for these functions in the 104th Congress.

Thursday's vote of 91 to 8 sent a clear signal of the Senate's support for the leadership shown by Senators SPECTER and HARKIN. They crafted a bill that emerged from our Appropriations Committee unanimously.

The statement of administration policy raised a few differences, but it indicated strong bipartisan support for this bill. The most contentious votes we have faced this year on appropriations bills were on the Labor, Health and Human Services bill.

Despite the strong feelings generated by those issues, the debate was fair. The entire Senate came together to pass the bill, and sent the unambiguous message that I referred to—we want to see this bill enacted this year.

Supporting the work of the subcommittee has been an extremely experienced and effective staff. Craig Higgins serves as clerk of the subcommittee. He is joined by Marsha Simon, who assists Senator HARKIN as the minority clerk. Bettilou Taylor, Dale Cabaniss, Lula Edwards, and Carole Geagley round out the subcommittee staff.

I commend not only the chairman and ranking member but all of the staff for the hard work and the effort they put into preparing the bill in a fashion that received such strong, strong support in the committee, and from the Senate.

We eagerly now await the passage of that bill by the House, so we can have the conference commence and get the bill to the President prior to September 30, I hope.

I also report to the Senate that the Agriculture and legislative conferences are proceeding. We should have those bills from conference today.

We have just passed a military construction bill.

We have in conference the Department of Defense conference which had its first meeting yesterday.

The VA–HUD bill, the Energy bill, the foreign ops bill, and Transportation—we expect, Mr. President, all of those will be out of conference early next week.

That will leave us five bills to still finish.

The District of Columbia bill has not passed the Senate yet, nor the House.

We have before us now, under the guidance of the Senator from Washington [Mr. GORTON], the Interior bill. We expect it to be finished here this week and go to conference and, hopefully, come back to the Senate next week.

As I have said, the Labor, Health and Human Services bill, the House needs to pass that. We hope it will get to it soon. That will leave us the Commerce, State, Justice bill, and the Treasury bill—all of which, Mr. President, it is still our goal to try and get them to the President by the 30th of September.

Mr. President, it will mean perhaps, though, we will have to have still a continuing resolution to give the President the time that he needs to review all of these bills. I am hopeful that the House will send us a continuing resolution—a clean continuing resolution—sometime early next week.

I commend the Senator from Washington on this bill. I am hopeful the Senate will work with us to make sure that this bill is finished here today, if it is at all possible.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. 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. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 90 minutes, equally divided, on the pending business before the Senate. In addition, there are no second-degree amendments to be in order.

The Senator is recognized.

Mr. BRYAN. Mr. President, may I inquire, does it require a unanimous consent to set aside the pending amendment for purposes of consideration of this proposed amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. BRYAN. I thank the Chair.

AMENDMENT NO. 1205

(Purpose: To reduce funding for Forest Service road construction and eliminate the purchaser credit program)

Mr. BRYAN. Mr. President, I offer an amendment and submit it for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mrs. BOXER, and Mr. TORRICELLI, proposes an amendment numbered 1205.

Mr. BRYAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 65, line 18, strike ''$160,269,000'' and insert ''$150,269,000''.

On page 65, line 23, after ''205'' insert '', none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))''.

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term ''money received'', for the purposes of the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

Mr. BRYAN. Mr. President, I am always pleased, when I have the opportunity, as I do this afternoon, to support, and in this instance actually propose, legislation that benefits both the American taxpayer and the environment.

The amendment I am offering today eliminates a subsidy used primarily by large timber companies that not only has negative consequences for the taxpayers but also a detrimental effect on the environment.

Each year, American taxpayers spend millions of dollars to subsidize the construction of roads needed for logging on national forest lands.

The appropriations bill before us today contains a $47.4 million appropriation for the Forest Service to assist in the construction and reconstruction of timber roads in our national forests. In addition, the bill, and accompanying report, provide affirmative direction to the Forest Service instructing them to continue the purchaser credit program without limitation.

The purchaser credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads that they need in order to access their timber. The timber purchasers can then use the credits to pay for the timber being harvested. Last year these purchaser credits were valued at nearly $50 million.

In the House-passed version of the Interior appropriations bill a limit of $25 billion was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The bill before the Senate today eliminates this cap completely, and the report accompanying the bill makes it clear that ''The committee has not specified a ceiling for the amount of purchaser credits which can be offered'' to timber companies. The result of this language is an open-ended subsidy for the timber industry.

My amendment stands for a very simple proposition. If a timber purchaser needs to build a road to harvest timber, the timber purchaser should have to pay for it. The amendment which I am offering eliminates the purchaser credit program and cuts $10 million from the Forest Service timber road construction and reconstruction account.

In addition, my amendment provides that road construction costs incurred by timber purchasers are to be treated as timber revenues for the purpose of payment to States for use on roads and schools in the counties where national forests are located. The result of this latter provision is that counties will be held harmless as a result of the elimination of the purchaser credit program.

For those of my colleagues who are not familiar with this program, let me give a brief description of how the purchaser credit program operates. When the Forest Service wants to use purchaser credits to build the road to a planned timber sale, and parenthetically that is about 90 percent of the time, it must estimate the cost to build the road, the value of the timber in the sale area, and the road right-of-way. Prospective purchasers go through a similar process of estimating their roadbuilding costs and their estimated value of the timber they must pay for to the Forest Service.

Considering all of these factors, the prospective purchasers submit their bids accordingly. When a purchaser is awarded the contract for the timber sale the Forest Service establishes the dollar value of the purchaser road credit attached to that sale and credits the account in that amount to the timber contract holder as the road is constructed. The contractor, therefore, has immediate access to the credits to be used in place of cash deposits and the agency, the purchaser, is also given discretion to use the credit on any timber sale contract that it holds in the forest. The Forest Service allows the transfer of purchaser credits between timber sales located within the same national forest.

Now the ability to transfer credits aids a purchaser's ability to manage its timber sale portfolio cash flow. Since road construction often delays timber harvest, purchasers who can rapidly transfer road credits to another sale from their portfolio can attain lower portfolio management costs. The result is analogous to an interest-free loan for timber purchasers.

The opponents of this amendment contend eliminating the purchaser road credit will devastate the timber industry. Their claim could not be further from the truth. The Bureau of Land Management in several States is successful at selling timber and getting the necessary roads constructed without the use of the purchaser road credit that is exclusive to the Forest Service. The effects on the Forest Service timber sale program of eliminating the purchaser credit program and requiring that roads be constructed pursuant to specified standards as the BLM and the States require would be environmentally and economically beneficial.

Eliminating road credits will force purchasers to internalize the cost of road construction into their bid price for the timber. The result is a more balanced system that provides equal treatment for all purchasers of publicly owned timber, BLM and Forest Service lands. Without the purchaser credit program it is likely that fewer roads would be built and less habitat would be fragmented. Purchasers are less likely to want to build extensive road networks if they have to pay cash for them.

Consequently, timber sales with high road building costs will be less attractive to purchasers than timber sales with low or no road building costs.

Another important aspect of eliminating the purchaser credit program is that it will shift responsibility for estimating road costs from the Forest Service to purchasers. If markets are competitive, such a shift should provide a more accurate and an efficient road cost accounting system.

An independent study of timber sales in the Pacific Northwest found that the Forest Service estimates for road construction costs can be as much as 30 percent higher than actual costs for the industry to build those roads. A recent report from the General Accounting Office discovered that Forest Service estimates of road costs include a profit margin for purchasers. It also found that the Forest Service lacked accountability for the accuracy of their road cost estimates because purchasers are not required to report actual costs of construction and reconstruction. So if actual road costs are overestimated, the extra purchaser credits awarded and subsequently traded for timber represent a windfall profit for the purchaser, a profit that comes at the public's expense. This inefficient situation would be eliminated if purchaser credits were abolished.

Contrary to what you will hear from my opponents of this proposal, my amendment will not end logging in the national forests. Requiring timber purchasers to pay for road construction costs will likely reduce timber sales in roadless areas where the environmental and economic costs of logging are the greatest. I believe this is sound public policy. Roadless areas are not good places to produce commercial timber because they tend to be a high elevation, steep, and inaccessible. The timber sales in these areas are the ones that cause by far the most environmental problems and the ones which are the biggest money losers because of the high cost of road building.

Let me invite my colleagues' attention to an excellent article entitled ''Quiet Roads Bring in Thundering Protests,'' an article that ran earlier this year in the New York Times that illustrated the environmental damage caused by road construction. A biologist with the Idaho Fish and Game Department, Chip Corsi, notes in the article that researchers have found that as little as 1.7 miles of road per square mile forest have the effect of reducing the complement of fish species in an area. Mr. Corsi added that in Idaho, in Coeur d'Alene National Forest we have from 4 to 10 to 15, up to 20 miles of road per square mile, so it is extreme. That is his direct quote.

Many scientists have found that road building threatens wildlife because it causes erosions of soils, fragments intact forest ecosystems, encourages the spread of noxious weeds and invasive species and reduces habitat for many animals needing a refuge from man.

It has been found that when the roads wash out they dump rocks and soil on lower slopes into stream beds and even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams.

Let me invite my colleagues' attention to one example of that. This is the Clearwater National Forest in Idaho. At the top of the picture one can see a road cut through the forest. This is the erosion that has occurred as a result of a road having been logged and the runoff sedimentation that has occurred as a consequence of that. That is a major contributing problem to the environmental degradation that is occurring in our national forests.

Scientists say the overall effect is that the streams and rivers fill with silt, and the shallower waters mean degraded fish habitat and more flooding. Many of my colleagues are aware that

the declining water quality of lakes, rivers, and streams in our national forests is a serious problem.

The USDA Undersecretary Jim Lyons has stated that our No. 1 water quality problem in the national forest system is roads. According to the Forest Service, 922 communities get their drinking waters from national forest streams that are frequently adversely affected by building logging roads. In Idaho, over 960 streams are rated as water-quality limited by the EPA because of contamination. Over half of these streams are degraded by logging and roadbuilding. In addition, after the winter storms of 1995 and 1996 in the Pacific Northwest, the Forest Service found that in Idaho 70 percent of the 422 landslides were associated with logging.

In my home State of Nevada, the road network through Lake Tahoe has been identified as a major contributor to the degradation of water quality and decline in the clarity of the lake. Mr. President, I know this firsthand, having spent a decade of my life as a resident of northern Nevada and having over the last 50 years visited the Lake Tahoe basin frequently.

During the President and Vice President's recent visit to Lake Tahoe the President announced that the Forest Service would decommission or obliterate roughly 290 miles of old logging roads in the basin over the next 10 years.

At Lake Tahoe, Mr. President, we have seen a rapid and radical decline in water clarity. One of the most pristine lakes in North America and the entire world, marveled at by Mark Twain and all of the early pioneers at one time, a little more than a decade ago, you could see 100 feet into the bottom of parts of that lake. In less than 30 years there has been an environmental degradation of more than a third. So today you can actually see, in terms of clarity of the water, less than 70 feet. A primary cause is the logging of that basin, initially during the Comstock Lode and the mining discoveries of the mid-to-late 19th century.

I observed firsthand, not as a scientist but as a layman, looking at the roads and seeing the runoff that occurs. The siltation that occurs, that goes into the lake, has been a serious environmental problem. It has been estimated that it will require several hundred millions of dollars in order for this clarity and the environmental degradation that is occurring on an ongoing basis to be reversed. There are no guarantees, even at that.

My point, Mr. President, is we may have been ignorant in the past as to what caused the problems. Those of our forebears a century ago were less knowledgeable than we are of the environmental consequences. But it certainly cannot be an excuse for our generation because we know what the costs are, and the costs are not just in the new road construction itself. The costs lasts for generations thereafter as we pay as American taxpayers to try to abate or minimize or mitigate the damage that will occur.

Now, opponents of this amendment will claim that forest roads need money to be maintained and that the cuts contained in my amendment will allow roads to deteriorate, causing further environmental damage. I want to speak to this point. The amendment which I offer does not affect the Forest Service road maintenance budget. I want to repeat that: The amendment which is offered this afternoon does not affect the Forest Service road maintenance budget. This amendment only eliminates the subsidy of new timber roads. These are entirely separately funded accounts within the Forest System.

As a matter of public policy, I would argue it makes more sense to maintain roads that we already have than spending a great deal of money building new roads. Forest Service Chief Michael Dombeck has stated that there is a $440 million backlog of maintenance needed on 232,000 miles of national forest roads. Addressing this need would have considerable environmental benefits such as reducing erosion from roads and stormproofing existing culverts. It is important to remember that the timber industry's responsibility for maintaining logging roads ends with the sale of timber and its subsequent harvest, leaving all future maintenance costs to the American taxpayer.

I want to emphasize once again, as I did a moment ago, the distinction between road reconstruction and road maintenance. Opponents of this amendment will seek to measure the distinction but road construction means starting with an abandoned road which may have trees growing in it and may be partly contoured and rebuilding it for the purpose of entering an area to conduct logging activities.

Reconstruction is only undertaken for access to timber sales. Maintenance is keeping any forest road, timber, recreation, or general purpose, in good repair. The average cost of maintaining a mile of road is about $543. The average cost of reconstructing a mile of road is more than $12,000 a mile. Consequently, cutting funds for reconstruction will not hurt road maintenance.

Now, another erroneous claim I want to address involves whether logging roads are needed for recreational activities in the national forest. The answer, Mr. President, is no. According to the Forest Service, logging roads are built at a lower standard and cost less than recreation and general purpose roads. Logging roads are usually unpaved dirt and are often usable only by high-clearance vehicles, while recreation and general purpose roads generally are either paved or gravel and are usable by all passenger cars.

On average, purchaser credit logging roads cost $15,000 per mile in 1996, while recreation roads cost $63,000, and general purpose roads cost $65,000 per mile. The Forest Service plans to construct over 130 miles of recreation and general purpose roads in fiscal year 1998. My amendment would not reduce funding for either of these two accounts.

Mr. President, let me be perfectly clear on what my amendment does not do. It does not—I repeat, it does not—prohibit logging or road construction in roadless areas. There is no provision in this amendment that even references roadless areas. Many interest groups opposed to this amendment have circulated erroneous information claiming that road construction would be prohibited in roadless areas. I can assure my colleagues that is not the case. In any event, roadless areas are only a small portion of the timber base in our national forests, and the national forests provide only 4 percent of the Nation's overall wood for paper products.

Let me illustrate that point, if I may, Mr. President. One can see what has occurred in terms of the timber harvest in the country and on the national forests. This chart begins in 1950 and continues through 1995. We can see that the overall U.S. timber harvest, both national forests and otherwise, has by and large increased over the last 45 years. It would appear to be in the area of about 18 billion cubic feet a year. You can also see what happened with respect to the national forests. The amount that is harvested there has been declining in recent years, and I believe that is because there is a recognition that there are other important values that the National Forest Service provides to the American people: recreational opportunities, esthetic values, habitat protection, all of which seem to be reflected in this trend line.

So my point is that the National Forest Service timber harvest represents about 4 percent of the Nation's overall harvest and, in my view, will not have an economic consequence that will, in any way, make it impossible for the United States to meet its harvest requirements.

Now, my amendment does not eliminate all funding for timber road construction either. A similar amendment was offered in the House by Congressman PORTER and Congressman KENNEDY, which would have eliminated virtually all funding for timber road construction. That amendment, incidentally, was very, very narrowly defeated on a vote of 211 to 209. Let me make the point again. The Porter-Kennedy amendment would have eliminated virtually all funding for new timber road construction.

My amendment would reduce the amount of the current appropriation, as proposed, by $10 million, reducing it from a $47.4 million budget. Opponents of this amendment are somewhat disingenuous when they claim that it will decimate the timber road construction program.

Finally, Mr. President, I want to make my colleagues aware that this

amendment has the strong support of the Clinton administration. I want to introduce into the RECORD a copy of the letter from the Secretary of the Department of Agriculture, Mr. Dan Glickman.

I ask unanimous consent to have this letter printed in the RECORD.

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

Hon. RICHARD H. BRYAN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR DICK: As we discussed on the phone last night, the Administration strongly supports the amendment you plan to offer to the fiscal year (FY) 1998 Interior appropriations bill to eliminate the Forest Service's purchaser road credit program and reduce funding for road construction in the national forests.

There are nearly 380,000 miles of roads on the national forests. Roads represent one of the greatest environmental problems on the forests because of the extensive damage they cause to soils, water quality, and fish and wildlife habitat. A recent Forest Service study indicated that forest roads increase the likelihood of landslides, thus creating a public safety problem in urbanizing areas in the West. For these reasons, rather than building new roads, the Administration is refocusing its efforts on repairing damage from the existing road network, eliminating thousands of miles of unneeded roads, and proposing the policies reflected in your amendment.

The President's FY 1998 budget proposed elimination of the purchaser credit program because it reflects an outdated policy that permits timber purchasers to exchange national forest timber for road construction costs, providing them an unwarranted subsidy, thus facilitating entry into roadless areas and causing the environmental problems noted above.

Consistent with the Administration's policy, we support the provisions in your amendment to protect payments to counties and small businesses. Purchaser road credits are now included in the calculation of payments to counties associated with timber sales. Your amendment ensures that there is no net loss of payments to counties despite elimination of purchaser credits. In addition, through protection of the purchaser elect program, your amendment ensures that small businesses which may not have the capital to pay for road construction can continue to compete with larger companies for Forest Service timber sales.

Although the $10 million reduction in road construction funding proposed in your amendment is below the Administration's budget request, through efficiencies and the expanded use of existing road infrastructure the Forest Service can still achieve the fundamental objectives of its management plans. Recent Administration budgets have reflected this trend in reducing road construction funding, and your amendment is consistent with this trend.

Thank you for your leadership in seeking to reduce unnecessary road building on the national forests and your support for eliminating the purchaser credit program. I look forward to working with you to achieve passage of the amendment.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. BRYAN. Mr. President, Secretary Glickman's letter is in strong support of the amendment that I am offering this afternoon. I also add, Mr. President, that the amendment is also strongly supported by a broad coalition of environmental and taxpayer organizations, including the Wilderness Society, Sierra Club, Friends of Earth, U.S. PERG, Taxpayers for Common Sense, and Citizens Against Government Waste. In addition, more than 60 newspapers across the country have editorialized in support of the amendment.

I simply close by making this observation, and I ask my colleagues to consider this one important point. If the purchaser credit program is not a subsidy for the timber purchasers, as the opponents of this amendment claim, then why are they fighting so hard to preserve it?

Mr. President, I hope my colleagues can join with those advocates of the environment, those advocates of responsible governmental fiscal practices and support this amendment, because it is a win for the environment and a win for the American taxpayers.

Mr. President, I reserve the remainder of the time. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Nevada states that it is not the purpose of this amendment to terminate harvesting in our national forests. He also states that it is the intent of the amendment to reduce harvesting in our national forests. He recognizes that the impact of the amendment will be to lower the gross income of the Forest Service from timber sales because, obviously, bids will reflect the cost of constructing roads. He says that the amendment will not terminate the construction of roads in roadless areas, but that the construction of roads in roadless areas is wrong.

Now, I guess the question that one must ask of the Senator from Nevada, and the outside organizations that back his amendment, is, what is their view toward the harvesting of forest products in our national forests? The Senator from Nevada has graced us with a set of graphs and a chart that indicates increasing harvests on private lands and rapidly decreasing harvests on public lands. In the 1980's, nearly 12 billion board feet a year were harvested from Forest Service lands—a harvest smaller in board feet than the regeneration of those lands. Today, that level is below 4 million board feet. In other words, harvests on those lands have been reduced by more than two-thirds. How much more reduction does the Senator from Nevada propose?

The organizations that he proudly announced are supporting his amendment, by and large, have as their articulated policy that there should be no harvest on public lands anywhere, at any time, under any circumstances. And while this amendment, standing alone, will not have that effect, it is clearly designed as a part of a campaign to end all such harvests.

At the present time, again, as indicated by the chart that the Senator from Nevada has there, only about 5 percent of the Nation's softwood comes from Forest Service lands, but 50 percent of the volume is located on those lands. Since the policies that have resulted in that dramatic decrease have taken place, the average price of an 1,800-square-foot new home has gone up about $2,000. Almost $3 billion from the pockets of American home purchasers is the result of those efforts to save the spotted owl and to meet other of the priorities so eloquently set out by the Senator from Nevada.

Interestingly enough, when an outside organization—Price Waterhouse—filed a report entitled ''Financing Roads on the National Forests,'' it reached this conclusion:

> The forest roads program does not contain a subsidy for timber purchasers. It provides an efficient and effective mechanism for financing road construction and reconstruction.

Interestingly enough, the administration, at least as recently as January and February, agreed totally with that position, and it indicates no savings associated with the elimination of the forest roads program.

Moreover, the appropriation for forest roads that we are defending here today is the administration's own proposal. This is not a budget that increases that appropriation; it is a budget that reflects that appropriation. Is the Senator from Nevada seriously presenting to us the proposition that this Clinton administration is engaged in irresponsible forest harvest contracting, that it is ignoring environmental and fiscal concerns and causing our forests to be harvested at an unsustainable or environmentally harmful rate? He must be making that proposition. He wants the two-thirds reduction that has taken place over the course of the last decade to be a more-than-two-thirds reduction. He wants this administration to stop what he considers irresponsible contracting for forest harvesting in our national forests.

Mr. President, no one who is concerned with any kind of balance in the management of our national forests can possibly reach the conclusion that the Clinton administration's Forest Service management and supervision is recklessly and irresponsibly harvesting our national forests. Almost all of the criticism is on the other side, except for the organizations that are backing this amendment, whose position is that the only good harvest is no harvest at all.

Now, if the Senator from Nevada believes that, I think it would be more forthright simply to propose that and see whether or not the Members of the Senate agree. But this forest roads program, the way in which it was set up, is designed to see to it that the roads are built efficiently and well, according to Forest Service standards, and appropriately paid for. Simply to take money out of one pocket and put it into another will not, in any way, enhance the Federal Treasury. Bids will

be lower—probably considerably lower—as the risk of costs have shifted from one side to another and the quality of roads will be lower. But let's look at the entire program that we are talking about here.

In fact, of this entire appropriation for 1996, only a very modest amount is for the construction of roads; the great bulk is for reconstruction. From the credit system, from the appropriation, practically none is for construction, and a modest amount is for reconstruction. But three-quarters of the amount is for the obliteration of roads, about which the Senator from Nevada spoke so eloquently. Eighty percent of all of the reconstruction that is so important is paid for by purchaser credit, not by appropriations on the part of this body. In fact, Mr. President, the net result of passing this amendment will not only be a further reduction in harvest, it will be a dramatic reduction in the availability of our forests from a wide range of recreational activity. It will be the de facto creation of more tens of billions of acres that cannot effectively be enjoyed by the vast majority of the people of the United States.

I want to emphasize that in this case we are defending the recommendations in the budget of the President and of the Forest Service—a Forest Service that has designed the reduction and harvest as far as it has gone. And I believe that the most appropriate points for the proponents of this amendment to make are having reduced our Forest Service harvest by two-thirds, having shifted almost 95 percent of all of the harvesting of forest products onto private lands that contain 50 percent of the resource. How much further do they wish to go? Their supporters say no harvest at all. This amendment is one dramatic step toward that goal.

Mr. President, I yield such time as the Senator from Idaho may wish to take.

The PRESIDING OFFICER (Mr. COATS). The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank my chairman for yielding. Let me also congratulate him for the clarity with which he spoke to this issue.

Mr. President, I rise in opposition today to the amendment of the Senator from Nevada. I hope that in the course of what I have to say, Mr. President, that my opposition is clear. This comes to the issue the chairman and the Senator from Washington put so clearly.

The Sierra Club some months ago, the Inland Empire Public Lands Council from the inner Pacific Northwest some weeks ago, and other organizations have come out with a policy for zero cut of timber on public lands. This is a national position that is well articulated by some of the more extreme environmental groups.

I think the Senator from Washington is absolutely correct. I believe this is step 1 in a 5- or 6-year plan. This amendment cuts about one-fifth of the resource for road building. If this is accomplished, then next year they will try for a little more, and the next year even more, and the incremental game that has been played over the last several decades that has significantly changed the character of public land use is accomplished—in this instance, the elimination of timber harvest on public lands.

The Senator from Nevada spoke of subsidies. Let me say as loudly and as clearly as I can that there are no subsidies. He is wrong. He talks about saving the taxpayers' money. He is wrong. The Price Waterhouse study that I have in my hand says so. Many others who have analyzed the program of purchaser credit also agree. The rhetoric of purchaser credits being subsidies may sound good when you suggest larger timber companies get money—taxpayer money. If this were the case, then that is subsidy, and that is wrong. It has no intent, and it doesn't improve in this instance the environment, or the ability of our forested lands to be ongoing and productive in their production of fiber for the citizens of our country.

So let me say very clearly that Senator BRYAN's amendment does not speak to subsidy because it does not exist. And it does not speak to saving money because it would not happen.

In addition, the amendment would eliminate beyond an actual cut of 20 percent of the $47 million that is in this budget for proposed new timber roads. It would cut, of course, the purchaser credit. And that is where the argument on subsidies rests. This program was crafted by a Democrat Congress in 1964. It doesn't mean they were right. It doesn't mean they were wrong. At the time using the best analysis they could and an appropriate decision as it relates to how stumpage fees could best be utilized for the benefit of the taxpayer, they came up with this method. It was thoughtful legislating at that time, and I think it remains so today. It is a good policy. Let me try to explain why it is good policy and not a subsidy. Let me also explain why I challenge the Senator from Nevada on his arguments, because if I make a challenge I ought to be able to prove it. It is only fair and right that I do so.

The purchaser road credit system has been utilized for more than 20 years. It allows purchasers to earn credits equal to the estimated cost of constructing roads specified in a timber sale contract. The purchaser can then use the credit to pay for the timber harvest. As with the regular forest road program which utilizes appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. The Senator from Washington has already very clearly spoken to that diagram effectively in the chart that he has before us. Of the total number of miles of timber sales roads built nationwide in fiscal 1995, about 90 percent were done with purchaser road credits. Approximately 80 percent of the purchaser road credits were used for the purpose of reconstructing.

I thought it was important to mention this because the Senator from Nevada spoke passionately about the Tahoe Basin, an area which I am very familiar with the way it has been harvested or rather not harvested. This lack of harvest has attributed to the fuel buildup that goes on in that region, affected the wellness of the trees, and most importantly created a potential catastrophic environment that could exist in a drought situation causing massive fire. He speaks of roads, road conditions, and road maintenance. Purchaser credits have gone toward maintaining and improving, through reconstruction, more roads than hard dollars do. Every one of those roads is built to environmental standards which actually improves the environmental situation.

In my State of Idaho last year—an exceptionally wet year—we had road blowouts; land and hillside blowouts in our national forests where man had never been. But the biggest problem occurred in areas where roads had not been reconstructed or effectively maintained.

So, if the Senator from Nevada wants to talk about maintaining roads and improving road environments that create less sedimentation and a better water quality in Lake Tahoe, then he ought to be coming with more money. Because money does not exist in the budget, money does not exist to improve road conditions. Therefore, environmental conditions is the very thing that he is trying to eliminate.

But back to the issue of subsidy. I brought this chart along to demonstrate the point. The point is really quite simple. If you are going to log the trees off the land, you have to get to the trees. There are Federal trees on Federal land. Who ought to build the road? The Senator and I come from large ranching States. You have cattle out in the corral in the back of the ranch, and you want to sell them to a cattle buyer. He has to get the trucks to the corral. You say, ''Build the roads to the corral, cattle buyer, and you can have the cattle.''

He will say, ''OK. And I will bid you $5 less a head because I have to spend money to build the road.''

Or, you can say, ''No. I will get the road built. I will pay for the road. Therefore, bid me the market price on my cattle.''

That is the same scenario that goes on with public timberlands because, as the Senator from Nevada said, the timber company leaves and the road is still there. Yes, it is. It is a Federal road paid for by Federal money, owned by the Forest Service, utilized by the citizens once it is used for logging.

Here is a good example. If the market value of the timber on a timber sale is $100, and you use the purchaser credit, it costs you $40 to build the road. You have a purchaser credit of $40. So you bid the market price for the timber. You bid $100. The net receipts are $60 because the purchaser road credit was

constructed. If you do not have purchaser road credits it is still going to cost $40 to build the road. The logging contractor bid to the Forest Service less money because he is going to sell the trees to pay for the road he will build. So the purchaser credit is zero. He bids $60. He doesn't bid $100. He bids $60, and the net receipt is $60.

Is that a subsidy, or is that a method of building roads that in 1964 this Congress and this Senate decided was appropriate? Call it a subsidy? I don't think you can. Try it, if you might. Price Waterhouse says no. Economists say no. The reason they say no is because of this exact chart.

The Senator from Nevada says, ''Well, BLM does it differently. They just sell the timber, and the logger builds the road.'' Yes. They do. Price Waterhouse would analyze that, and every economist would analyze that and say on the ONC—Oregon and California—lands in Oregon, where the BLM has the bulk of the timber from all of their landholding across the country, they do as the Senator from Nevada suggests. But the economists would say the quality of that timber value is depressed in stumpage because the logger takes the price of the road out of the sale.

Why is that important for Idaho, then? Why am I standing here concerned? Well, the Senator knows why. The Senator knows that in current law a share of the stumpage value is returned to local counties for schools and for roads. In his State of Nevada, down on the Toiyabe, it looks like they get a few dollars. They do not get anywhere the amount of money that Idaho, Oregon, Washington, or northern California gets. Why? If you are from Nevada, you know why. It isn't a timbered State, in large part. It is a high desert State—not a lot of trees, except in very few areas; primarily in the north, where the Senator is from, and down on the tip in the south.

The bottom line is when you bid a timber sale you and bid $60 rather than $100 because you are taking $40 out for the road. The Federal Treasury receives the same amount of money but payments to counties decrease.

What the Senator knows is that by this action, he is dramatically cutting the money that flows to counties for schools and for road construction—their own road construction, not this road construction, not Federal road construction. Why have we payed the counties over the years? I tell you why we have done it—because my State is 63 percent federally owned, and those are landlocked communities. They have no tax base from which to fund their schools and their local roads.

The Senator from Nevada knows from which I speak. His State is much more owned by the Federal Government than is my State. Nevada is 84 percent.

It is interesting that the Senator from Nevada hasn't mentioned a thing about the annual net proceeds tax that his State gets from Federal mineral resources. Last year, the State of Nevada got $613 million in severance tax from Federal mineral resources.

I say to the Senator from Nevada. Why does he work so intently to destroy the money that my schools, the schools in Montana, Washington, and Oregon get, and speaks nothing about that intent in his State, masked in the name of the environment? Let me suggest to you that it is not so masked. It is open. It is direct, and the impact would be dramatic. In many of my counties, school funding is 60 to 70 percent funded by this base, and he would take, in many instances, 25 or 30 percent of it away immediately. If the plan of national environmental radical groups, the kind that advocate zero logging on timber forested lands, had their way the remaining funds would soon be wiped out altogether.

I guess another thing that clearly is worth discussing, and it is terribly frustrating to me, the Senator mentioned that he had letters from Secretary Glickman as it relates to the position of this administration when it comes to their support of his amendment. The Secretary before the House of Representatives said, interestingly enough, not very long ago that the elimination of purchaser road credits would hurt mostly small timber purchasers who have less access to credit.

Now, the Senator from Nevada talked about sticking it to the big boys. I think in reverse, if he studied it with some intent, he would find that this is not quite the case.

I have another chart here that speaks to what Secretary Glickman was talking about—purchaser credit use: ''Who buys the Federal timber?'' The dark blue represents small business, the red represents large business by definition. As we can see by the chart itself, in almost every instance, they are buying better than 50 to 60 percent of the timber.

Small business timber purchasers would be adversely affected because the potential financing problem they would encounter if they had to operate by doing exactly what the Senator said, going out up front and getting the money to construct the roads before they could harvest the trees, take them to market and get their return. The alternative is the purchaser-elect program which does not protect the small business that are have the most threat. According to Price Waterhouse, a small business still has to pay cash for the full amount of the timber. This would explain why the purchaser-elect program has been rarely used by small business timber purchasers. Of course, that is what the Senator is advocating.

Mr. President, I recently noticed that the administration is having a bit of difficulty with what they tell us here in the Congress, and that is why I wonder about the letter the Senator has that he put in the RECORD. I have a copy of that letter. I say that because last year I asked about potential legal and financial liabilities associated with canceled timber sale contracts. The Forest Service provided a response, and the Department rescinded that response within just a few days. Earlier this year the Department properly rejected a position for a new policy on qualifications for timber purchasers, and 2 days later the Under Secretary claimed that an unauthorized individual had used an autosigning machine and the letter should never have been sent.

Well, it seems as if the Secretary had tried to place himself squarely on both sides of this issue. I suggest that he put greater control on his autosigning pen. Maybe we would more clearly understand what the Department of Agriculture is all about here—whiplashed by an environmental interest that does not serve this program well, does not serve the rural forested communities of our States well and, most importantly, does not address this issue in a fair and balanced way.

During the summer of 1966, there were several incidents where impassable roads resulting from washouts and wind-thrown trees hampered firefighters' ability to respond to fire emergencies, requiring fire crews to turn around and find other access to fires.

Why do I just instantly bring fires into this argument? Because the affected responsive maintenance of roads that is done through this program is what allows the Forest Service to manage our forests and fight fires. There are also roads that are used by off-road-vehicle people of the Senator from Nevada and the Senator from Idaho. There are our hunters, our fishermen, our berry pickers, our recreationists, our tourists. Those are the roads that were initially built to harvest timber. I would suggest to the chief of the Forest Service that if he has $440 million worth of road maintenance and backlog, he is achieving most of it today through the program that the Senator from Nevada is trying to eliminate.

So I hope that my colleagues this afternoon, recognizing the importance of this program, the way it is used effectively—it is not a subsidy. It benefits the taxpayer. It certainly benefits the small community that is the recipient of stumpage fees that fund schools and roads. It is a program well balanced and considered by the Congress over these years, and I hope they will reject the amendment of the Senator from Nevada. I do believe it is not well thought out. It certainly does not meet the arguments that he himself made as it results to the need for effective road maintenance to provide environmental quality, water quality and the kinds of things that we appreciate from our public land.

I yield the floor.

Mr. KERRY. Mr. President, I am pleased once again to join my distinguished colleague from Nevada, Senator BRYAN, in identifying another egregious expenditure which is a perennial waste of the taxpayer's money: the

timber road subsidy. Several years ago, my able friend and I joined forces to eliminate the wool and mohair subsidies. And in the last Congress, together we jettisoned the subsidies for the mink industry in the market access program. In fact, Mr. President, I think our opposition to the entire market access program has become quite well known in this body.

Mr. President, the amendment we introduce today calls for the most modest reduction of a flagrantly wasteful subsidy which is helping denude our national forests and providing an outrageous taxpayer-funded give-away to the private sector. The Senator from Nevada and I are asking for the Senate to reduce this timber subsidy by $10 million. This money would come from the $47 million budget of the U.S. Forest Service's logging and construction program. Our amendment also prevents the Forest Service from using ''purchaser road credits'' to trade valuable Federal forest resources for environmentally destructive and costly timber roads. In essence, Mr. President, this amendment will put an end to the practice of awarding free trees in exchange for the industry paying its own road construction costs. This amendment also holds harmless counties that receive Federal payments from the sale value of federally owned timber, so it contains a mechanism to maintain a neutral fiscal impact on those counties. There is clearly much to complain about when it comes to timber sales—which routinely cost the Treasury and the taxpayers hundreds of millions of dollar each year—but the issue before us is much narrower.

Under current U.S. Forest Service management, logging access roads are built in national forests using either taxpayer funds or assets to subsidize logging companies harvesting timber. The taxpayer subsidizes the construction and reconstruction of logging access roads by the Government either paying directly for the building of the roads or by trading trees when the timber company builds the road. The system known as the Purchaser Credit Program essentially gives timber purchasers ''free trees'' and, according to the GAO, includes a profit margin for purchasers. In both instances, timber companies receive subsidies at the expense of taxpayers for activities that should be incorporated as a cost of doing business.

Mr. President, this amendment does not reduce funding for road maintenance and it does not affect the construction or maintenance of recreation and general purpose roads. This amendment does not alter the infrastructure management budget or the reconstruction and construction budget of the Forest Service. This amendment contains no rider or any other language dealing with roadless areas of our national forests. This amendment does not prohibit timber companies from building their own roads in the national forests where that is permissible under existing laws and regulations, nor does it deter timber sales and harvesting. It merely eliminates taxpayer-funded logging road construction which should be the responsibility of the timber companies. It is a specific, concise amendment which will not only allow us to reduce our deficit but also prevent pollution of municipal water supplies and save fish and wildlife habitats.

Originally, Mr. President, road building was subsidized by the U.S. Forest Service to encourage economic and community development. There was a time, especially after World War II, when the nation was rapidly expanding, that the government help for the Northwest timber industry made sense. But those days are over. We have learned that once areas are logged and logging companies move to new areas, communities cannot survive. Indeed they become ghost towns. There are no long term economic and community benefits to the public—only to private industry. If economic development is still the justification for this program, it flies in the face of some basic economic data. Mr. President, between 1950 and 1994, timber harvests increased by 64 percent, while employment in the wood and paper industry fell 4 percent. Other factors are at play in this subsidy. The fact is, Mr. President, the road-building subsidy—like the mink subsidy and the wool and mohair subsidy—is an anachronism.

The degradation of forests over the last few decades has led to a wide variety of environmental and health problems, including dramatic increases in species extinctions, global warming—due in part to deforestation in both tropical and temperate zones—and the deterioration of water quality. Jim Lyons, Undersecretary of Agriculture, admits as much. He has told us, Mr. President, ''Our number one water-quality problem in the National Forest System is roads.'' In northern California, road building creates silt which clogs our State reservoirs and lessens water quality. Logging roads in national forests increase environmental degradation by contributing to the destruction and fragmentation of species, habitat, water pollution and landslides. In addition, Mr. President, since the 1940's, studies by the Forest Service and other fire scientists have found that more than 90 percent of all wildfires in the United States are human-caused, and 75 percent of these start within 265 feet of a road.

We have a tremendous backlog of unmaintained forest logging roads that are now unsafe. Maintenance of these roads is expensive—if there is no money to maintain existing roads, how will we take care of new roads? The Forest Service reported in March 1997 that there is a $440 million backlog of road maintenance needs for its existing roads. Where is the fiscal sense in constructing new roads?

Mr. President, there are currently 378,000 miles of roads throughout the national forest system, which is eight times the mileage of the U.S. interstate highway system. That's enough to circle the earth nearly 15 times. In some parts of our Pacific Northwest, one square mile is laced with up to 20 miles of road. Supporters say these roads open the forest to recreation. But, Mr. President, I can assure you many of these roads are not passable—I have seen studies on this issue which show that these roads are built for truck use with little concern for passenger vehicles or travel comfort. These are not recreation roads. In any case, Mr. President, the General Accounting Office has found that 70 percent of the Nation's subsidized logging roads are used almost exclusively by private timber companies and their contractors.

Mr. President, while the environment suffers and the timber industry enriches itself, the taxpayer picks up the tab. In fact, the taxpayer pays toward the costs of each road three times: first to build the road, second to maintain it, and third to fix the environmental damage caused by road-induced fires and flood.

This proposal to reduce the account by $10 million and eliminate the purchaser road credit is modest, rational common sense by any measure. I urge our colleagues to support it.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to the Bryan amendment. I rise because this program has proven very successful over the years that it has been in existence. This is a positive program that promotes cooperation between public and private enterprises, which are the types of agreements we should be supporting on the Senate floor and not opposing.

In addition, this program has been found that it costs the government no money. Price-Waterhouse did an economic analysis and determined that ''the Forest Roads program does not contain a subsidy for timber purchasers.'' This program is an efficient and effective mechanism for financing forest road construction. And, since net payments to the Treasury will remain the same, Price-Waterhouse concluded there is no subsidy to the timber purchaser.

Finally, I want to stress a point that I feel is of utmost importance. Many do not realize that 25 percent of the proceeds from timber sales go directly to the counties to be used for roads and schools. In Arkansas, where the per capita expenditures on students rank 46 out of 51 states and the District of Columbia, our children cannot afford to lose this vital source of funding.

Mr. President, I want to reiterate my strong opposition to this amendment to strike funding for the Forest Roads Program.

Mr. LEVIN. Mr. President, I will oppose the Bryan amendment to reduce funding for Forest Service road construction, reconstruction and obliteration, and to eliminate the purchaser

credit program, because the amendment will make two activities more difficult to accomplish in the pursuit of the goal of ending new road construction in inappropriate areas. These two activities are obliteration of improperly placed, environmentally damaging or unused roads and reconstruction of those roads that serve regenerated stands. The administration has indicated that this amendment would cause the Forest Service to construct fewer new roads, yet the administration already has the power to construct fewer new roads without this amendment.

Eliminating the purchaser credit program may make sense. Certainly, the public lands management agencies of the Federal Government should have consistent policies on appropriately allocating the costs of building roads for timber access and other uses. But, the program's elimination will not necessarily save taxpayers' money. There are many policy and budget issues that should be sorted out at a Committee hearing on the matter before Congress acts on this.

Mr. President, I could support an amendment written to limit the number of miles of new roads in environmentally sensitive areas, however, the flaws in the Bryan amendment make its impact on this objection uncertain.

Mr. SPECTER. Mr. President, I have sought recognition to address my views on the Bryan amendment regarding timber road construction in our National Forests. I am very concerned about environmental protection and safeguarding our Nation's forests, providing there is an appropriate balance for economic development and job opportunities.

On Senate floor votes in 1986 and 1989, I supported reductions in the direct Federal spending no road construction by the Forest Service. If this amendment had been limited to road construction, I would have voted for it.

However, I am concerned about the impact of the elimination of all funding for the purchaser road credit program. From what I have seen and heard, during my August visits to the Allegheny National Forest in Elk, Forest, McKean and Warren counties, elimination of the purchaser road credits would constitute a significant hardship.

Accordingly, that provision of the amendment causes me to vote against it.

I do so on the assurances which I have received that the administration is currently reviewing the timber road construction program and may make substantial revisions which would provide for appropriate environmental safeguards.

This vote, for me, is a close call. If there is not adequate environmental protection from changes in the purchaser road credit program in the administrations continuing review, I would be prepared to reconsider my vote on this issue on next year's Interior appropriations bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I would ask unanimous consent that the Senate resume the debate on the Ashcroft amendment following the expiration of the debate on the pending amendment offered by Senator BRYAN.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURNS. I make that request because we are going to go over the time when we are supposed to be back on that amendment.

Mr. President, I rise today to speak against the amendment from the junior senator from Nevada. I urge my colleagues to oppose a drastically reduced forest road budget, an end of purchaser road credits, and a change in the county payments formula. This amendment is unworkable and unnecessary in the face of a road construction budget that is already declining.

The amendment offered by Senator BRYAN would reduce the proposed budget for new timber road construction by $10 million. This amendment does nothing more than carry out the extreme agenda of certain radical environmental groups. As they have acknowledged, their objective is to shut down the Forest Service Timber Program.

Mr. President, Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor. There is no subsidy associated with timber sales or road construction.

According to a recent economic analysis released by the Price Waterhouse accounting firm, ''the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction.''

Owners of private lands often provide access to their lands to purchasers of their timber. They can either construct the roads themselves and then charge more for the timber, or they can require the timber purchaser to construct roads and thereby receive less money for their timber. Landowners who require the timber purchaser to construct roads have developed many systems to compensate the purchaser for road construction activities.

Purchaser road credits are a fairly common method for building roads. Many private landowners, as well as the State forestry agencies of Idaho and Oregon, have similar systems to build roads on their lands. No matter which system is chosen, the value of the timber sold will be reduced by the cost incurred by the purchasing party.

The Bryan amendment, however, calls for the elimination of the Forest Service purchaser road credits program. Eliminating purchaser road credits would have serious implications.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared with appropriated funds.

There are many costs associated with the purchase and harvest of a timber sale, including bonding, road construction, road maintenance, logging, and trucking. When a company analyzes what it can bid for a particular timber sale, it considers all the costs and values associated with manufacturing forest products from the trees to be purchased. If the company is given credits for the road work, the bids will be higher because it is not a cost.

As with the regular forest road program which uses appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. Of the total number of miles of the timber sales roads built or rebuilt nationwide in fiscal year 1995, about 90 percent were done with purchaser road credits.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program used each year for reconstruction on roads, especially for safety and environmental improvements. Congress and the administration must reject all efforts to eliminate or reduce purchaser road credits.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sales program provided nearly 12 billion board feet of timber. Ten years later, less than 4 billion board feet were sold.

It does not take rocket science to understand the dangerous consequences the Bryan amendment has for local communities. Small businesses account for two-thirds of all timber harvested in national forests. Those small operations are located in the rural areas, providing jobs and stability to their communities.

The Bryan amendment would dramatically limit the forest road program, putting additional pressures on the timber sale program. Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads as they will on the construction of new forest roads.

Most of the roads in the national forests are single-lane, dirt roads which

are open to all forest users. Each year these roads allow millions of Americans to visit the national forests. Access is provided to wild and scenic rivers, national scenic byways, wilderness areas, and recreational facilities, including campgrounds, boat ramps, and picnic areas. These roads provide access for cutting firewood and Christmas trees, berry picking, hunting, fishing, and camping.

The primary use of the national forest road system is recreation. All told, about 97 percent of the road system in any given national forest is open to recreational use. Ten years ago, recreation use on the national forests was less than 250 million visits. Today, recreation use is approaching 350 million visits, an increase of 40 percent.

The Bryan amendment would also reduce the construction of roads in roadless areas. Road construction in roadless areas of the national forests is for the most part limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Mr. President, the Bryan amendment would have a debilitating effect on the management of the national forest. I urge my colleagues to defeat this effort to further limit logging in roadless areas, to terminate the purchaser credit program, and to cut an already reduced forest road budget. This amendment is simply bad forest policy.

The environmental groups who have drafted this amendment have only one purpose. It is to shut down the Forest Service Timber Program. I urge my colleagues to defeat the amendment.

Before I yield to my friend from Oregon—we are running down on time here—I just want to put my little plug in here.

Mr. President, we have set records on recycling in this Senate. This old debate has been recycled every year since I have been here. We tend to forget in this country that we are dealing with a renewable resource. It is just like corn flakes on your table or the shirt on your back. All of these come from renewable resources.

There has been one group of persons who have been left out of this debate, and it is the consumers of America. Has anybody priced any lumber lately, what it costs to build a house? Does anybody deal with the homeless in their States on how do we find housing and what it costs for affordable housing?

There are people in this country who are in charge of producing not only food and fiber but also the shelter for America. That is what we are talking about here. You can mask it any way you want, but the way that we make a sale is pretty much time tested. It has worked, and it works every day, not only for the harvesting or the growing of a renewable resource. We see that great miracle of renewal every spring and every year.

However, we also see the economic backbone of the economy of rural America being eroded by people who have forgotten what it takes to produce food, fiber and shelter. I tell you, you can go out there and look at that mountain all you want and, if it is a religious experience and you do not want it touched, that is fine and dandy. But at the end of the day you are going to go get a hamburger because you are hungry. It is the basic of life in this country. That is the first thing, or the second thing, we do every day when we get up.

So I ask my colleagues just one question. In promoting what some think of as a ''green world,'' is that going to feed us and sustain us? Probably for a lot of us around here it fed us a little too good. Maybe we are caring a little too much. But I ask those who are not hands-on natural resource providers to just pay heed to what you are doing here, because everything we enjoy —our standard of living, our quality of life—starts with a little seed in the ground. That is where it starts. Every one of us goes about our way every day in feeding and in clothing—every one of us without exception. Yet we want to make that tougher because we do not think it is important. So after housing and shelter, I think we are talking about a bona fide serious problem here, and it is not fair to change the rules. It is not even right to those who grow and those who are in charge of the harvest. It is not fair to those who have to take a raw product and add value to it so that it serves all of us in this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

The Chair advises the Senator from Montana that there remains 10 minutes on his time.

Mr. SMITH of Oregon. I thank the Chair.

I thank my colleague from Montana and my colleagues from Washington and Idaho who have joined me in resisting the Bryan amendment. The Senator from Nevada is my friend, but I believe on this issue he is very wrong. If he were to prevail, this would force great injury on my State.

Mr. President, I would like to take just a couple of minutes to speak against the amendment from the junior Senator from Nevada. This amendment calls for a $10 million reduction in funds for new road building, the elimination of the purchaser credit program, and a further reduction on logging in roadless areas. I strongly oppose these provisions.

Timber sales are vital to the long-term viability of local communities throughout the West. Under existing law, 25 percent of the gross receipts from Federal timber sales go to local communities. These funds are used for local schools and roads programs. Without a viable forest road maintenance, repair, and construction program, the timber sale program would be significantly limited. The big losers will be local communities.

Shared receipts are an integral part of local government revenues in the West. There is no practical way to separate these payments from the other payment programs without having dramatic negative consequences on local communities. The necessary dollars to offset the loss of revenue caused from the reduction in timber sales would not be forthcoming.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sale program provided more than 12 billion board feet of timber; 10 years later, less than 4 billion board feet were sold.

It does not take an accountant to determine the serious implications this has had for the budgets of rural communities. Two-thirds of all timber harvested in national forests come from small businesses. Those small operations are generally headquartered in the rural areas, providing jobs and stability to their communities, not to mention needed revenues to sustain local programs and services.

The Bryan amendment would dramatically limit forest road construction, putting additional pressures on the timber sale program. Since 1991, total new road construction built by the Forest Service or by timber purchasers has declined by two-thirds. Spending on both new road construction and reconstruction has been cut in half over this same period.

Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads than they will on the construction of new forest roads. Indeed, most of the funding appropriated by Congress each year goes toward the reconstruction of existing roads. In 1996, more than 2,800 miles of roads were reconstructed, while only about 450 miles of new roads were constructed.

Reconstruction activities protect watersheds through improved road design, road placement, and sediment control. Road construction funds are being used for watershed protection as part of the President's forest plan for the Pacific Northwest. According to the Forest Service, forest roads allow critical access needed for the suppression of up to 10,000 wildfires per year and reforestation of the burned-over lands.

The Bryan amendment will quite simply prevent the President from keeping the environmental and economic commitments made in the Northwest forest plan.

The Forest Service has invested significantly in technology transfer applications for road building. Examples

cited in this year's Forest Service budget proposal are: wetland development and riparian restoration through modification of culverts and other drainage structures, retaining soil through innovative design of gravity walls, and lower water crossings for roads to minimize disturbance, provide fish passage, and avoid damming and channeling during peak flows.

Mr. President, the Forest Service is continuing its efforts to reduce the number of roads. In recent years, the Forest Service has annually reduced more than three times as much road mileage as compared to new construction. In 1996, the Forest Service reduced 1,400 miles of roads. For the past 6 years combined, the Forest Service has reduced over 18,000 miles of roads.

The Bryan amendment also calls for the elimination of purchaser road credits program. Eliminating purchaser road credits would have serious implications for local communities.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared appropriated funds.

Timber companies receive credits equal to the value of the road work required under a timber contract. The credit can be applied against the price paid to the Government for the timber harvested. These companies reflect the cost of building roads in their submitted bids.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program is used each year for reconstruction on roads, especially for safety and environmental improvements.

Proponents of this amendment project positive Federal budget effects from the elimination of purchaser road credits. Elementary economics tells us that purchasers will simply bid less for the timber than they would of the credit were in place in order to offset their increased costs, while the Federal Government will net virtually the same amount.

The Bryan amendment would further restrict the construction of roads in roadless areas. Road construction in roadless areas of the national forests are, for the most part, limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Finally, Mr. President, there is no subsidy associated with timber sales or road construction. For new road construction and reconstruction associated with timber sales, costs are fairly apportioned. These costs are fully offset by timber revenues, resulting in net profits averaging more than $400 million per year over the last 6 years.

According to a recent economic analysis released by the Price Waterhouse accounting firm, ''the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction.''

Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor on the value of the timber sale.

Mr. President, I would like to close by quoting from a September 9 editorial in Oregonian which addresses the merit of Senator BYRAN's amendment.

> We think timber sales should be based on good plans and sound scientific analysis of their effects. This amendment, however, more closely fits the agenda of those environmentalists opposing all commercial timber sales in the national forests than it does the interest of good planning.

Mr. President, I urge my colleagues to vote against the Byran amendment.

In the interest of time, I will summarize so we will leave to Senator KEMPTHORNE some time. I am reminded of the statement I heard from one Senator—everything that can be said has been said but not everyone has said it. So I guess it is my turn. I would like to let Senator KEMPTHORNE have a chance to be on record also.

I could focus on the many points Senator CRAIG laid out very well as to why this is not a subsidy, why this all nets out in the end for the advantage of the forest, for the advantage of the taxpayer and for the advantage of local communities in the rural Northwest. I suggest to you that President Clinton came to my State, held a big timber conference, made some promises as to the level of historic timber harvest that would occur, along with a whole lot of environmental protection.

Part of that promise was that inclusion of these purchaser road credits would continue, that roads would be maintained so that there are not big blowouts, that there would be the ability to suppress fires, that there would be the ability to continue to harvest where it is economically and environmentally responsible to do so.

I was very heartened the other day to find two of my State's leading newspapers—these are not conservative newspapers; these are liberal voices in my State, the Oregonian and the Register-Guard out of Eugene—said the Senate should maintain the funds on these roads.

Well, let me quote from the Oregonian. They said Forest Service road funding, ''which consists of road resurfacing, culvert replacement and other environmentally vital drainage improvements, these environmentally responsible activities are badly underfunded. It would be perverse to cut these budgets in the name of stopping new roads.''

I agree. If you just focus on the economics, this washes out to the taxpayer. If you focus on the environment, we are not talking about much new road building. We are talking about maintenance of roads for people to use, for forest health to be provided, for the environment to be protected against washouts of these roads. We are talking about people who want to hunt in our national forests. All of these things are critical to this debate.

But, in the end I want to emphasize what the Senator from Montana said. There is a human element here, for crying out loud. There are people who breathe air and have blood in their veins and have children and have dreams and who want a future, who love to live in the country, who understand what it means to be stewards of the land and who also understand that this is a chain saw at their way of life. This is a chain saw aimed at the heart of Northwestern rural communities. It has to be stopped.

I care about protecting the environment. I just happen to believe that people like wood products, too. I happen to believe there can be a balance between the environment and our economy; between providing for animal and human needs. This goes at the heart of stopping that kind of balance.

I plead with my colleagues. You have interests in your States where I need to learn. I want to know what it is that helps your people, your human element. But if you want to know what affects mine, this does.

Even the leading liberal papers of my State agree with me. The New York Times doesn't understand the issue. They are on the other side. Today I stand with the people of Oregon, who understand the balance of the environment and our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield the Senator from New Jersey 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized to speak for 10 minutes.

Mr. TORRICELLI. Mr. President, I thank Senator BRYAN for yielding this time. I rise in support of the amendment of the Senator from Nevada.

There is not a Member of the Senate who has not shared with our colleagues, or their constituents, the extraordinary need to end both waste in this Government and corporate welfare in particular. This is the moment for those Members to give meaning to all those speeches, all those comments, and all those interviews, because the Bryan amendment is to corporate welfare what welfare reform in the last Congress was to social welfare. This is the moment.

The scale of corporate welfare in the Federal budget is extraordinary. The Cato Institute estimates some $86 billion in expenditures. The Progressive Policy Institute estimates the number at $265 billion. This new age of fiscal discipline in which we live, when the Federal budget is being balanced, requires some sacrifice from everybody. In the last Congress it was people and families on welfare. In this Congress, at long last, it is time to have corporate welfare make its own contribution.

The Bryan amendment deals with one specific part of this network of corporate welfare, the construction of timber roads. The Green Scissors Coalition estimates that, over a 5-year period, the Federal Government will spend $36 billion, not only on these expensive and potentially wasteful construction projects, but projects which at the same time have an extraordinary cost in environmental terms. The simple truth is, even if we could afford this construction, which we cannot, the environmental costs are enormous.

These roads through our Nation's forests remove ground cover, create a channel for water to flow through—a cause of major soil erosion. Hillsides are weakened, streams are fouled, destroying the foundation of our recreational fishing industry—extraordinary—and some of the most important vistas and recreational properties in our Nation. It is believed that many of the channels created by these roads and the runoff are a major nonpoint source of pollution. According to the National Forest Service, 922 different communities in our country rely for their drinking water directly on streams that are impacted by the runoff of these roads in our national forests.

The Bryan amendment is a chance to end this corporate welfare, preserve the quality of the water, and end the damage to these forests. It is a subsidy that may be $100 million to individual corporations, but that underestimates the true scale of the problem. Over the last 15 years, direct Government expenditures for construction and reconstruction of forest roads may total $3.2 billion. It is estimated that for the national forest road system alone, over the years, this has resulted in the construction of 380,000 miles in forest roads. For any citizens of America who have marveled at our Interstate Highway System, they can only understand the scale of this construction by recognizing there is enough mileage through our national forests to circle the globe 15 times. Indeed, we have built 8 miles of road through pristine national forests for every 1 mile that has been constructed in the National Interstate Highway System.

The result of all these years of construction is that now we face $440 million worth of backlog of road maintenance. So we are continuing in the construction of millions of dollars' worth of new highways through new forests while the old highways are not maintained. They fall into disrepair with further erosion, damaging more streams, more drinking water—erosion of more forest.

For those who are serious about the deficit, corporate welfare, and environmental protection, in a single vote for the Bryan amendment you are given a chance to make a statement about each. This is not a question of ending the foresting of trees. It is not a question of not making our resources available. It is a question about industry, like every other American, paying their own way. If these roads make sense, then they make sense for corporations to pay for them themselves. If they are to be built, then they should be built properly and maintained by the companies who want access to the resources. If companies want access to the resources, and it makes economic sense, then it should be reflected in the product, not by the taxpayers. It is that simple. The logic and the economics is no different than when we face individual spending programs for citizens, students, or senior citizens. At some point these programs need to be evaluated on their own merits, on their own economics. That is what Senator BRYAN challenges us to do today.

I enthusiastically support his amendment on budgetary grounds, because of the economic logic of his argument and, finally, and in my own judgment most compellingly, on environmental grounds. We preserve these lands for a reason. We should open them up, provide access to them for their destruction, judiciously and carefully. We failed to do so in the past. Senator BRYAN gives us a last chance to make a proper judgment once again.

Mr. President, I yield the remainder of my time to Senator BRYAN.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 5 minutes to my friend from Idaho, Senator KEMPTHORNE.

The PRESIDING OFFICER. The Senator from Idaho is recognize for 5 minutes.

Mr. KEMPTHORNE. Mr. President, has it become politically incorrect to cut a tree, or even to walk in the woods? I don't think we want to go down that path. But then, if this amendment passes, we may not have a path to go down at all. My State of Idaho is 63 percent Federal land, and the majority of that is Forest Service. Not surprisingly, timber is a major industry in the State, and outdoor recreation is growing. Both depend on access to these Federal lands.

Mr. President, 97 percent of the roads on Federal forest land are open for recreational use. That includes camping, hiking, hunting, fishing—activities which a recent study by the administration found make up three-fourths of all the use of Federal land. Take away the roads and you take away the public's ability to access their Federal lands, and the economic diversity that recreation provides to rural western communities.

Besides recreation, those roads provide access for environmental management—to, among other things, monitor wildlife, and bring wildlife under control. Without the budget to construct or reconstruct these roads, managers will lose vital access. There is also the danger that these roads will become unstable, and pose an environmental threat to watersheds.

Do we have too many roads on Federal land? That is a good question—how many is too many? Compared to other road systems, the Forest Service does not even come close, with a mile and a half of road per square mile, compared to 8 miles per square mile on private timber land.

This is the crux of the point: there are many demands placed on Federal forest land, only one of which is to provide the solitude that true wilderness offers. No one will dispute the importance of wilderness, and that is why so many States have passed wilderness bills.

We have designated wilderness for a reason—so that some areas meet the public's expectation of a solitude experience, and allow the rest of Federal timber land to serve the public's other needs: to provide timber to build our homes, and to allow for other types of recreation that include access on some type of vehicle.

My State of Idaho is already home to the largest continuous wilderness area in the continental U.S.—the Frank Church-River of No Return Wilderness.

The administration's own study of the Interior Columbia Basin found that the majority of Americans using Federal land in the Pacific Northwest like to be able to access it using a car or some other type of vehicle. My colleagues, we need a safe, accessible road system.

This amendment would undermine that goal. And because it would also increase the cost of timber activities, and decrease revenue to rural counties, the amendment would pull the rug out from struggling, resource dependent communities. These rural communities are the base for the values that we hold dear—where the work ethic is taught as a part of daily life to kids who learn to respect the world around them. We can't afford to force these communities into oblivion, because we will lose what is best about ourselves.

These cuts will hurt the very people we are working for back here. I am talking about the small business owner, the laborer and even the firefighter. Groups such as the International Association of Fire Fighters, the Pulp & Paper Workers Resource Council, the United Paper Workers International Union, the United Brotherhood of Carpenters & Joiners of America, and many others have all come out against this amendment.

The Forest Service designed the purchaser credit program to be an off-

budget means to provide the access Americans expect. It does so at a significant savings to the taxpayer when compared to how much it would cost to use appropriated funds. In return for providing a public service, the bidder on timber contracts receives a credit applied to that or another sale.

Seventy-five percent of these bidders are small businesses. I fail to see a subsidy for big business—what I see is the Forest Service finding a way to do its job and save taxpayer dollars, an advantage for small companies, and jobs in small communities. Is this what we want to eliminate?

I urge colleagues to vote against this amendment. It is not about wise management of our Federal lands—it is about making those lands available for only one use, and that is unacceptable.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. How much time do we have?

The PRESIDING OFFICER. The Senator has 2 minutes 10 seconds.

Mr. BURNS. Mr. President, I ask unanimous consent, if I could be granted 5 more minutes in order to accommodate the chairman of the Energy and Natural Resource Committee.

Mr. BRYAN. I do not object to that, I suggest to the distinguished acting floor manager, if I can get an additional 5 minutes as well?

Mr. BURNS. That's perfectly all right.

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

Mr. BURNS. I yield Senator MURKOWSKI from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for 5 minutes.

Mr. MURKOWSKI. Mr. President, I think there has been a little misunderstanding on the concept of road purchaser credits and the allegation that somehow this is corporate welfare. Logic will dictate that if we don't have purchaser credits for the construction of roads, those who are going to log in the forests, the Federal forests of this country, are simply going to bid less for the timber because they have to offset the costs of getting the timber out. They basically have to build the roads themselves.

When the Government in this case builds the roads, as it has through the purchaser credit program, the Government has been benefiting by getting higher bids for its timber. Take this away and the Government will simply get less. That is the reality. That is the economics. It is not a matter of corporate welfare. It's a matter that the Federal Government owns the forest and has traditionally dictated the terms and conditions that the roads will be built on, so they are built to their standards. And the benefit of those roads to the States, for recreational purposes, is obvious.

I rise to speak against the amendment of the junior Senator from Nevada. Not only does the amendment eliminate the purchaser road credit program, but it transfers $10 million out of road construction. I must strongly oppose the provisions. I think the amendment is bad policy. It would have a catastrophic impact on the management of the national forests. I urge my colleagues to defeat it.

The Forest Service in my State has finally completed a land management plan for the Tongass. It took 10 years and $13 million to do it. I am, frankly, less than enthusiastic about the plan, and most of my colleagues are aware of my distress.

It reduces timber sales by half. The two largest manufacturing employers in the pulp business in my State have closed their doors in the last 2 years. They have gone out of business. We have closed their doors. We have lost thousands of jobs in the last 2 years, and these have had a dramatic effect on our small communities in the southeast. Nevertheless, I have decided to set my lack of enthusiasm aside and focus my oversight responsibilities on implementation.

At the September 10 hearing, I asked the Forest Service if it could achieve even the severely reduced allowable timber sale quantity in the Tongass if the Bryan plan were adopted. The answer was:

> If we don't have the money to support the roads program, we will not be able to deliver the economic sale program.

They further stated that the Tongass depends heavily on the construction of new roads to deliver timber to the communities in southeastern Alaska. One might say, ''Why don't you go to the private sector?'' We don't have private timber. The Federal Government and the Forest Service own southeastern Alaska. There are cities and people there: Ketchikan, Wrangell, Petersburg, Juneau, Skagway, on and on and on.

The theory was, through multiple use, those interests would be protected with a balanced timber industry. Therefore, according to the Forest Service, the Bryan amendment would render null and void the goals of the Tongass plan.

It is kind of interesting, in a letter sent to the Senate only one day before the testimony, Secretary of Agriculture Dan Glickman supported the Bryan amendment because roads pose the ''greatest environmental problems on the forests.'' You can't have it two ways. The roads provide recreation in the forest, they provide environmental benefits by providing access to stop fires, and I could go on and on and on. It is fairly inconsistent with the administration support for implementation of the Forest Service's final Tongass land management plan, but I have grown accustomed to the flip-flops of the administration on these issues. But Secretary Glickman isn't holding a position long enough to make it warm.

Finally, the Bryan amendment is nothing more than an attempt to eliminate sales on the national forests. At least we have seen some of the groups like the Sierra Club come out in opposition to any harvesting of the national forest. That is basically what this administration is attempting to do, and this is how they are attempting to do it.

The amendment isn't about subsidies, the amendment isn't about saving money, the amendment does nothing more than carry out the agenda of the extremists.

I will conclude by pointing to this chart, Mr. President, which simply shows where the money has gone and the decline in road miles. In 1985, we had 8,000; in 1998, 2,652. It shows reconstruction taking up the major portions. We maintain the roads that we have previously built. There is very little for new construction, roughly 18 percent.

So there is the picture, Mr. President. It says it better than I could relative to what is happening with this program with the necessity of maintaining it and maintaining the forest products industry as we know it today and the appropriate role of the national forest in providing a renewable resource in the timber that grows so profusely, particularly in the Pacific Northwest.

I thank the Chair, and I thank the floor managers. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair informs the Senator from Washington that there is 1 minute 46 seconds time remaining on this watch.

Mr. SANTORUM. Mr. President, I rise in opposition to the Bryan amendment for a lot of reasons. But the one I want to focus on is what I believe is the fiscally irresponsible nature of this amendment.

This is being put out as a budget-cutting measure. But the fact of the matter is, by having a fund that says we are going to hold the counties harmless—and I appreciate being held harmless. We have a national forest in Pennsylvania and our counties rely upon that money. That is going to cost money in the sense that by reducing the amount of roads built, you are going to reduce the revenues in the fund. That money is no longer going to be there to fund those counties in the money that they traditionally have received, and the Federal Government is going to have to come up with that money in exchange to fund the counties.

That is, in a sense, almost a welfare payment from the Federal Government because we have eliminated the funding source of timber harvesting from those counties and those communities. So not only have we hurt them economically, hurt their counties economically, but we are now creating welfare for those counties by giving Federal dollars to them in place of the

jobs they have. This is not only bad, I think, from a policy perspective, but also bad from a fiscal perspective.

Despite the assertions of the amendment's sponsors, the timber sales program and the purchaser credit program are not subsidies. Since 1964, roads needed for timber harvest have been built by timber purchasers and the U.S. Forest Service has permitted the use of purchaser credit for road building. In fact, this program is entirely off-budget and this appropriations bill contains no funding for it. In President Clinton's budget request to Congress, elimination of the program results is no savings to the Federal government. Rather, the costs of the credits are explicitly absorbed by timber purchasers in the contracting and bidding process. According to a report by Price Waterhouse, ''Economic analysis shows that the forest roads program does not contain a subsidy for timber purchasers; it provides an efficient and effective mechanism for financing road construction and reconstruction.''

Second, eliminating the Purchaser Credit Program would harm local communities near national forests—including Warren, Forest, McKean, and Elk Counties in Pennsylvania. Counties containing forest lands receive 25 percent of gross Forest Service receipts. In 1996, these counties received a total of $6.2 million, three quarters of which went directly to local school districts.

Finally, the amendment would effectively cripple efforts to meet the stewardship needs of our national forest land by cutting the funding by which we maintain its infrastructure. Eliminating this program would not only cut funding for road construction, it would cut funding for road reconstruction and maintenance to fix environmental and safety problems remaining from an era when construction standards were far less rigorous. A well-developed road system is indispensable to forest plan implementation, fire suppression and forest health.

As many of my colleagues know, the General Accounting Office has just released a report which identifies questionable policies and practices that nearly caused the Forest Service to default on revenue sharing payments to rural counties in fiscal year 1996. The report raises fundamental accountability issues for both Congress and the Forest Service, and I believe that these issues will be exacerbated by the Bryan amendment.

Specifically, the GAO found that reductions in Federal timber sale receipts, coupled with increased obligations to spotted owl counties, and an apparent lack of sound financial controls over the National Forest Fund resulted in a shortfall in revenue-sharing funds available to rural counties.

Receipts from the resource sales are deposited in the National Forest Fund, which is a receipts-holding account from which the Forest Service obligations are distributed. After normal county payments were paid, the Forest Service used the National Forest Fund in fiscal years 1994 and 1995 to make additional spotted owl guarantee payments in certain counties in California, Oregon, and Washington. This caused two problems. First, there were insufficient moneys in the fund to pay counties because of the dramatic drop in timber sales receipts. Then, the Forest Service was forced to borrow from other funds and the Treasury to pay the obligations to the counties in a fashion that GAO found ''was an unauthorized use of the funds.''

It is my understanding that Congressman BOB SMITH, chairman of the House Agriculture Committee, has written Secretary of Agriculture Dan Glickman requesting a full accounting of the specific steps he will take to ensure that the Forest Service advises Congress when such shortfalls occur and properly manages these funds in the future.

Mr. President, the amendment before us will only make this dire financial situation worse for the Forest Service. Senator BRYAN's amendment will again modify the formula for sharing Forest Service receipts with the counties. I understand that it is the sponsors' intent to protect counties from fiscal harm as the result of this amendment. Included in the amendment is a provision to make up for the inevitable shortfall in payments to counties that will occur as the direct result of a $10 million reduction in spending for new forest road construction and the elimination of the purchaser road credits. Since Pennsylvania has four counties that benefit from timber sale receipts, I commend Senator BRYAN for his concern about the effects of his amendment. But I must point out, Mr. President, that the concern of the Senator from Nevada betrays the folly of this amendment. You see, should this amendment be enacted into law, timber sale receipts will go down sharply at the same time that our payments to counties will be held constant or even increase. This is the very same tortured accounting formula that helped to lead the Forest Service to brink of default recently over the spotted owl payments.

In fact, let me point out for the benefit of my colleagues that the GAO found the Forest Service had shifted money originally intended for trust funds for reforestation and forest health in order to cover the deficit in the National Forest Fund. While I hope the Forest Service will be successful in addressing the serious accounting shortcoming that led to the crisis, I must caution my colleagues that passage of the Bryan amendment makes it more likely that the National Forest Fund check will bounce again during fiscal year 1998.

The amendment directs the Forest Service to compute the costs associated with road construction by timber purchasers and give the counties an equivalent of 25 percent of these costs from the National Forest Fund. This is ludicrously impractical. First, we do not have enough money in the National Forest Fund to meet our current obligations to the counties. Second, the task of calculating private sector costs is a complex accounting task for an agency. Further, the amendment directs the Forest Service to collect private sector costs, that in many cases, are proprietary.

In view of the GAO's very critical report, this is not the time to add to our obligations to the counties. Nor is it appropriate to burden the Forest Service with additional financial responsibilities. I urge my colleagues to defeat this fiscally irresponsible amendment. It is imperative that we maintain funding for Forest Service road construction and maintenance and the Forest Service's Purchaser Credit Program. It remains the most efficient and cost-effective method we have to help maintain our national forests and serve the needs of the surrounding populations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield myself such time that I might have. I was somewhat astounded by the debate because those who oppose the amendment try to frame an issue that is not part of our discussion or our amendment today. I think in so doing they are trying to obfuscate the issues we are dealing with. This amendment is not about eliminating all timber harvests on the national forests. That may be an appropriate subject for a debate on another day. But there is not one word in this amendment that would have that effect or seeks to accomplish that purpose.

The other argument that has been made to obfuscate the issues is somehow a suggestion that there is an attempt here to eliminate all new road construction in the national forests. That is not true as well.

Let me just respond to the comments that the distinguished Senator from Pennsylvania just made. We have crafted this amendment to protect and to hold the counties who receive revenue from this program to hold them harmless. We do so by saying, look, in the bid that is offered by the prospective timber harvest bidder, that we factor a separate amount that would be attributable to the construction component and use that, as well as the bid price, in the calculation to determine what moneys will go to the individual counties that will be affected. So we were sensitive to the needs of the individual counties that would be affected and this amendment holds them harmless.

Let me talk about what the thrust of this amendment is. The thrust of this amendment is to eliminate a subsidy. It is to eliminate corporate welfare. It is to eliminate food stamps for the timber industry. That is not just an assertion the Senator from Nevada makes.

That is why groups such as Citizens Against Government Waste, which have identified this as a costly subsidy to the American taxpayer, support the Bryan amendment. That is why Taxpayers for Common Sense, also a taxpayer watchdog group, has supported the Bryan amendment, because they recognize that this is a subsidy. That is why 60 leading newspapers across America from coast to coast—the only two notable exceptions that I am familiar with are the two that were referenced by the Senator from Oregon in his comments—all recognize this to be a subsidy and have urged its elimination.

Why is it a subsidy? It is a subsidy because individuals who have analyzed it and see how the Purchaser Credit Program worked finds that a windfall tax break occurs in terms of the profits that are permitted under this. Let me describe that in more detail, if I may.

The Forest Service makes a determination as to what they estimate the road costs are to be when a bidder bids on a tract of timber that requires road construction, and that is made available immediately to the successful bidder—immediately. That is a credit that is made available.

Those who have looked at the way the Forest Service calculates that have indicated, No. 1, the Forest Service is calculating a profit into that estimate and, No. 2, those who have focused on it independently found that in some instances, the purchaser road credit exceeds by 30 percent the actual cost that the timber harvester incurs in building the roads. Because, Mr. President, there is no accounting or accountability, the amount of money that is saved by the timber harvester that would be substantially less cost to him than the purchaser credit makes available is retained by the timber bidder, and that becomes a windfall profit. That is what the various groups, the taxpayer groups, as well as the 60 or more editorial writers across the country, have focused on—that it is a subsidy and a subsidy that ought to be eliminated.

Third, let me talk for a moment about the environmental consequences. We have 380,000 miles of roads in the National Forest System. That is about eight times the length of the interstate system. We have an enormous backlog of maintenance on existing roads. It is clear that new road construction, particularly in those environmentally sensitive areas that are steep, that have serious drainage and grading problems, cost the American taxpayer not just the initial cost for the road construction, but in some instances for generations thereafter. We deal with the problems of erosion, sedimentation and siltation into the rivers, streams, and lakes in the national forests. That is why the Assistant Secretary has commented that the greatest threat to the water resource in the national forest system is roads and new construction which is a major factor in that.

Finally, let me set at rest the notion that somehow these forest roads that will be built for new timber harvests are somehow a great benefit to the outdoor recreationalists. There are different categories of roads.

Typically, a road that is involved in a construction to access harvest timber is a dirt road. It is accessible only by all-terrain vehicles. It is not accessible by passenger vehicles. It is unpaved. It is ungraded. It doesn't have gravel on it. Whereas, recreational roads are roads of a higher quality that are accessible by passenger and general recreational vehicles.

Let me say that one of the groups that is a watchguard for outdoor recreational users is the Sporting Goods Manufacturers Association, which is part of the Outdoor Products Council. Mr. President, here is what they have to say about this subsidy and the purchaser road credit and the Bryan amendment:

> Our national forests are a recreational attraction because of their wild unspoiled areas. We feel that taxpayer subsidies for logging road construction has led to an extensive logging road network that can actually place at risk the very resources upon which recreational users of our national forests depend.

The recreational users and their interest groups support the Bryan amendment because they recognize that the Purchaser Credit Program is, in fact, a corporate subsidy, corporate welfare and they recognize the environmental consequences of senseless and unnecessary new road construction.

Finally, if I may, to clarify the point that in the Forest Service accounts there is a separate category for maintenance of existing roads. The Bryan amendment, which could reduce by $10 million the amount of money appropriated for new road construction, does not—does not—in any way affect or reduce those moneys that are set aside for the maintenance accounts. So no one ought to be misled that in some way the reduction that we are talking about would in any way impact those ongoing activities of erosion control and maintenance of existing roads.

To conclude, Mr. President, this is a win-win. It is a win for the American taxpayers because we eliminate a costly subsidy that simply cannot be justified and to provide windfall profits for some of the largest timber harvesters in America. Common sense suggests that, indeed, it must be a very powerful and a very substantial subsidy, or why else would we have the opposition to the Purchaser Road Credit Program if it did not provide such a subsidy? If it has been suggested by those who oppose the amendment it is a wash and an offset, I do not see why they would be raising the concerns and objections they have.

Second, it is a great win for the environment, because we know one of the leading causes of environmental degradation is the kind of erosion and runoff that we have as a result of these roads that have been cut through our national forests, and we ought to be very, very careful and sensitive when we construct new roads.

Mr. President, for the American taxpayer, for the American people, this is sound policy. Your vote will be appreciated.

May I inquire of the Chair whether or not the amendment reflects the cosponsorship of JOHN KERRY, BARBARA BOXER, and Senator BOB TORRICELLI? If it does not, I ask unanimous consent that they be added as cosponsors.

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

Mrs. BOXER. Mr. President, I commend Senator BRYAN for introducing this important amendment. This amendment does three critical things: helps to protect our environment, eliminates an unnecessary Government subsidy, and reduces our Federal deficit.

The Bryan amendment will reduce road construction funding by $10 million, eliminate the Purchaser Credit Program which gives timber companies trees in payment for road construction costs.

The amendment will not affect recreation and general purpose roads, and it will not reduce the money for maintenance and road obliteration. Under this amendment, if timber companies want to build logging roads with their own money, they can continue to do so. They simply won't be paid by the American taxpayers.

Year after year, American taxpayers have spent millions of dollars to subsidize the construction of roads needed for logging in our national forests. This is millions of dollars that could have been spent on cleaning our air and water.

Road building wreaks havoc on our national forests. Currently, there are nearly 380,000 miles of roads dissecting our national forests—that's eight times the length of the Interstate Highway System. My State of California has 44,000 miles of logging roads in its national forests. Each mile of road can have a devastating impact on water quality, stream ecosystems, fish habitat, and wildlife. Roads lead to sediment loading in streams and destroy habitat for fish and other aquatic species. Furthermore, the Forest Service has determined that 922 communities get drinking water from National Forests streams that are adversely affected by logging roads.

I would like to raise an additional point. Earlier this year, the Forest Service began the Recreation Fee Demonstration Project. Under this Congressionally mandated pilot project, the Forest Service is now charging recreational visitors a fee to enter national forests. Now I ask my colleagues, how can we continue to any timber companies to enter and harm our national forests, while at the same time we require recreational visitors—who come to hike, picnic and enjoy our national forests—how can we require them to pay for their visit? Does that seem like a wise-use of taxpayer money—I think not.

Under the Recreation Fee Demonstration Program there is no charge for those individuals and companies who come to harvest timber. Quite the opposit—we pay them to do so. In California, there is now a $5-per-day fee for recreational use of the Angeles, Cleveland, or Los Padres National Forests. These forests used to be open and free to recreational visitors. The Forest Service estimates that this new Fee Program will raise between $8 to $10 million this year, and somewhere between $15 to $20 million in future years. This is $10 to $20 million from the American public to visit their own national forests while the Federal Government pays over $47 million for timber companies to construct roads which are destroying those very locations the public comes to enjoy.

As U.S. Senators we have the responsibility of priortizing—making decisions about how best to spend our taxpayer dollars in a way that will maximize benefits to the American people. We all know that there are times when that can be a very difficult task—choosing between many projects and activities that all seem equally worthy. This is not one of those times.

I urge my colleagues to support Senator BRYAN's amendment.

Mr. BRYAN. If there is time remaining, I yield back the remainder of my time.

Mr. GORTON. Would the Senator withhold that?

Mr. BRYAN. I withhold.

Mr. GORTON. The Senator from Wyoming has been waiting patiently and wanted 2 minutes. I do not have quite 2 minutes. Would the Senator from Nevada mind yielding his opponent that 2 minutes?

Mr. BRYAN. The Senator from Nevada will do so. I think the RECORD will reflect that I have been generous beyond measure to accord to my opponents more time than the time agreement we entered into. But I will accord the Senator from Wyoming 2 minutes.

Mr. GORTON. The Senator from Nevada has been indeed generous.

The PRESIDING OFFICER (Mr. KYL). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you very much. I appreciate that.

The business of timber and timber harvest is very important to my State. I rise in opposition to the amendment offered by the Senator from Nevada. I think the amendment is not about subsidies; it is about the elimination of the timber program in our national forests.

The timber program is part of a healthy forest. Somehow there has to be some changes made in a forest that either burns or is harvested or is eaten by insects. This would terminate that kind of thing.

Furthermore, this is a policy issue that I believe ought to be talked about in our committee of jurisdiction, ought to be talked about in the forest plan, not one that ought to be talked about here in terms of doing it on an appropriations bill.

Let me just say, the Senator has suggested there are winners and winners. There are losers. Those losers happen to be schools, school districts, counties, small family businesses, and recreationists.

This, I think, has been called a subsidy. It is actually not a subsidy. Purchaser credits are an accounting method used by the Forest Service. If the cost of the road was not in there, the bid, of course, for the timber would be less. If the cost that they have appropriated and allocated to it is more than it should be, that ought to be fixed by the Forest Service.

But, Mr. President, let me just say finally, because I know there is not much time, that this amendment really does not have anything to do with the critical issues facing the Forest Service. It is just the opposite, by depleting desperately needed road funding while reducing essential money to county road programs and school districts, as well as thousands of jobs and recreational opportunities for all Americans.

I urge my colleagues not to support this amendment.

I thank you very much for your time.

Mr. GORTON. Mr. President, I do have a letter by the National Association of Counties that I ask unanimous consent to be printed in the RECORD.

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

NACO, *September 12, 1997.*

The Bryan Amendment Hurts Timber Counties and their economies!!

The National Association of Counties opposes the Bryan Amendment on forest roads to the Interior Appropriations bill (H.R. 2107). Eliminating the purchaser road credit system, and reducing funding for the forest roads program can have only one purpose—weaken the viability of the Forest Service's timber sale program. A viable timber sale program is vital to America's timber counties and the forest road program is an important part of such a program. Reducing the ability to access timber not only hurts counties, but the thousands of families that rely upon the income from their timber jobs. In FY 1995 a total of $257 million was returned to local communities adjacent to national forests throughout the United States. Two-thirds of all timber harvested in national forests come from small businesses—those small operations are generally headquartered in the rural counties, providing jobs and stability to their communities, not to mention needed revenues to sustain county programs and services for the citizens. It does not take an accountant to determine the serious implications this has for the economies of rural timber counties.

Proposed provisions to lessen the impact of these cuts on these rural communities and counties do not meet their stated objective. Attempting to hold county governments harmless from these cuts, discounts the other significant economic impacts on the people in the counties' communities. A significantly better way to address the needs of natural resource dependent counties is to support increases to the Payments In Lieu of Taxes (PILT) program. This program in combination with timber revenues, help public land counties provide such vital services as law enforcement, solid waste disposal, search and rescue and fire fighting on public lands. This is considered a major ''underfunded mandate'' and it is extremely important to the 1,789 public land counties in 49 states that rely upon the PILT program to provide some equity for the services they provide.

Please oppose efforts to eliminate the purchaser road credit program and reduce the forest roads program by attempting to hold counties harmless. It does not achieve its goal. Instead, support efforts that really help public land counties—support the PILT program.

Thank you for your attention.

Sincerely,

RANDY JOHNSON,
President.

Mr. BRYAN. May I inquire of the Chair how much time the Senator from Nevada has?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. BRYAN. I assure my colleagues I will not take the full 6 minutes. But let me respond to the concern that the Senator from Wyoming has voiced with respect to the county schooling.

We have crafted into the amendment a hold-harmless provision that recognizes that indeed this is an important revenue source for local governments. I can assure my colleagues that the purpose of this amendment, or its effect, will in no way affect that program. We specifically incorporated that in there.

Let me just again return to the issue of the subsidy because I think that is central to the issue. I mean, if this is not a subsidy, why do we go through all of the incantation of calculating a separate purchaser credit, making that available? Why don't we simply just eliminate that and say, as do BLM harvesters, and in some State forest programs, the individual who is bidding on a tract of timber would factor into his or her, or its or their, costs what their road construction cost would be. That creates a competitive market, a level playing field. Why go through all of this incantation of developing the purchaser road credits?

Mr. President, I think the answer is clear. This has conferred an enormous benefit to the timber harvester. For one, the GAO has indicated that the Forest Service itself, in calculating the purchaser road credit, factors in a profit—factors in a profit. That is not a wash. That is not a recovery of costs. That is cost plus a profit.

If we are advocates of truth in budgeting, let us just eliminate that gimmick and simply say to all who harvest in the national forests, submit your bids, and included in your bid will be the cost that you will incur in accessing the tract of timber, or for those that involve new road constructions, you will factor that in.

Second, with the exception of the Forest Service industry itself, virtually every outside analyst, the taxpayer groups, editorial writers across the country, those who have been commissioned to do independent surveys, have all concluded that, indeed, when one examines the cost of the credit

that is provided to the timber harvester and examines the cost incurred by the timber harvester, in some instances the timber harvester's costs are 30 percent less than the credit that is provided to the timber harvester.

Those are taxpayer resources. Those are taxpayer assets. That is clearly the definition of a subsidy. It goes far beyond what the cost incurred by the timber harvester is and provides him or her, it or them, with a costly subsidy at taxpayer expense.

That is why from the west coast to the east coast, from north to south, editorial writers, commenters, and analysts have looked at this and said, ''This is a program that we cannot support.'' If we are talking about being fair and honest with the taxpayers' money, how can we support a program that is under a very convoluted, difficult-to-explain and, I am sure, difficult-to-understand purchaser credit program where in effect what we are doing, however we disguise it, is providing additional profits to a timber harvester?

That simply is not right. I believe any responsible budgetary analysis reveals that that is in fact what has occurred. The Forest Service itself recognizes that practice. That is why they support the amendment.

Mr. President, I urge my colleagues to support the Bryan amendment. I yield the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. That concludes debate on the Bryan amendment.

AMENDMENT NO. 1188

Mr. GORTON. Mr. President, we now have 145 minutes on the Ashcroft amendment. I think I can announce, on behalf of the majority leader, that there will be a vote on the Ashcroft amendment at the end of that 145 minutes or whenever time has been yielded back.

We will also plan to have a vote on the Bryan amendment immediately after the Ashcroft amendment, probably with the usual 1 minute per side for summary. But that has not been shopped to all Members to the point at which it can be the subject of a unanimous-consent request yet.

Mr. BRYAN. Mr. President, if I might inquire of the floor leader, the floor leader indicated that there would be time since we are going to have an intervening debate?

Mr. GORTON. Yes. The usual way is 1 minute for each side.

Mr. BRYAN. Fine. That will be acceptable.

Mr. GORTON. When we clear it, we will ask for it. That will be the plan.

After that, Mr. President, there are three other amendments that have been debated on the National Endowment for the Arts—Abraham, Sessions-Hutchinson of Arkansas, Hutchison of Texas. We are going to attempt to get 30 minutes equally divided additional debate on those amendments, as Members have been able to speak to them previously, and, of course, Members during this period of time can speak to them. That is not in concrete yet, but from the perspective of planning for the afternoon and early evening, this would be the intention of the managers.

Mrs. BOXER. Mr. President, I ask unanimous consent that after Senator ASHCROFT completes at least the first part of his presentation, that I be immediately recognized to use the time on our side up to 20 minutes.

The PRESIDING OFFICER. If there is no objection. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, I am pleased to have this opportunity to address an important issue before the American people.

It is an issue about the nature of Government, the purpose for Government, what we have Government for and alternative uses of resources of the taxpayers in this country.

Data this year announced, not by Government itself but by independent studies including the best of the business journals, that the American people this year are paying more in taxes than any other year in the history of this Republic. The gross tax load is gross.

As a matter of fact, the Second World War, First World War, the Korean war, and the war in Vietnam did not cause us to have to pay the kind of elevated tax rates that we pay today, nor did previous wars of previous centuries.

The average U.S. citizen now pays the highest tax load, the biggest portion of his or her income that we have ever paid.

One of the questions that we must face, and which we must answer, is the question of whether or not we should take the hard-earned resources of American citizens, people who get up early, work hard all day, go home late seeking to help their families, whether we should take that resource to spend it on what the Government identifies as art or calls art or wants to encourage as art.

There will be some who say that this will be a debate about whether or not we support art or do not support art. I think it is important to note that art as an aspect of our culture has flourished since the very beginning of the United States as a nation and prior to that time.

Since the time we began our culture, from Plymouth Rock forward, we have had an expression of art in the United States—great literature, we have had great paintings, we have had tremendous capacity on the part of the American people to express themselves and to communicate noble ideas and high aspirations through our artistic devices.

But the debate which we are about to embark upon is a debate about whether the Federal Government should subsidize art and should identify in the art community some things for subsidy and some things for special treatment and some things to be singled out for approval while other things have to survive or fall based on their quality in the marketplace.

So it is with that in mind that I rise to say, in regard to the appropriations bill that is now before the Senate, that we should not spend the resources earned by taxpayers to encourage one artist over another artist, to say that some art is good and other art is bad, and particularly given the record of the National Endowment for the Arts. For the National Endowment for the Arts has a questionable record of fostering artistic expression which has countered the expression of values that most Americans cherish and the values which have provided the basis for the greatness and character of these United States of America.

The first point that I make is that the arts have plenty of money without the National Endowment for the Arts.

Let me just point to a set of statistics reflected in this particular chart. This compares NEA spending to private, State, and local arts funding.

Here you have private funding, the orange portion of the chart; local contributions, the green portion; the State contributions is the purple portion; and the NEA as proposed is the yellow portion.

It is pretty clear that that withdrawal of this very small portion of funding, 1 percent of the funding, is not going to cause a collapse in the arts. As a matter of fact, there are many individuals who are part of the arts community who feel this is an incentive to the wrong things in art.

So, first of all, we need to understand that the arts will survive. This is not a death knell for the arts. It is, in some respects, a contaminant to the arts to the extent that we continue to fund artistic endeavors of specific kinds, especially those things which are concededly politically correct or drive the agenda of the National Endowment. That is where the small yellow wedge comes in.

Just take a look again. Private giving to the arts and cultures and humanities is up. We have had some reduction. We have moved in the right direction. We used to give more to the arts through the National Endowment for the Arts than we do now. As we have had a reduction in the dollars that are spent by Government for art, we have had this substantial increase, especially recently, in private giving to the arts so that the private sector is totally capable of sustaining the arts.

I just add at this point that the kind of art that sometimes gets funded here is not the art of the great masses.

I tend not to be an individual who has invested a great deal of my life in the opera.

Now, the opera gets a subsidy from the National Endowment for the Arts,

but by and large, Willie Nelson and Garth Brooks don't. Those of us that drive our pickups to those concerts don't get a subsidy; but the people who drive their Mercedes to the opera get a subsidy.

Now, it seems to me what is clear here is that the folks who patronize the opera don't deserve a subsidy any more than those of us who enjoy the Ozark opera instead of the other kind of opera—although I don't purport to say I couldn't enjoy both kinds.

The first point I am making here is that the arts are not in trouble. Second, the arts funding from the Federal Government is 1 percent or so. Third, the private share of contribution to the arts is up dramatically. State and local governments dominate giving to the arts. The Federal Government contributes a low portion of that.

Employment in the arts in the 1990's is up. So we have a vigorous arts community and it is an arts community which continues to grow. This has been an upward trend at a time when we had a decline in the amount of Federal funding for the arts. If people are interested in more people coming into the arts, they could say that as we have decreased the funding, we have had more people going in. We are not threatening the arts.

Median household income for artists is up. It exceeds the income for the rest of the labor force. It seems to me we are not threatening the art community or questioning whether the United States is going to have art.

Art attendance is up in every category, from jazz, classical music, opera, musicals, plays, ballet, art museums. We had more people participating in the arts in 1992 than in 1982. I don't believe that is a trend that will be reversed. These things are a function of the fact that people have leisure time and the people have disposable net income and are not dependent on whether or not we have a National Endowment for the Arts. Artists are increasingly college educated as well.

Total receipts for performance arts events are up and are approaching the receipts for spectator sports. This gap is narrowing. The arts, indeed, are flourishing in the United States. They are getting closer and closer to matching the same kind of receipts as for spectator sports.

The point I make is that the arts have an abundance of funding. They don't need to take the resources from families that the families need to spend on themselves. We are now taxed at the highest rate since the onset of this Republic, since we have been in existence. We frequently have both parents in the work force, one to pay for Government, the other to support the family. We have governmental programming that is taking resources, saying we can spend this money better on your family than you can spend it on yourself. My own view is that is not something that we need to support. The arts do not require it, and I believe people are entitled to additional tax relief.

The second point is whether the arts and the NEA need the money. According to the sponsors, this kind of an appropriation is not an issue. The arts do not need the money. They say what is needed here is sort of—the Federal Government telling people what is good and what is not good in the arts community. They call this the Good Housekeeping Seal of Approval argument. On several occasions individuals have come to the floor of the U.S. Senate here and said whenever the NEA comes in and puts its so-called stamp of approval on items that it somehow makes it possible for those artists to survive because people need the NEA to develop a way of helping people understand what is good art and what is bad art.

I don't think the NEA has been very good at developing good art. They have some good art, they have some art that is atrocious. It is clear to me that whether it has the NEA stamp of approval on it does not make a difference.

I go back to an earlier example. This is an item of art which the NEA has paid for in the past. It is a poem, or so we are told it is a poem. It was part of an anthology. This was an anthology for which money was paid, hundreds of dollars paid, to support this ''L-I-G-H-G-H-T'' as a poem in the anthology. Now I suppose you might say most people would not recognize this as great art just looking at these letters. I was not extremely well educated. I went to the public schools, and, frankly, I have to confess I did not see that this was great art when I first saw this. As a matter of fact, I thought it was a misspelling—but it could be great art.

The argument is if you put the seal of approval on it by the NEA, somehow it will make it possible for everyone to agree it is great art, so if you somehow tack the Good Housekeeping Seal of Approval on it—it has Good Housekeeping and here is the National Endowment for the Arts, a combination of what proponents of this legislation say—the National Endowment symbol becomes the Good Housekeeping Seal of Approval for this, I suppose folks around the country will now recognize this word as great art, that this is great poetry. I hardly think so.

The truth of the matter is you do not convert art into great art by putting some governmental seal of approval on it. It doesn't change the character of it. As a matter of fact, it doesn't help us at all in many respects.

One of the individuals that I talked to earlier pointed out to me that in regard to this poem a Congressman called the author of the anthology, the one who had developed the book that included this and for which the Government paid, and asked the developer of the anthology to explain it. The author of the anthology said, ''You are from the Midwest. You are culturally deprived, so you would not understand it, anyway,'' no use to explain to you why this misspelled word or apparently misspelled word is great art.

Well, I suppose people could say that we need the NEA so this sort of Good Housekeeping Seal of Approval could convert misspellings into great art and people would know how to invest their money. I hardly think so. I have to make that argument with my tongue in my cheek. I wonder how those who made the argument kept their tongue out of their cheek in that respect?

The mere fact that something has the National Endowment for the Arts on it—and this particular stamp of approval is there—doesn't make it good art or doesn't make it bad art. The American people are still left to make their own judgments. The Good Housekeeping Seal of Approval doesn't really tell us much, although it does tell us something about the theory of Government that people have.

Some people think that the American people can't make good judgments about value themselves and they need Government to identify those things which are worthy of their support, and our Government's absence of an identifying seal would be something that is not worthy of your support. I think they have inverted what is important to understand about democracy in that the genius of democracy is not that the Government would identify the great values of the world and impose them on the people. That is the idea of the monarchy, where somebody up high in some remote place would tell everybody what to think and do. The genius of a democracy is just the opposite of that. It is not that someone up high in some remote place tells everybody what to do. It is that the people, together, have a set of values, and instead of having values imposed on them by the Government, the people impose their values on the system. That is the genius of a democracy. The idea that somehow we need the National Endowment for the Arts to impose values on this culture is a bankrupt idea, in my judgment.

Of course part of the argument that says we need the National Endowment for the Arts is that it identifies where people should invest in the arts. You don't have to tell people what they should like and not like, but this helps artists who are fledgling going around and saying you should invest in me as an artist because I have the seal of approval from the National Endowment for the Arts—sort of the idea you could have a central planning agency for the allocation of artistic resources.

Now, central planning for the allocation of resources is not a novel idea. As a matter of fact, some countries tried it, not just for art. Some countries have tried it for all of their economic endeavors. That is really the definition of communism or socialism, that you have some head of planning in the economy that tells you what is good, bad, where you should invest and where you shouldn't invest as a culture. So you decide to grow this many acres of

potatoes, this many acres of corn, and you make this much steel, and it is all planned at the center of things. It is supposed to be a good system, in theory.

It took about 80 years around the world to figure out what the theory was, but it was a theory of collapse. We only have two fully confessed Communist regimes left in the world now, North Korea—and most of the rest of the world is trying to send them aid so their children don't starve to death—and Cuba, which is teetering on the edge of its own demise. The truth of the matter is central government planning to allocate the resources in the arts community isn't any more effective or any more to be desired than central governmental planning and allocation of resources in the industrial communities, the manufacturing community or the agricultural communities.

The genius of the marketplace is that it rewards those things which are valuable in the absence of planning in Government, not that it gets signals from Government or some planning agency or some guru in some bureaucracy that says, ''This is my beloved artist in whom I am well pleased, put all your money here.'' As a matter of fact, some of the things that have been designated as those things to be supported like this poem—this is not the title for the poem, Mr. President, this is the poem. This is it, the whole nine yards. This is it.

There is a dispute about whether the actual payment was $1,500 or $750. You can do the quick math. It is $107 a letter if it was $750, and $214 a letter if it was $1,500. I make this copy as a bargain to you, and just give you the $107 rate if you think your marketplace would sustain it. Of course, I am not sure whether this is the French version of the poem, the English or the German version of the poem, because I have looked in the dictionaries and I don't find it in the English dictionary, the French dictionary or the German dictionary, but who knows. I know one thing, putting the seal of approval on this would not increase its value to me, and I don't think it does for the culture.

The truth of the matter is there are other reasons why we shouldn't be wanting to subsidize speech. Those reasons include the fact that the subsidization of speech results in the corruption of the arts. Jan Breslauer of the Los Angeles Times wrote eloquently that the National Endowment for the Arts results in the corrosive effect on the arts, that as a matter of fact that effect on the arts was prompted by the fact that National Endowment rewards politically correct art and art expression. She says, ''The Endowment has quietly pursued policies rooted in identity politics.'' The National Endowment for the Arts is conducting a political effort, ''a kind of separatism that emphasizes racial, sexual and cultural differences above all else.''

This is art subsidized by Government and specifically designed to separate us one from another based on racial differences, sexual differences and cultural differences. She says these policies have not ''excited much controversy, but they have had a profoundly corrosive effect on the American arts.'' Here is a clear indication by an art critic that the subsidy of arts, based on political preference, based on subject matter that is designed to divide the American people based on sexual, cultural and racial lines, pulls us apart rather than unifies us, has a corrosive effect on the arts. Not only a corrosive effect on the arts, it has a corrosive effect on the culture.

I wonder if we ought to spend our resources on something which produces that kind of an impact on the culture?

Mr. President, there are a number of other reasons and things I would like to say about this. We will have debate on both sides. I know the Senator from California is eager to speak. I want to give her an opportunity. So I sum up by saying there is no crisis in funding for the arts. People of America are taxed at their highest rates in history.

There is no reason to require that there be a Good Housekeeping Seal of Approval from the Government to try to dignify art that is not art, or to make decent those things which are indecent and unacceptable. Good art will be good art whether or not you label it with an NEA seal. An artistic statement, as a matter of fact, that came before the onset of the NEA, and will survive long after it, is that ''A rose is nothing but a rose no matter what you call it, and by any other name, it is still a rose.''

With that in mind, I think it is time for us to say we have spent more than enough in subsidizing politically correct activities under the guise of promoting the arts.

I reserve the balance of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you so much, Mr. President. Now, I have heard the Senator from Ohio very eloquently express his views. I think it is time that we hear from the other side.

I am very pleased to be a member of this Subcommittee on Interior Appropriations, and I was very pleased that we were able to resolve the question of the native Americans. I felt very strongly that had we not done that, we were going to do a grave injustice to native Americans and turn our backs on history, justice, fairness, and the Constitution. So I was very pleased to support Senators MCCAIN, CAMPBELL, and the others. They convinced the chairman of our subcommittee to put that fight off until another time.

I thought we were going to be OK on the National Endowment for the Arts. It comes to the floor of the U.S. Senate funded at about the same level as last year, and here we are faced with an array of amendments to wipe out the National Endowment for the Arts. Now, this is the most extreme one. It would totally do away with the National Endowment for the Arts. I think it is a very radical and very serious step for us to take.

I want to comment, because I think it is important to correct the Record, or at least straighten it out a little bit, on the poem that the Senator from Ohio continues to hold up in this debate. It is a one-word poem. I agree, it doesn't make much sense to me either. And, yes, the NEA has made some mistakes. I'm sorry, I mean the Senator from Missouri, not Ohio. What the Senator from Missouri, Senator ASHCROFT, does not tell us in his eloquent debate is that the one-word poem he holds up was funded 30 years ago; it was funded in 1968. He holds it up on the floor of the U.S. Senate as if these are the kinds of grants that are being made today.

Now, if we are going to have an honest debate, why don't we be honest with each other? I saw that poem and I said, ''That doesn't make much sense.'' Then I found out it was funded 30 years ago. Now, there are many reforms that have been put into place in the National Endowment for the Arts. Does it mean there might not be a mistake or two in the future? No. There may be some out of the thousands and thousands of grants. But to hold up a poem funded 30 years ago, when I was just a kid—as a matter of fact, 30 years ago, I became a mother for the first time, and now my kids are having kids. So, yes, there was a mistake made, I agree. You know, there are mistakes made in life, but we don't just take a meat ax to the problem. And we didn't; we have made reforms.

The other point that I think is interesting for the Senator from Missouri to imply is that the music funded by the National Endowment for the Arts is all for the elite, the upper crust, and he talked about the opera and how he doesn't go to the opera much, and yet, the opera is funded. Well, I tell the Senator from Missouri that many groups across the country are funded by the NEA: The Carter Family Memorial Music Center in Hiltons, VA, supporting a weekly series and annual festival of old-time traditional music, played on acoustic instruments. There is the Western Folklife Center in Nevada, dedicated to the preservation and presentation of the cultural traditions of the American West. There is the Folk Arts Apprenticeship Program, fostering the growth and evolution of Mississippi's traditional arts by bringing master traditional artists together with promising apprentices.

So, again, we have a misleading presentation here that doesn't square with the facts. This is 1997, not 1968. Mistakes were made, but many revisions have taken place and reforms have been implemented to straighten out the problems.

In 1993, the NEA initiated a complete overhaul of the agency's grant review

and monitoring process. All subgrants to private nonapproved groups have been eliminated. Since 1996, all fine arts grants to individual artists have been eliminated. Since 1996, all grants to organizations must be for projects specifically described in the application, further increasing accountability of grantees. Since 1994, all grantees must file interim and final project reports. The final one-third of all grant payments are withheld pending the NEA's approval of grantees' interim reports. In addition, grantees must now seek written permission in advance to change grant activities proposed in the organization's application. The National Foundation on the Arts and the Humanities Act of 1965 requires a rigorous multistep review process of all applications. Diverse panels of citizens, representing wide geographic, ethnic, and cultural points of view, review all applications. Following panel consideration, all applications are then reviewed by the National Council on the Arts, which is a body of 26 private citizens nominated by the President and, yes, confirmed by the U.S. Senate to 6-year terms. Do we have so little faith in what we have already done to straighten out some of the problems with the NEA that we would, with one vote, do away with the NEA? I hope not. By the way, applications recommended by the council for support are forwarded to the chairman of NEA for a final decision. The chairman may not approve an application with respect to which the council has made a negative evaluation. So we have even put a rein on the chairman.

Some of my colleagues have spoken on this floor expressing concerns that projects receiving funding from the NEA are obscene. Anybody who says that should know that Federal law ensures that artistic excellence and artistic merit are the criteria used to evaluate applications. The law expressly prohibits the award of financial assistance to any project or program determined to be obscene. If a mistake is made in judgment, yes, we should ensure that it is corrected, just as we must do in any Federal agency or just as we must do in our own lives. If one postman is obnoxious as he or she delivers the mail, we don't stop delivering the mail. We get rid of that person. If one military officer sexually harasses another, we don't shut down the military; we hold a hearing and we hold the perpetrator accountable.

We have had an extraordinary number of military planes crashing, and not one person would suggest that we don't build any more military planes. Clearly, we are going to take the problems as they come to us and deal with them. And, surely, we are capable of doing that with the National Endowment for the Arts. This body ought to be very pleased that it has made tremendous progress.

Now, speaking of the military, we spend more on military bands than we spend on the National Endowment for the Arts. I support spending money on military bands. I also support spending money on the National Endowment for the Arts. We spent $176.2 million on military bands in 1997, which is almost twice the $99.4 million spent on the NEA. Let me tell you something. If a military band played an inappropriate song, or someone was dressed inappropriately or, in any way, degraded that cultural event, we would address the situation. By the way, it is very important to our country that we keep the culture of the U.S. military and that we keep the music of patriotism that fills our souls every time we hear from it. But if there is a mistake made and an inappropriate song chosen, or someone is acting in an inappropriate way, we don't walk away from funding the military band. Do you know what we spend per person for the NEA? When this Senate voted $10 billion more for the military than the military asked for, I stood on this floor in disbelief, because I heard all these speeches about how much money we are spending in taxes. I agree, I don't want to spend money we don't need to spend. I want to give the military what it needs—not $10 billion more. But now we are going to save the Federal budget because we are going to cut out less than $100 million, 38 cents per person in this United States of America?

I was called to a meeting in San Diego. In terms of politics, I would say you would call it a Republican county. I had people there from the business community, I had people there from the arts community, I had people there from nonprofit organizations, and we had elected officials there of both political parties. Do you know what their message to me was? Go and fight this thing, because every time we get a dollar from the NEA, we get matched $12. ''It is important,'' they said to me, ''for our community.'' As a matter of fact, they said to me, ''Can't you fight so that we can spend 50 cents per person in a year? If we spend 50 cents per person a year, we would get that much more leverage, that much more job creation, that much more tourism, and it would help us.'' So it is very interesting. In San Diego, CA, I get called to a meeting and I am told to fight for more. Here I find myself fighting just to keep what we have.

So when we talk about tax load, don't be fooled about that. Don't be fooled. In essence, what we have here is a grant program that is far lower than it was under George Bush and Ronald Reagan who, by the way, signed all those bills for the NEA—and it costs 38 cents per person.

Public funding of the arts is good for the economy. Now, there was a recent study by McKinsey Consultants for New York City and they said in their study that funding of the arts generates taxes, which brings down the deficit, jobs and economic growth far in excess of the amounts invested.

I used to be a stockbroker. When you look at recommending a stock, you look at whether or not it is a good investment. Does it bring back dividends? When you put in a dollar, what do you get out? This is clear. Republicans in my State, Democrats in my State, Independent voters in my State—this is the place where they cross over party lines. They want us to save the NEA. They think it is good. They know mistakes will happen, yes, when you give thousands of grants. I think they are willing to forgive a grant made in 1968. An investment of $100 million in the NEA is relatively small. We are talking about less than one one-hundredth of 1 percent of the nearly $1.5 trillion Federal budget.

Now, I want to share with you some pictures because I think they are worth many times a thousand words. Let me talk about Leon Bates, a world-class, highly respected concert pianist, who has appeared with major orchestras throughout the United States, Europe and Africa. By the way, my colleagues have talked about Communist countries and have somehow linked what we are doing here to communism. You know, if you look at every capitalist country in the world, every democracy and capitalist country in the world, they spend a far greater proportion of their budgets on the arts than we do. So I don't get how communism, socialism and capitalism comes in here, because in fact every capitalist democracy in the world spends more on the arts than we do. So I don't see how that gets into the debate.

Well, here is Leon Bates. He has traveled in Europe, Africa, and the United States. He was hired by the Long Beach Symphony Orchestra to perform a piano concerto in January of 1996.

As part of this week-long residency of rehearsals and public appearances, Mr. Bates performed for an audience of 250 members of the Long Beach Boys and Girls Club.

Everyone in here stands up and talks about the children—everyone of us. And we should.

I wish you could see the faces on these kids at the Boys and Girls Clubs watching this creative genius perform his work with an NEA grant enabling him to go to the Boys and Girls Clubs, be a role model, and give them a love of music. He is the perfect ambassador for classical music to an audience of children, parents, and counselors who are not exposed to the world of performing arts that often. He brought with him a full-sized concert grand piano, and in between anecdotes from his life as a musician he answered questions and played excerpts from several classical composers. The event was a spectacular success.

He was supported in part by the NEA. Without continued support of the NEA, the Long Beach Symphony Orchestra would not be able to bring in top-quality artists like Mr. Bates.

I want to show you another photograph which I think is wonderful. The Senator from Missouri holds up a poem from 1968. I am talking about what is

going on now. This is a group called We Tell Stories. It is a performance group based in Los Angeles—a troop of actors which travels to museums, parks, schools, and libraries to perform stories for children. Its goal is to enhance cultural awareness, communication, and awaken a taste for theater and children of all cultures.

We Tell Stories received an NEA grant to support the creation and presentation throughout the United States of work by Carl Sandburg, a great American.

We Tell Stories began in cooperation with the Los Angeles County Museum of Art in 1981. Now in partnership with several organizations and agencies, including the Los Angeles Unified School District, and the troupe has performed for over 2 million people. In 1996, the troupe presented performances for 270,000 children.

I am coming to the conclusion of my remarks, much to the delight of several of my colleagues who are here to speak. But I want to show you one last photograph. This is one of the audience members who was watching a recent performance in Westwood, CA, by We Tell Stories. Look at her face. It captures the promise of the arts. The great expectations of the arts, the creativity, the imagination.

Will there be art without the NEA? Of course. I say to my colleague from Missouri, there will always be the arts. Why wouldn't there be? One of the things we do in this country is to give a very small amount—38 cents per person in this country to be matched 12 times by the private sector, the nonprofit communities, the State governments. Why would we do that? To bring these opportunities to the people of our country—and, yes; to the children of our country—because that is what the NEA has been focusing on recently.

I just want to say that I know we have disagreements in this body. I respect those disagreements, and I respect my colleagues who come at it from a different way. But I think for the sake of this debate the American people—and I know the people in my State of every political persuasion—again, in my State, there are three issues that unite people along party lines. This is California, and I can't speak for Missouri, and I can't speak for any other State, but there are three issues that make people cross over party lines.

One of them is the environment. People cross over, and they say, ''You know, I don't care if you are a Democrat or Republican. I want clean air. I want clean water. And I want my kid to grow up without getting environmental cancer.''

So there are no politics in that issue, in my opinion, in my State.

Another issue is a woman's right to choose. It's the same thing—people from both parties come to me, and they say, ''Please. This is a private personal matter, and it has nothing to do with Government. Stay out of our lives.''

And the third issue is funding for the arts. I have letters. I have phone calls. I have gone to meetings. I have never seen such bipartisan audiences as I have with those three issues.

On this issue, they all agree that we need to put the facts on the table. This isn't some political issue. This is a really important issue for our people. Will we stand up and say, ''For a modest amount per person, 38 cents a year, we will work with the States, the local groups, the local symphonies, the local Girl Scouts, the groups that benefit from this to bring the arts to our people, to help them leverage that investment?''

I can't imagine why anyone would think that it is dangerous for us to have this very modest program that sparks such enthusiasm. Are there mistakes? Yes. Are there mistakes in everything we do in life? Absolutely. But that doesn't mean we destroy the idea of the spark.

Senator KENNEDY and Senator JEFFORDS across party lines have worked out an agreement on this. They would block grant up to 40 percent of the NEA funds and send it back to the States. That is a good compromise. That would be up from 35 percent.

I hope we can come together across party lines because we need to do that.

I hope we will reject this amendment. I hope that we will support the Jeffords-Kennedy attempt to resolve this matter. And let's make sure that we fulfill our responsibilities, it seems to me, to have a small, dynamic, flexible program that responds to criticism but continues to give a modicum of support—let's use it to support dance and the arts in this Nation.

Thank you, very much, Mr. President.

I yield the floor.

I reserve the remainder of our side's time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself such time as I may consume.

I thank the Senator from California for correcting the fact that I am not from Ohio. I didn't want people from Ohio to be too upset. It reminds me of my having been introduced as having been an individual from Missouri but who was born in Illinois. I say, ''Yes, both States claim me. Missouri claims I am from Illinois, and Illinois claims I am from Missouri.''

The truth of the matter is that I would like to address some of the issues which the Senator from California has talked about.

She mentions the fact of a poem—for which we paid $214 a letter—which was paid for earlier in the history of the National Endowment. She is correct. But it is incorrect to suggest that there are not abuses now that are even more egregious.

This is one of the more decent egregious abuses of National Endowment money.

I have excerpts from a book in my hand which very proudly bears the imprint, the so-called good seal of approval, of the National Endowment for the Arts. This book was published in 1996 after all the supposed improvements, after all of these wonderful safeguards to make sure that our money is well spent. I think it is instructive to read just what the authors say about their own book. This isn't some attack upon the book. This is the bragging of the authors.

I read:

> The blood of the Mugwump clan of Catholic gender-shifting vampires has become infected by decadent words and confused memories.

It talks about a man trapped inside a body that is always changing from male to female, and dealing with his polysexual sister.

I asked my staff to just take a couple of pages of the book. And this book was written because the National Endowment for the Arts felt that the American people needed to have this capacity to identify good art so they could invest in it under the ''Good Housekeeping'' or ''good art'' seal. I asked them just to get a couple of pages of the book and Xerox them. But I said, ''Be sure to mark out the things that would be not suitable to be shown on C-SPAN in the middle of the day.''

This is what a typical set of pages looks like. This is what the American people are paying for. This isn't something from 30 years ago. This is something from 30 minutes ago. This is something that is current. This is something from 1996.

No. 1, the so-called reforms have been ineffective. And, if we had an abuse which was at least not obscene—our abuses have not gone uphill. They have gone downhill.

I have a list of current abusive things funded by the National Endowment for the Arts. I could go through them time after time. I will not bother to give them to you. Hundreds of thousands—hundreds and hundreds and hundreds of thousands of dollars wasted in the current selection of grantees. They are not as easy to describe, and they are not as suitable for television as the 30-year-old abuses are. Unfortunately, they are not as easy to use on television.

The Senator from California pled for honesty and integrity in talking about whether or not we would have any funding—that somehow there is a matching grant program. There is no matching program. We are not talking about matching funds here. We are just talking about other money spent on the arts—most of it in the private sector. And when they have that kind of an expenditure, sure enough, they could say, ''For every dollar we have in Federal money we have $12 in private money.'' That doesn't mean the private money wouldn't have been spent anyhow. After all, what happened before 1965 when Lyndon JOHNSON concluded in the Great Society that we had to have funding for the arts? For several

hundred years America had great artists, and we weren't devoid of expenditure. We had great museums. We had tremendous collections. We had artists who thrived. We had novelists, and poets.

So it is pretty clear to me that art is not dependent upon some matching fund system.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. How much time do we have?

The PRESIDING OFFICER. The Senator from Iowa has 40 minutes and 41 seconds.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

Mr. President, first of all, the Senator from Missouri has repeatedly talked about the poem ''Lighght.'' He has held up this little piece of paper, and he has talked about this poem and castigated it as one of the great spending holes of the U.S. Government, we spent money on the poem ''Lighght.''

Well, I saw that and I recognized it. Believe it or not, I recognized that poem. And so I thought I would take some time since I have a history in this to shed a little light on ''Lighght''.

Now, again, I am glad that the Senator from California brought this up because the Senator from Missouri never did mention this until the Senator from California, Mrs BOXER, brought it up. This poem ''Lighght'' was published in 1969. The Senator from Missouri did not say that. He admitted it after the Senator from California pointed that out. But in listening in the last couple of days to the Senator from Missouri, one would have assumed that this grant was just made, not in fact made in 1969, when it was.

Mr. President, the debate on the NEA, National Endowment for the Arts, has set a new standard for debate in the Senate. First of all, suggesting that we should eliminate the National Endowment for the Arts in 1997 because of a grant that was made in 1969 begs incredulity. That would be like saying the State of Missouri, since it had laws on its books that allowed segregated schools until the 1960's, will not be eligible for Federal education programs. Or saying that the University of Alabama will be prohibited from participating in Federal student aid programs because it was segregated prior to June 1963, or the schools in Little Rock, AR.

Times change. Conditions change. Well, now, the Senator from Missouri said, oh, OK, fine. ''Lighght,'' this was 1969, but then he held up a piece of paper which he was reading something from—I didn't catch it all, but it was from a book called ''Blood of Mugwump,'' which I never heard of until today, but I remembered someone had said something to me about it and I looked it up. My staff gave me this. Lo and behold, the Senator from Missouri is wrong again. ''Blood of Mugwump'' did not receive any NEA funding. How many of these misrepresentations will we hear from the Senator from Missouri in debate on funding of the National Endowment for the Arts?

Now, I have here a letter, Mr. President, from People For The American Way. It said:

> In a letter to Congressional Members dated June 25, 1997, the Christian Coalition urged Members to ''vote against any amendments to increase NEA funding'' and asserted that the NEA is now ''funding the proliferation of pornography,'' citing specifically two films, ''Sick'' and ''Age 12,'' and one book, ''Blood of Mugwump.''
>
> Fact 5: The Christian Coalition is wrong. The NEA did not fund any of the three examples used.

Mr. President, I ask unanimous consent that this material from the People For The American Way be printed in the RECORD.

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

> Claim: In a letter to Congressional members dated June 25, 1997, the Christian Coalition urged members to ''vote against any amendments to increase NEA funding'' and asserted that the NEA is now ''funding the proliferation of pornography,'' citing specifically two films, ''Sick'' and ''Age 12'' and one book, ''Blood of Mugwump.''
>
> Fact: The Christian Coalition was wrong. The NEA did not fund any of the three examples used.

Mr. HARKIN. If the Senator from Missouri would like, I am sure that we could sign him up for People For the American Way, and he could get the correct information as to what is going on and not the false information that he got from the so-called Christian Coalition.

And so again the Senator from Missouri has brought up something that simply has no basis in fact. And I have here again, Mr. President, a letter dated March 17, 1997, from Karen Christensen, general counsel of the National Endowment for the Arts. It is written to Mr. Curtis White. I will not read the whole thing. It just said here:

> The progress report which you filed with this agency erroneously included ''Blood of Mugwump'' as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.
>
> In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.
>
> I would appreciate prompt attention to this matter.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

> THE NANCY HANKS CENTER,
> *Washington, DC, March 17, 1997.*
>
> Re Grant #96–5223–0091.
>
> Mr. CURTIS WHITE,
> *Co-Director, Fiction Collective 2, Unit for Contemporary Literature, Illinois State University, Normal, IL.*
>
> DEAR MR. WHITE: It has come to my attention that the National Endowment for the Arts has been credited with supporting a number of books published by FC2 that were not funded by a grant from this agency. As you know and as the Endowment's grant letter makes clear, funds are released for the specific project described in the grant letter and specified in the grant application. The Endowment's logo should be used only on those publications for which a grant was received.
>
> Grant #96–5223–0091, which will conclude on June 30, 1997, awarded funds for the following books: S&M, by Jeffrey DeShell; Mexico Trilogy, by D.M. Stuefloten; A Spell for the Fulfillment of Desire, by Don Webb; Memory Wax, by Alan Singer; and Aviary Slag, by Jacques Servin. The progress report which you filed with this agency erroneously included Blood of Mugwump as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.
>
> In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.
>
> I would appreciate your prompt attention to this matter.
>
> Sincerely,
>
> KAREN CHRISTENSEN,
> *General Counsel.*

Mr. HARKIN. Again, Mr. President, if the Senator from Missouri was really serious, I am sure that he could have found out that in March of this year the National Endowment for the Arts wrote a letter to the director, who put out this book, I guess, under this grant, that it wasn't supported by the NEA. And the Senator from Missouri would not have stood in this Chamber today and said that ''Blood of Mugwump'' was another example of bad taxpayer spending by the National Endowment for the Arts.

I caution my friend from Missouri that he simply check his facts. That is all. And I am certain that if he just wanted to check his facts, if the Senator from Missouri just simply wanted to check whether or not what he was saying was factual, a simple call to the National Endowment for the Arts—they are not hard to get hold of. They are right down here in Washington, DC. Their phone number is 682–5400. I would suggest to my friend from Missouri that he simply pick up the phone and call them, ask them: Is it so that ''Blood of Mugwump'' was funded by an NEA grant? And he would have been told the facts.

So I think we have an obligation when we debate here on the Senate floor to be, at least, somewhat careful. I know we make mistakes around here. But, at least, try to check our facts out.

In that regard, Mr. President, I would like to talk a little bit more about the poem ''Lighght.'' Now, the reason this came to my attention is because this was an issue in my first campaign for public office in 1974 when then incumbent Congressman Bill Scherle in the House had gone after the National Endowment for the Arts on the same basis, that they had funded this word, one-word poem ''Lighght.''

And so I want to set the record straight, and I want to talk a little bit about it to get the facts out, the latest facts out. Mr. President, here are the facts. The National Endowment for the Arts sponsored a three-part series entitled ''American Literary Anthology.'' This was the idea of George Plimpton and also Roger Stevens, that they would seek out writers, poets around the country who were not well known, who maybe had published in small literary journals that had small circulation, to have a contest to put them together and to pick what judges decided were the best of these new writers and to put them in an American anthology to give them a wider berth so that more people could read them.

The purpose again was to support small literary magazines and their contributors. After all, most writers, Mr. President, don't start writing for Esquire or the New Yorker or the big magazines. They start with small literary journals around the country. And so that was the idea of George Plimpton and Roger Stevens, to get some of these new writers out there and bring them in and give them a wider circulation.

I spoke just the other evening with George Plimpton about this. He and Peter Ardery were the directors of the ''American Literary Anthology.'' He told me that the NEA grant in 1966 had three goals. First, to provide wider distribution for literary works which first appeared in magazines with limited circulation. Second, to supplement the small stipend the magazines used to provide to the authors.

As Mr. Plimpton told me, in many cases these writers got nothing except four or five copies of the magazine in which they were published.

So, it was to supplement it. And here was the supplement: $1,000 for prose material, $500 for poems. That was to the contributor, the writer. And, third, to reward the magazines which published the literary works in the first place: $500 for prose, $250 for poems. The total was $60,000 for the second volume. So the Senator from Missouri is wrong again. Again, I ask the Senator from Missouri, please check your facts. The amount of grant for this one-word poem was not $1,500, it was $750: $500 to the writer, $250 to the magazine.

I am certain the Senator will say that $750 is still too much for this poem, but nonetheless I thought it important to set the record straight, that it is not $1,500, it was $750.

I got a copy of the American Literary Anthology, volume II. Actually I read some of the poems in it. It is interesting that the Senator from Missouri picked out a poem written by Aram Saroyan, the son of William Saroyan, by the way. I don't know Aram Saroyan. I have never read his poetry before and I have not since. But I looked in volume II of the American Literary Anthology to see who else was published: people like Robert Penn Warren, John Ashberry, Jim Harrison—I say to the Senator from Missouri, Jim Harrison, who later wrote ''Legends of the Fall,'' which has been made into a movie, I guess; W.S. Merwyn, Pulitzer Prize-winning poet who also attended the Writers Workshop at the University of Iowa, and I will say more about that in a second; James Tate, one of our foremost poets in America; Joyce Carol Oates, also in volume II.

That is just a sampling. Why didn't he pick out some of those? No; he picked out this one-word poem, just to show people how it appeared in the book. Here it is, volume II, a one-word poem, on one page.

This is called calligraphic poetry. Calligraphic poetry is poetry where it's not just the content of the poem, but it is how it is laid out on the page that also sends a message, or conveys a thought or a feeling. I might point out to the Senator from Missouri that calligraphic poetry is not new; it is very old. In fact, some calligraphic poetry goes back to the 18th century, some in religious poetry. These religious poetry might be shaped in the form of pulpits, crosses, churches, saints, icons, things like that, to convey a religious image by the way the poem looked as well as the words that the poem contained.

I must say, I think the Senator from Missouri, if I might just say—I think the Senator from Missouri picked the wrong poem. There is a poem, it starts on page 273 of the second volume of the American Literary Anthology. It is ''The Last Will And Testimony of Art Evergreen,'' and it goes on for 17 pages. If the Senator had picked that poem, he might have a little more sympathy from this Senator. I say that tongue in cheek.

But why did the Senator not also pick the poem on page 339 by James Tate called ''Stray Animals''? No; he picked this one-word poem because, obviously, he doesn't like it. Frankly, I am not certain I like it either. It doesn't say much to me. But some calligraphic poetry I like, in the way the words are shaped and put on a page. That one doesn't say much to me at all. But, nonetheless, it is legitimate poetry. And there are a lot of other poems in there.

Again, the Senator may not care for this type of poetry, but that is no reason to abolish the National Endowment for the Arts. Over its 32-year history, the NEA has made 112,000 grants. To date, about 40 that we have been able to find have caused people some problems—about 40 out of 112,000. I think that is a pretty good record. Again, the Senator did not mention all of the other people who have gotten grants from NEA.

A little while ago I spoke on the phone with Jorie Graham. She is at the Writers Workshop at the University of Iowa. Last year, 1996, she won the Pulitzer Prize for poetry. I had a long talk with her. Here is an individual who received an NEA grant, and she told me without that she would not have been able to take the year off and write poetry because she had a young child. So that grant enabled her to do that.

I might also point out with some sense of pride that in 1996, last year, the three nominees for the Pulitzer Prize in poetry, Charles Wright, Donald Justice and Jorie Graham, were all from the Writers Workshop at the University of Iowa. It is interesting to note that it was the student, Jorie Graham, who won the prize. All three were recipients of NEA grants.

Why does the Senator from Missouri not talk about that? Why doesn't he go after the Writers Workshop at the University of Iowa?

Here, I will be glad to give it to my friend from Missouri. Here is a whole packet of pages, going clear back to 1970, of writers and poets who have received grants, who were at the Writers Workshop. Who will the Senator find in here? People like Robert Penn Warren, he'll find people like Kurt Vonnegut, he'll find people like Tennessee Williams—he may not like Tennessee Williams.

Mr. ASHCROFT. Will the Senator yield? The Senator asked me a question.

Mr. HARKIN. I will be glad to yield to the Senator in just a second. He'll find people like John Irving, Kurt Vonnegut, Tennessee Williams, Flannery O'Connor, Jane Smiley, who just wrote the wonderful book ''A Thousand Acres'' and won a Pulitzer Prize for it. It is now being made into a movie. Writers Workshop. NEA recipients.

No, he didn't mention those.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Now I will be glad to yield for a question.

Mr. ASHCROFT. The Senator has asked why I didn't cite all these others. Is it the Senator's position that none of these people would have been writers absent these grants? That absent the ability to have the Federal subsidies we could not have literature like this in the United States?

Mr. HARKIN. I will just answer my friend from Missouri. I just had a long conversation on the phone with Jorie Graham, the poet from the University of Iowa Writers Workshop, who won the Pulitzer Prize last year. She told me without that NEA grant—she had a little child—she would not have been able to take the year off to develop her talents as a poet that enabled her to win the Pulitzer Prize. Yes, she absolutely stated that to me.

Some of these, maybe not. But I can tell you some people like Kurt Vonnegut and some people, when they first started out—no. They needed these grants to get up to a level.

Mr. ASHCROFT. Did Kurt Vonnegut start out with an NEA grant?

Mr. HARKIN. I don't know. He got an NEA grant at one point, I believe.

Mr. ASHCROFT. I see. It seems to me, will the Senator concede we had a lot of great poets and a lot of great artists in America between the time of the

founding of this culture and the time in the mid-1960's when we started NEA grants.

Mr. HARKIN. I will respond to my friend this way. That is true. We have had a lot of great poets and writers who received no NEA grants. How many more, though, were out there in the little towns of Missouri, in the fields of Iowa, around the coal mines of Kentucky and in the hills of Kentucky, who wanted to develop their writing skills and their talents but did not have the support to do so? How many were left lying fallow in the ground because we wouldn't even come up with the two pennies, the two pennies per taxpayer per year, to help them to develop their talent?

I think that is the appropriate question to ask, is how many were out there who didn't get the nourishment who, if they had the nourishment, could have been great writers and poets in our society today?

Mr. ASHCROFT. I can name——

Mr. HARKIN. I will yield for a question.

Mr. ASHCROFT. In response to that question, I can name at least one who didn't have that kind of grant, who was a poor fellow from a small town in Missouri. His name was Samuel Clemens. He wrote under the name of Mark Twain. He seemed to do pretty well. In the name of artists whose works are arrayed in this Capitol, George Caleb Bingham, who is considered to be the American Rembrandt, who was a Missouri State treasurer, who did not have a public subsidy to do it. We could go through the list. Obviously you could always say there may have been lots more. There may have been some who would have been great artists in the last 25 years but, because they didn't get the seal of approval, weren't able to market as successfully their artwork, now that the arts community has been so oriented to the Federal approval or disapproval.

It seems to me, how many would be here or how many would be there is not a question that would be very productive in leading us to good policy.

Mr. HARKIN. I only responded because the Senator raised the issue. He was saying, questioning me, that was I saying all these great ones all received NEA grants. I would say no. But I think the question I asked was how many more were out there that could have risen up?

He mentioned Samuel Clemens. That was the last century and of course, again, we had great musicians and we had great artists and poets in the past. But again, I challenge my friend from Missouri to think about this. The few that we talk about in the past century were so few in number. I mean, they were absolutely the pinnacle, absolutely the best. How many more who didn't quite make it up there could have been very good? Maybe they wouldn't have been the top echelon, but they might have been very good writers and purveyors of senses of the esthetics of different regions of this country that weren't there.

Sure, you can point to Samuel Clemens and a few others. But how many more might have come along, might have been great, might have been maybe not at that pinnacle, but maybe up in that level who died aborning because they had no support whatsoever?

I might also, tongue in cheek, ask my friend from Missouri, who has gone after some writings that he claims are not quite appropriate for readers to read—you know, old Samuel Clemens wrote some things that were pretty risque. I wonder if the Senator from Missouri has ever read ''Letters From Heaven''? If the Senator from Missouri has never read ''Letters From Heaven'' by Samuel Clemens, I ask him to read it and bring it on the floor and read it. I doubt he would want to read ''Letters From Heaven'' on the floor of the Senate.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. I will be glad to.

Mr. ASHCROFT. I thank you for raising the extent to which I have read Samuel Clemens' work, Mark Twain. I find him to be an interesting author, and I think some of his works are better than others and some of them are very helpful and some of them moved society in the right direction—I think move us all and inspire us all.

The point is not whether or not a writer has the ability to write things that might be appropriate in one setting or not appropriate in another setting. The point is, what do you do by way of subsidy and whether the Government decides to endow any particular writer with a special stamp of approval and discriminate in favor of that writer and thereby discriminate against every other writer? Had Samuel Clemens been a writer 100 years ago and had there been the current NEA and had the fellow from down the river in St. Louis gotten the grant and Samuel Clemens been discriminated against and shunned by the arts community because the other guy had gotten the grant, we might never have known about Samuel Clemens.

The point is, when you start with Government identifying and establishing the value for one artist over another, picking and choosing between the levels of free expression, free expression in the free society, pushing people toward politically correct expression, there are risks involved there that might result in stifling other people who are not favored by the Government. So, it seems to me there are equally—it's equally possible that there are great writers who are being stifled by the current system—there are art critics who say there are—just as much as there might have been people in previous years who didn't rise to the level of being able to write because they lacked the Federal subsidy.

Mr. HARKIN. I say to my friend from Missouri, he couldn't be further from the truth. This is the American Literary Anthology in which the poem ''Lighght'' appears. No Government agent or employee decided what went into this book. I can't for the life of me figure out what the Senator from Missouri is talking about.

For example, who decides whether a writer gets published? It is the editor of a magazine, the publisher of the magazine. Who decided what poems and what fiction, essays, went into this anthology? Editors and publishers of magazines. They all got together and went through all of their different magazines and decided who they thought ought to be in here. It wasn't Government. No Government agent did this. No Government employee did that.

Does the Senator think that writers just sort of spring up and, because they are so good in the beginning, that right away they appear in the New Yorker Magazine? Of course not.

They appear in these small literary magazines around the country, and it is the editors of those magazines and the publishers who decide what gets published. They were the ones who decided what went into this anthology. There is no Government agency. I don't know of one Government agent who decided on an NEA grant. It has all been done in a peer review process.

That would be like saying, I say to my friend from Missouri, that we should cut out research at the National Institutes of Health because it is Government money, and why should the Government pick which research to do, whether it is cancer or heart, whether it is diabetes or Alzheimer's? The present occupant of the chair knows a lot about this. Should the Government be picking the researchers because we put the money into the NIH? We put a lot of money, as the occupant of the chair knows, into NIH. We don't tell them what to pick. They do it through the peer review process, through scientists in the field who decide what is legitimate, good research to do.

The same is done in the National Endowment for the Arts. We don't sit there. No one in the Government sits there and says we pick this and we pick that. They set up boards, commissions, they set up peer review entities that decide what is going to be. You can disagree with them, and sometimes I have disagreed with them, too, but that is no reason to end the National Endowment for the Arts.

So I repeat, Mr. President, I had a lengthy conversation yesterday with Mr. George Plimpton and today, again, with Jorie Graham, who, I repeat to my friend from Missouri, won the 1996 Pulitzer Prize for poetry. She was emphatic that she and so many of her colleagues would not have been able to develop their talents were it not for the NEA grants they received, and then go on to win the Pulitzer Prize.

She said the NEA took a risk, I say to my friend from Missouri. She said it was a gamble. They didn't know if she

was going to be a good writer, poet or not. But she said the cost to the taxpayers for the creative fellowship was 2 cents, two pennies. That is what we are putting into supporting writers and poets around the country—2 cents per taxpayer.

Again, if I may use the analogy of the National Institutes of Health, we don't expect that all $13.5 billion that we have put in every year at NIH is going to produce a medical miracle. Not at all. A lot of that research is dead end and nothing ever happens, but we believe in doing the research.

So, again, NIH is not right 100 percent of the time, and we shouldn't expect the National Endowment for the Arts to be right 100 percent of the time and that every writer that is picked through this process is going to be a Pulitzer Prize winner or another Samuel Clemens or another Jorie Graham. No, some of them won't make it, but at least we are getting them out.

As Jorie Graham told me, she said, ''You know, there is a market out there. The American people aren't stupid. If they read the poetry and they read the literature, like cream on milk, the best will rise to the top.'' But until you put that milk together and put it in the bottle, forget it. That is what we are doing through the NEA grants; we are bringing these people together and giving them an outlet for their creative abilities. Some will make it, some won't. Some will write a one-word poem that is calligraphic. It may mean something to somebody. It doesn't particularly to me. Or some people like the poet I just pointed out will write a 17-page poem, which also didn't mean much to me either.

But I can tell you that there are some writers in here that have meant a lot to me and a lot to a lot of other people. People like Robert Penn Warren, John Ashberry, Jim Harrison, W. S. Merwyn, who, by the way, was also at the Writers Workshop and received the Pulitzer Prize in poetry, and James Tate, Joyce Carol Oates. They were in this anthology, too. So I guess that is what we are saying. It is not an elitist institution. The creative writer fellowships are made to writers with no other means to support themselves. These grants don't go to the wealthy; they don't even go to the middle class.

Second, I might point out to my friend from Missouri, these grants also are awarded geographically, not just to a few areas. Since these grants are awarded on a geographical basis, the writings that we get reflect the regional and aesthetic values of those regions. How else could we get the flavor of what it means to be born and raised in Iowa on a farm unless perhaps we read something by Jane Smiley, ''A Thousand Acres,'' and what it means today about what is happening to the farmers in Iowa. Or what would it mean if we didn't have a flavor of what was happening in the West or in the South with writers who can understand, who feel and are sensitive to the aesthetics of that State or that region or that area? That is why NEA grants go out to regions and geographically so it doesn't just go to one certain area of America.

The critics many times focus only on those from the cities, but as I have just pointed out, many, many, many rural writers have also received awards and many have gone on to do great things.

So, the Senator from Missouri can get up all he wants. I just wish he would be straight with the facts. First of all, he or his staff should have checked and let us know—let everyone know—that this poem was awarded a grant in 1969.

Second, I wish the Senator from Missouri had further checked his facts and found out that the book ''Blood of Mugwump'' received no NEA grant. A letter from NEA March 17, 1997, points out that ''Blood of Mugwump'' did not receive an NEA grant.

As I said to my friend from Missouri, all he has to do, if ever he has a doubt about what NEA is doing, is pick up the phone and call them—they are here in Washington—and ask them and they will be glad to set you straight on what they are doing.

I will wind up by saying, Mr. President, for 2 cents from every taxpayer in America—just 2 pennies—we can go out and lift up some of these young writers and poets all over America, artists who may be like Jorie Graham and have a young child but they have innate talent, to be able to get across to people, as she did with poetry, what it is like in small rural towns or small communities of rural Iowa. She said without those 2 cents and with a small child, she wouldn't have been able to do it.

The Senator can get up and say he doesn't like ''Lighght''; that is fine. There is a lot of poetry I don't like either. As I said, I am not partial to this particular poem, although there is a lot of calligraphic poetry I do like.

I will say one other thing. I was looking at some information that came out from Mr. Frank Luntz. I don't know Mr. Frank Luntz, but he has been in the news a lot lately. He wrote a book on how the GOP can use language to manipulate people. His book is called ''The Language of the 21st Century.'' I guess it was presented to the Republican conference before the August recess. I was looking at some excerpts from Mr. Luntz' book. He is saying how people should talk about things. Oh, there is addressing the gender gap. There is health care. How to talk about Clinton. Education. And then he has here, ''Prolog: Luntz's 12 step program to make Republican language more soothing to voters.''

Here is a quote from his book:

> Every time Republicans get into a conflict with the President, you begin to shout, mistakenly believing that if you speak loud enough, your message will get through. But the American people aren't deaf. They simply don't understand what you're saying, nor understand its relevance to their day-to-day lives. Linguistically, you're out of touch with the American people.

So he has 12 principles. I will not read them all, obviously, but I will read the seventh principle of Mr. Frank Luntz, who is writing this for the GOP: ''Abolish the National Endowment for the Arts.'' That is what he is saying Republicans should say: ''Abolish the National Endowment for the Arts.''

''This makes sense,'' Mr. Luntz says, ''for strategic reasons as well as on principle.'' I will give him that benefit. ''Napoleon spoke of the importance of feeding your army if you expect the soldiers to go off to battle. You must deliver some nourishment to the true believers. You need a symbol that both differentiates the two parties and stirs up the troops.''

No. 7 in his book of the 12 principles.

If you want to stir up the troops, that is fine. Again, I hope they will be clear on the facts and that we understand what this is about. I don't believe it is really valid, and, again, I happen to like the Senator from Missouri, he is a good guy and I like him, but I think he has gotten mixed up on his facts. But then, again, we all do periodically around here. But I just wish that he would be a little bit more careful in looking at what the National Endowment for the Arts really does and how it operates in Missouri and Iowa and the Midwest and to think about whether or not we would want to throw out all funding for the National Institutes of Health because some of the money we gave them might have gone for bad research or something we didn't like. I don't think so.

We may not like all the things the NEA does, but on the whole, out of 112,000 grants in its history, this Senator only knows of 40 that has been raised as issues on the floor of the Senate or the House in the 22 years I have been privileged to serve here.

So, again, Mr. President, the National Endowment for the Arts is much too important to us as a nation, much too important for America, for our diversity, for understanding who we are and where we have come from and perhaps even where we are going to have maybe one example of one poem disliked by one or two or three Senators be the cause of not funding the entire National Endowment for the Arts. It has done an outstanding job. We should make sure we continue to fund it, not so that Government can pick winners and losers and all that, but to make sure that those who are out there in the field, those budding writers and poets will at least have some hope that they, too, can become the next Jorie Graham at the Writers Workshop in Iowa and win a Nobel Prize for her or his poetry. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes also in support of the National Endowment for the Arts and a strong Federal role in

supporting the arts. I am honored to follow the eloquent Senator from Iowa. I think he has made a very strong case for continued Federal support in this area. I also believe the Senator from Utah, Senator BENNETT, made a very eloquent statement in support of the NEA and demonstrated great common sense in much of what he said there.

Over the past few days, several of my colleagues have attacked the NEA, and one of the attacks has been that NEA funds are concentrated too much in big cities—six big cities in particular. I want to make it clear at the beginning of my comments that none of those big cities are in New Mexico, but still the NEA does support a very wide spectrum of arts in my State of New Mexico.

NEA funds come to my State and support everything from opera to cowboy poets. In my hometown of Silver City where I grew up, we have an annual event where cowboy poets come from all over the country to participate. It is my understanding—and I can be corrected on this—but it is my understanding that the first cowboy poetry convention or conference that occurred in this country was in Elko, NV, and was sponsored by the NEA. And they have continued with that tradition in Elko, NV, ever since.

So clearly the funds go to a broad range of arts. There have been more than 20 national competitive grants in my State in 1996.

NEA National Heritage awards have gone to individuals in my State. NEA has supported the arts in education strongly in my State.

This year, the NEA provided the New Mexico State arts agency with a $380,000 block grant. So some of the Federal funds that come from the NEA do come in block grant form so that the State can make the judgment. Those funds are matched on a 2-to-1 basis with State funding. They enable our State agency to make 125 awards, both small awards and large awards.

NEA's goal is to support the arts that enrich the lives of everyone in our country. I have seen that in my own State of New Mexico over the 14, 15 years that I have served here in the Senate, Mr. President. I have seen arts councils established and grow in virtually every community in New Mexico.

There was a time in my State when the arts were essentially Santa Fe and Taos. If you started talking about the arts, whether they were paintings or chamber music or the opera or any of a variety of arts, you talked about Santa Fe and Taos. But that is no longer true in my home State of New Mexico.

At the present time in New Mexico there is an arts council in virtually every community, every community of any size in the State. And those arts councils are bringing into those communities artists who contribute a tremendous amount to the lives of the people who live there. I am very proud of the rich tradition of arts that we have in my State and in the Southwest in general.

New Mexico has a wealth of artists and musicians, museums and arts centers. NEA support over the last several years has strengthened the arts and strengthened arts education in New Mexico in very important ways. It has benefited the children in my State.

Research has shown that art and music education is extremely important to the development, the proper development of a child. Healthy brain development in very young children is aided by arts education and by exposure to art and to music. Problem-solving skills are enhanced. There is improvement even on math tests as a result of exposure to music. That has been demonstrated in various tests in recent years.

I recently attended a program in Albuquerque which was inspirational. It was called ''Starts with the Arts.'' It was a conference for children with exceptional needs at the Very Special Arts Center in Albuquerque. Clearly, this is making a great contribution to the lives of those children.

In 1997, $90,000 from the National Endowment for the Arts came through our State arts agency to assist with that type of program.

This has benefited not only children, young children, but it benefits students, programs like the Working Classroom in Albuquerque. This is a free year-round art and theater instruction program in the Broadway section of Albuquerque in southeast Albuquerque.

Disadvantaged, at-risk children starting in their early teenage years participate in this. There is reduced dropout rates as a result of this work. There is substantial beautification of some areas of downtown Albuquerque through the painting of murals. That program has been supported by NEA funding as well.

In 1997, they received $15,000 from the NEA through a State block grant. So the decision was made by the State to put that money into the Working Classroom Program, but it was funding that came through the National Endowment for the Arts.

There have been benefits to many of the communities in our State, as I indicated, that not only benefits to the cultural lives of those communities but also to tourism, to economic development, to job creation.

Mr. President, I do not have exact figures to provide to the Senate today, but I can tell you that the arts are a substantial part of the reason why tourists come to my State. Whatever we do to strengthen the arts also strengthens our economy and helps to strengthen the economy of all those communities. It benefits a wide audience.

We benefit a wide audience by giving recognition to local artists, artists such as Ramon Jose Lopez, who is a santero and is a master metalsmith. He won an NEA National Heritage Fellowship last year. He was involved with the Smithsonian Institution in an exhibit that attracted national attention. And this type of recognition enriches the lives of many of our artists and of visitors that come to our State.

I fought very hard in the last Congress to maintain the program of heritage grants to outstanding individuals. But despite all these benefits that I have gone through here we have Members of Congress, Members of the Senate, who continue to campaign to eliminate the National Endowment for the Arts. I believe we need to resist that. We need to also resist turning this into a block grant program.

On July 23 of this year the Labor Committee marked up and passed the NEA's reauthorization. Even though the measure has not come to the Senate floor, people here in the Senate need to know the outcome of the committee's deliberations.

Like most of us in the committee, I concluded that the NEA now strikes the right balance, the right balance between national involvement, State and local involvement.

NEA has been criticized as inefficient. But under the leadership of its present chairman, the NEA has established numerous accountability and streamlining measures that ensure responsible use of Federal funds—consolidating administrative operations of the NEA and the NEH, the National Endowment for the Humanities; reducing administrative costs of both.

There are peer review panels that are chosen from all sections of the country under this language that we adopted in this reauthorization bill. We ensured that all sections of the country would be represented. We ensured also that on the peer review panels that no State would be unduly represented.

Some groups continue to spread what I believe are misrepresentations about NEA support for obscene art projects. Most of those stories turn out to be half-stories. Many of those stories involve subgranting of NEA dollars for objectionable projects. It is my understanding that the chairman, the present chairman of the NEA, has eliminated the practice of subgranting NEA awards except to State arts councils.

I am convinced that the arts and arts education contribute enormously to the cultural life of our country. I strongly believe we should maintain it.

I had the good fortune, Mr. President, last night to attend a reception and dinner at the Library of Congress and to see there the program that they have developed and put on the Internet for anyone in this country to dial up who wants to dial up Thomas—''www.Thomas.org'' I believe is how. But you can get into Thomas. And when you do, you can get access to all of the photographs that were taken in this country during the 1930's under the Federal Writers Project which was part of the Works Progress Administration, the WPA, at that time. That was money well spent.

We are not here through the NEA having the Government choose who to support and who not to support. That is done by peer review panels. But I think it is anomalous to suggest that the Federal Government has no interest in this issue or to suggest that Federal Government should not be able to lend its support to a richer cultural life for this country.

So I very much hope that we will resist all efforts to eliminate the NEA and to drastically change its structure.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the Ashcroft amendment. This amendment would eliminate the National Endowment for the Arts [NEA], an organization which has come under unfair attack in the past few years.

Funding for the NEA has consistently dropped. Funding last year was $99.5 million, a 39-percent decrease in 2 years. Now, many of my colleagues want to abolish the endowment completely. I disagree with this approach.

For every Federal dollar invested in the arts, our citizens receive an enormous return. My state of Maryland received $1.4 million in arts funding last year. This means that the Baltimore Childrens Theater Association is able to thrive. It means that the Baltimore Museum of Art can bring world renown exhibits to the citizens of my State. And it means that local communities throughout Maryland have access to community festivals, arts centers, and galleries.

There is a myth that the arts are for the elite. However, I believe the arts are about three things: Jobs, economic development, and families. The arts attract jobs. The arts help create economic development in communities. The arts are family first.

The cost of Federal funding for the arts is 35 cents for every citizen. The arts are a sound investment. The rewards are great.

Federal funding for the NEA has led to the flourishing of arts organizations in small cities and rural areas across the country. In my State of Maryland, local arts agencies are able to leverage Federal dollars for their fundraising efforts.

Without Federal support, Marylanders wouldn't have the Puppet Co. in Glen Echo, the Bluebird Blues Festival at Prince George's Community College, the Writers Center in Bethesda, or the University of Maryland music programs.

I am committed to protecting the Federal role in the arts. We should not become the only civilized country in the world that does not support the arts.

I urge my colleagues to join me in opposing the Ashcroft amendment.

Mr. CHAFEE. Mr. President, for years during consideration of the Interior appropriations bill, the Senate has debated the fate of the National Endowment for the Arts. Those debates have had mixed results. On one hand, NEA funding has been severely reduced. On the other hand, the NEA has made changes in its policies and operation to safeguard against providing Federal dollars to distasteful and, yes, perhaps, inappropriate projects. So, some bad and some good has come from our discussions here.

Now, we are in the midst of another such debate. The House voted to eliminate funding for the NEA. It even rejected a proposal to provide $10 million in close down costs. There are Senators who support the House and have offered amendments to eliminate funding for the NEA altogether. Others would eliminate the Endowment by providing all of the appropriated dollars directly to the States in the form of block grants based on State populations. Still others would allow the Endowment to continue but would vastly diminish its role by sending the lion's share of funding to the States as block grants.

Earlier this summer, I introduced legislation with Senators JEFFORDS and KENNEDY to reauthorize both the National Endowment for the Arts and the National Endowment for the Humanities for 5 years. The Labor and Human Resources Committee marked up the bill and reported it from the committee on a bipartisan basis. According to our bill, 40 percent of funds would go to State arts agencies, 40 percent would be used by the Endowment to support projects of national significance, 10 percent would be for direct grants, and the remaining 10 percent would go to arts education in underserved communities. All funds appropriated beyond the current level of $99 million also would go to arts education.

My colleagues might wonder: Why this emphasis on arts education? All across the Nation, arts education is being integrated into the core curriculum of schools. This integration is the result of the realization that an arts education can help students to develop better skills in analysis, problem solving, and just plain thinking. This is in addition to nurturing and developing the child's imagination and creativity.

A study by the College Entrance Examination Board found that students who have studied the arts regularly outperform students who do not have an arts background on SAT exams. According to the study, students who have studied the arts for 4 years score 53 points higher on the verbal SAT exam and 35 points higher in math than do students who lack arts education.

Senator GORTON recognizes the importance of continuing to fund the National Endowment for the Arts. The bill he has brought before us even provides a small increase to the NEA, from $99 to $100 million. The NEA costs each American less than 38 cents per year. My colleagues might be interested to know that a recent Lou Harris poll showed overwhelming support among the American people for arts funding, even if it meant a tax increase. For this minute investment of 38 cents per year, the American people get orchestras, chamber music ensembles, children's festivals, operas, poetry readings, concerts in the parks, music festivals, Shakespeare festivals, artists visiting schools, museum and gallery exhibits, dance troupes, and much more. For this tiny investment, local communities in rural areas far from our Nation's cultural centers are able to experience our rich artistic traditions.

According to BusinessWeek magazine, the arts support 1.3 million jobs. The arts contribute $36.8 billion annually to our economy, and 6 percent of the GNP is attributable to nonprofit arts activities.

In Rhode Island, we count our artists among our State's natural resources, among the resources that are contributing to a wonderful revitalization, particularly evident in Providence. We are very fortunate to be home to one of the most prestigious art schools in the Nation, Rhode Island School of Design. RISD draws young artists to Rhode Island from around the globe. Perhaps because of our State's marvelous quality of life or perhaps because of the efforts of community leaders and State officials to develop an atmosphere in which the arts can flourish, many of these fine art students stay and contribute to our community and to our economy.

Let me share a few excerpts from a letter I received earlier this summer from Roger Mandle, President of RISD. Mr Mandle writes:

> Federal support for the arts and humanities is more than a symbolic matter, and helps to leverage strong state and local private sector support for operas, dance companies, symphonies and museums. Students of schools and colleges gain access, some for the first time, as performers or audiences for these cultural activities. Cities and towns benefit from the tourism generated by the institutions and events they sponsor. Federal inspiration to maintain and support America's cultural heritage comes at a small price to every citizen. The existence of these Endowments helps to compare ourselves favorably to other nations whose governmental support for the arts exceeds that of the United States by many times.

Some critics of the NEA suggest that supporting the arts should be left up to the private sector. They contend that there is no purpose for Federal support and that the arts would do just fine without it. Mr. President, you may be interested to know that since the creation of the NEA 30 years ago, the number of nonprofit theaters has grown from 56 to more than 400; the number of orchestras has quadrupled to more than 200; the number of opera companies has grown from 27 to more than 100; the number of dance companies has increased from 30 to about 250; and today there are more than 3,000 public arts agencies in small cities and towns throughout the United States. There is no doubt in my mind that the NEA, whose budget is seven-tenths of 1 percent of federal spending, has had a

sizable contribution in making the arts accessible to all Americans, rather than to an elite few.

I was curious about the idea of providing block grants to the States. Surely, that would mean more money to the State arts agencies, and they would be all for it. But, of course, that is not the case at all. I asked Randall Rosenbaum, executive director of the Rhode Island State Council on the Arts, what he thought of either providing the entire appropriated amount for the NEA directly to the States in the form of block grants, or increasing the size of the State block grants by scaling back NEA grants to projects of national significance. Here is what Mr. Rosenbaum had to say:

> While the Rhode Island State Council on the Arts might, on appearance, benefit from such a move (we would not), the Nation as a whole would suffer immeasurably. The Federal Government's leadership in arts funding has been critical to State and local efforts to raise matching dollars from public and private sources to support the arts. Stacks of research support this point . . .
>
> More to the point, if the money is just block granted to the States, we will lose one of the most precious things the NEA has to offer, leadership in development of public policy in support of the arts. A strong federal presence through the arts endowment has changed the nature of an arts field I have worked in since 1976. Through its consensus building, policy making, and yes, financial support, I have seen more emphasis on access for all Americans to the arts. NEA-supported projects in Rhode Island ensure that everyone, from toddlers to seniors, experiences the arts on a personal level.

The NEA supports the Rhode Island Philharmonic Orchestra, and I have heard from many of its musicians writing in strong support of continued funding. It provides funds to the Trinity Repertoire Co., to RISD and to Brown University. But it also provides funds to smaller, less well known theater and dance companies, such as ''Lydia Perez and Ensemble'' whom I was privileged to hear at a gathering in Providence in July. Ms. Perez specializes in bomba'' music. Grants have gone to the All Children's Theater Ensemble in Providence, to the Blackstone Valley Tourism Council, to the Capeverdean American Community Development Center in Pawtucket, to the Children's Museum of Rhode Island, to the Festival Ballet of Rhode Island, to the Island Arts Center in Newport, to the Ocean State Light Opera, and to literally dozens of other community arts groups.

Mr. President, I wholeheartedly support Senator GORTON's efforts to continue to fund the National Endowment for the Arts and the National Endowment for the Humanities, and I support Senator JEFFORDS as he works to reauthorize both Endowments for 5 years. I urge my colleagues to reject efforts to eliminate the Endowments, either by cutting funding or by creating block grants to the States.

Mrs. FEINSTEIN. Mr. President, the Senate today is considering the Ashcroft amendment to eliminate the National Endowment for the Arts. I oppose the amendment. There are also several amendments that seek to restrict, censor, or block grant the NEA.

Mr. President, in my view, the arts play an enormously important role in shaping our national culture and our local communities. The question is what is the best way for the Federal Government to fund the arts, if at all.

NEA IS A SUCCESS

Since the NEA's creation in 1966, there has been an explosion of community arts in local communities throughout the country. There are 8 times more nonprofit theaters, 7 times more dance companies, and 4 times more orchestras and opera companies. The impact of the National Endowment is far reaching. Through sponsorship of the arts, the NEA can stimulate expressions of our national character in many localities and guide our young people and pump hundreds of millions of dollars into local economies. Mr. President, if it were not for the strong leadership of the NEA, many rural areas and impoverished communities would be denied the opportunity to experience artistic presentations, performances, and education.

ACADEMIC BENEFITS

Exposure to the arts has academic benefits. According to College Entrance Examination Board, students with more than four years of course work in the arts score 59 points higher on the verbal and 44 points higher on the math portions of the SAT. Children with a background in piano have also scored better in math.

ECONOMIC BENEFITS

The National Endowment for the Arts contributes to our national economy. For every $1 spent by the NEA, $34 are returned to the U.S. Treasury. Because of the Endowment's support of the arts, the arts industry has boomed. Every $1 spent by the NEA attracts $12 to the arts from other sources. The nonprofit are industry now generates $37 billion annually in economic activity. The nonprofit arts industry also employs nearly 1.3 million Americans and represents nearly one percent of the entire U.S. work force.

BLOCK GRANTS

Some of my colleagues believe that all of the NEA's funds should go to the states in the form of block grants. Under current law, states have direct control over 35% of NEA funds in the form of block grants and state arts agencies believe this is the appropriate federal-state balance.

LOSSES UNDER BLOCK GRANTS

If further block granting is successful, states will lose hundreds of national grants that benefit all Americans. For example, according to the NEA, under block granting shows on public television like Great Performances, Dance in America, American Playhouse, and American Masters will be lost. 98% of American homes have access to public television—a great example of one grant having a huge national impact. Programs of this large scale are best run, are most efficiently run, on a national level. Most states cannot take on a project of this magnitude. Another national program that the NEA says will be eliminated under block granting is the Mayor's Institute on City Design, in which over 300 of the nation's mayors have had the opportunity to meet with planners and architects to discuss urban design issues. This single grant benefited over 300 American communities.

PRIVATIZATION OF NEA

Other members of this body would like to privatize the National Endowment for the Arts. I believe this would be a grave mistake. According to Independent Sector's 1996 Giving and Volunteering survey, households giving to the arts, culture, and humanities has decreased by 29 percent since 1987. ''Giving USA'' found that total donations to the arts and humanities declined by $270 million between 1992 and 1995 and private donations to the arts and humanities decreased by 7.7 percent in 1992 and to 6.9 in 1995. These statistics do not bode well for arts without the support of a federal endowment.

CONTROVERSIAL NEA GRANTS

I have heard some Senators criticize the questionable content of past NEA grants. I agree there have been mistakes. Yet, throughout the NEA's 30-year history, ''objectionable'' grants have amounted to only 45 out of more than 112,000 grants. This figure translates to approximately four-one-hundredths of 1 percent of all grants. Few other federal agencies can claim the same small proportion of error or high rate of success.

NEW REFORMS

NEA grantees must now adhere to strict guidelines to ensure quality content: all grants to individual artists have been eliminated, all grants to organizations must be for grants specifically described in the application, all grantees must file interim and final project reports, and all grantees must seek written permission in advance to change grant activities proposed in the organizational application.

In conclusion, Mr. President, I remind my colleagues that most great civilizations are remembered primarily for their arts. Already, the United States spends nearly fifty times less on the arts than any of its major allies. The National Endowment for the Arts represents a national commitment to our nation's culture, history, and people. If the NEA were to be privatized, block granted, or eliminated, not only would we suffer a great economic loss, but more importantly Americans, particularly those living in rural and low-income areas, would suffer a great loss. The NEA benefits our young people, our communities, and our economy. We cannot deny our citizens this national treasure.

Ms. LANDRIEU. Mr. President, I rise before you today to express my support

for the NEA and to articulate the importance of preserving the arts in America. I would like to take this opportunity to briefly describe to my colleagues how the NEA, in it's unique capacity, has strengthened the values and cultural education of the people in my state. Specifically, it has played a critical role in enhancing the local talent and in funding community education activities for all Louisiana families and children. Mr. President, not only has the NEA provided access to the arts for the less advantaged in all of the 64 parishes, reaching a total audience of 7.5 million Louisianians by funding programs like philharmonics, ballets and training for young talented inner-city artists, but NEA has also played a vital role in supporting cultural tourism. The NEA-funded arts programs have remained a consistent source of economic revenue for Louisiana with our rich musical and cultural history. We have a brilliant history of talented local artists and renowned musicians that people from all over the world come to Louisiana to experience. Mr. President, as a nation that values the promotion of individual creative talent and these contributions to our cultural fabric, I encourage and respectfully ask my colleagues not to abandon our national responsibility and to support an equitable balance of grant distribution to the NEA. We have all seen the NEA adhere to the valid concerns of my colleagues, Senator HELMS and Senator SESSIONS. I give Jane Alexander her due credit for putting in place a new organizational structure—including the elimination of all sub-grants and grants to individual artists. Yes, there are clear examples in the past where the NEA should have used better judgment, but I ask my colleagues to concur that this is by no means grounds to deny our children the right to access the arts—and not just on the state level in the form of block grants—but with a national commitment. Mr. President, I do not want to debate the past nor do I think I can define what is art and what is not art. However, there are clear examples across the nation where NEA funding has supported the very talented and worthy people we all represent. I support my colleagues' efforts to continue to fund the NEA and to establish a permanent endowment fund that, matched with private funds, would continue the successful private/public partnerships the NEA has created. I look forward to the opportunity to work with my colleagues to find an agreeable funding formula that will show the American people that this Congress values and supports American culture, our creative talent and the arts.

Mr. BINGAMAN. Mr. President, how much time remains if there is time allocated on my side on this issue?

The PRESIDING OFFICER (Mr. FAIRCLOTH). All the time in opposition to the amendment has expired.

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

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much time as I might consume.

I do want to be responsive to some of the comments that were made by those in opposition to this amendment.

They have suggested over and over again that difficulties are isolated, that they are misrepresented. And I want to bring some sense of authentication to the kinds of things in which I have been involved.

In talking about the poem ''Lighght,'' if that is what this poem is, the one-word poem, there was a question about the documentation for the payment of $1,500 for the poem. The documentation we have is from Policy Analysis, August 8, 1990, No. 137, ''Subsidies to the Arts: Cultivating Mediocrity,'' by Bill Kauffman. And I quote:

> The NEA has been more patronizing than patron to the towns and villages of Middle America.

So that is interesting to me, and especially in light of the remarks of the Senator from Iowa as if the NEA has been a savior to middle America.

An example: In 1969, NEA grantee George Plimpton, editor of the American Literary Anthology/2, confounded observers by paying $1,500 for a poem by Aram Saroyan consisting of a single misspelled word, ''lighght.''

That is interesting. We have been through this particular poem. This is the entirety of the poem for which taxpayers paid. I suppose you can say it is a better poem if you put it on a bigger piece of paper so that you have a sense of the calligraphy involved. I will be willing to concede that, although I think the Senator from Iowa says it did not mean much to him anyhow.

But it is kind of an interesting thing, when an assistant to an Iowa Congressman asked this grantee about the meaning of the poem, here is what the person to whom we gave the Federal funds for the distribution among other authors in the assemblage of this work said. The editor replied, ''You are from the Midwest. You are culturally deprived, so you would not understand it anyway.''

When the representative of the agency that is doling out grants treats American people who ask that kind of question, about whether or not this is an effective expenditure of tax dollars, that way, I do not think that is really such an enriching experience for our culture so that we need to continue that kind of subsidy.

There has been a persistent stream of suggestions additionally from those in opposition to this amendment that there is no problem in the way the grants are awarded, and that as a matter of fact these are done by independent groups and they do not have any particular slant. That is simply not the way the world looks at it when the world reviews these things.

From an article by Jan Breslauer, in a special to the Washington Post—and certainly the Washington Post is not some sort of conservative journal. Jan Breslauer is from Los Angeles and I believe is normally a critic for the Los Angeles Times in their arts department. She puts it this way, that the NEA has had a bad impact on art. It has—according to her—''. . . quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else.''

So in choosing people to assemble anthologies or in choosing publishers to favor or in choosing artists to favor, here is an independent individual who writes for the Los Angeles Times, writing in the Washington Post, and here is what she says about it on March 16, 1997.

Perhaps this poem that I used as an example is a poem from years gone by. It happens to be a lot cleaner than any of the other examples which are objectionable now. There are a lot of materials that I simply could not bring to the floor in good conscience. I held one up a moment ago that showed what we had to mark out in order to bring it to the floor.

But she puts it this way, that what has happened here is that the NEA ''. . . has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural difference above all else.''

I would expect that to be something that hurts the culture. When the Government spends $100 million to favor people who will emphasize racial, sexual and cultural differences, that is bad for America. My colleague and friend from Iowa can hold up 2 pennies and say this is what it costs. Well, he can show me the line on the appropriations, if he chooses, that says it costs 2 cents, but the truth of the matter is we are debating $100 million in expenditures here, $100 million in expenditure that, according to this independent observer, says it emphasizes our racial divisions. We don't need anyone to emphasize the divisions in this country racially, our divisions sexually, or our cultural differences.

America needs to get beyond our differences. We need to be one nation united. We don't need to be a place where we emphasize these differences.

She says, ''The art world's version of affirmative action, these policies haven't excited much controversy, but they have had a profoundly corrosive effect on the American arts.'' Now, here is the real trigger. She states a condition which would make this very serious and adverse to our culture, and then she says, the truth of the matter is this hurts the arts. Then she goes on to say how it hurts the arts, ''pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.''

You have a situation where an independent observer says, all of what the

NEA says aside, she says they emphasize things that divide us in race, culture, and sexual matters, and that they pigeonhole artists by getting them to know, if you want a grant from whomever it is that the NEA allows to make these designations, you have to satisfy a politically correct agenda.

It is interesting to note that there are those who are eager to satisfy a politically correct agenda, and in a list of projects that was favored with funds just this year, $60,000 was given to the American Conservatory Theatre Foundation in San Francisco in order to put on a play by Tony Kushner. Here is what Tony Kushner said about art: Art should be used to ''punish Republicans.'' I suppose you can say that the funding of his plays is not a problem. You might say that more eagerly if you sat on the other side of the aisle than if you sat here, but frankly, I don't think anybody on any side of the aisle should want a Government subsidy that goes to people who say one of the purposes of art—and especially a subsidy for their art—is to punish any political party.

I would be ashamed if I were hearing arguments in favor of a subsidy for some sort of literature which was designed to punish Democrats. I disagree with Democrats, but I don't think they are to be punished because they don't agree with me. I don't think we need a subsidy for artists or authors or poets who would punish them or otherwise speak against them.

I think that is what Jan Breslauer was talking about when she said we are driving artists into a politically correct agenda. If you want to get the grant, you have to say things like the playwright whose plays are being subsidized in San Francisco, that art should be used to ''punish Republicans.''

Incidentally, there is a list of things here of similar sorts of grants, the kinds of things that I don't think any of us would really want to support.

I should mention that Jan Breslauer, in her special to the Washington Post, of the Los Angeles Times, is not the only art critic who says we have been wasting money on politically correct art. William Craig Rice, from Harvard University, put it this way: ''The marketplace, with its potential for democratic engagement and dissemination, is hardly the enemy of the arts. The burgeoning American theater of the 19th century owed nothing to Washington. In fact, any system of selective, expert-dictated Federal support for the arts would have been anathema to the rollicking impresarios of that era.''

Here you have a poet who says, ''Wait a minute, we had great art. We had great poetry. We had great drama. And we had a system of selecting and supporting on a selective basis art during that era. It would have been an anathema, an enemy, a corrosive impact on those who were involved in the art community; creative people expressing, and audiences receiving, without the independence or the confidence to pit their taste against those critics, performers, and artists.''

The point I am making, is the U.S. Government has no business spending $100 million—you can talk about it being 2 cents if you want; I guess you can talk about it being 2 cents. The truth is $100 million is $100 million. To me that is significant. Most people in my State realize $100 million is significant.

More important is the fact that Government should not be favoring one kind of speech or one kind of expression over another kind of speech or another kind of expression. We should not be highlighting someone's idea of what is good or what is bad.

I move to another individual, Hilton Kramer. This was published in the Indianapolis Star, in 1993. Kramer believes that the NEA has ''gutted the initiative of private patronage.'' He says that private donors lack the confidence of their own taste. Now they ''wait to piggyback on NEA certification before they commit.'' So they wait to see who the Government says ought to be favored and who the Government says shouldn't be favored, and then the private donors pile on. I think that is inverted. We have distorted the marketplace by putting Government funding into the marketplace.

Now, back again, to the first question of the Senator from Iowa about the one-word poem. He says we only paid $107 a letter for this poem. I say we paid $214 a letter for this poem based on the article in the Policy Analysis, but let's just reduce the price. I will give it to you cheap, Mr. President, $107 a letter for this poem. Yes, it was 30 years ago, but have the abuses been corrected? Absolutely not.

I talked about a book, ''Blood of Mugwump.'' He says it was disavowed by the National Endowment for the Arts. Here is what the National Endowment for the Arts says in its letter to the publisher, massively subsidized in publishing this book: ''The progress report which you filed with this agency erroneously included 'Blood of Mugwump' as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.'' I want to know who knows what book was supported when they got the grant. Would the publisher know? If you were the businessman running the printing press, would you know how you spent the money? Apparently the people who publish the book thought they spent the money that came from the Government on the ''Blood of Mugwump'' book.

That is why on the book itself they put the seal of the National Endowment for the Arts. That is what the publisher thinks the money went for. It may be that the National Endowment for the Arts decided they didn't want to claim credit for the book when they saw what they had gotten, although I am puzzled by that, too, because of a letter I have seen from Jane Alexander, the Chairman for the National Endowment for the Arts, to the U.S. House of Representatives some 2 months after disavowing this book. In March they say we don't want to claim credit for ''Blood of Mugwump,'' and we think you have mistakenly or illegally or inappropriately—in a letter from the general counsel—we think you have mistakenly, illegally, or inappropriately included the fact that you spent the money.

It looks to me like the author or publisher knew where they spent the money. What do they say about a publisher who does this later on? Here is what Ms. Alexander says about that publisher. She says, ''The [American Family Association] also criticized the agency for supporting Fiction Collective 2 (FC–2), a small publisher at the University of Illinois, which has introduced some of our newest minority writers of quality to the American public. Over the years, FC–2 has sustained a commitment to intellectual challenge, and some of America's greatest writers have supported it.''

She goes on to endorse the publisher. We provide the funding for which the publisher says part of what we got for it was ''Blood of Mugwump.'' Here is a letter saying you better not say we helped publish ''Blood of Mugwump,'' and then they endorse the publisher and say what a fine group they are.

You don't have to read too far between the lines to find out what is going on.

Incidentally, the ''Blood of Mugwump'' volume is one which is frankly so repugnant to the values of America—it talks about a clan of Catholic, gender-shifting vampires who get infections, viruses, by reading prayer books. The virus comes in through the eyes. I really cannot imagine this is the kind of thing we want to suggest to the American people, that the way you get the kind of fatal diseases or the way you really get involved in things that are counterproductive is to somehow be involved with religious artifacts or read a prayer book that will get you infected so you start eating your own flesh or the flesh of others.

I had my staff look at the book and just Xerox a couple pages. I told them I didn't want anything that would offend the conscience of the American people if I showed it on television, to mark out that which should not be shown on Senate TV, and that is what came from the book. It carries the so-called Good Housekeeping Seal of Approval of the National Endowment for the Arts.

It is kind of interesting, though. Here is another set of individuals who have been careful about their statements, and I think they are appropriate. There have been a lot of suggestions here that this is important or we will not have anybody who is not well to do who can appreciate art or participate in art. I think that is nonsense.

They talked about Robert Penn Warren having been included in the anthology of poetry. The truth of the matter

is Robert Penn Warren wrote his famous ''All the King's Men'' in 1945, 20 years before the National Endowment for the Arts came into existence. He was a nationally known, world-renowned author.

The truth of the matter is we have had great individuals who have not received NEA grants. The suggestion that because a few people have succeeded or a number of people have succeeded after they have received a Federal subsidy and that they somehow could not have succeeded without a Federal subsidy, I can't really follow that logic.

America has been full of good people who have written well and have produced well artistically. I don't think there has been any suggestion they have all been born to rich parents or even predominantly born to wealth. I don't think the ability to express one's self correlates to whether or not you have wealthy parents. It certainly doesn't correlate to whether or not you have been favored with a Federal grant.

One thing that does correlate is the fact that most Federal grants, or a large portion of them, go to support institutions that the wealthy patronize far more than the poor do.

I am quoting again from Policy Analysis in an article by Mr. Kauffman, No. 137, ''Take art museums, a favorite NEA beneficiary. Eighty-four percent of art museum visitors have attended college; less than a third of the entire population has.'' So people who are getting that subsidy are people who are very well educated. He said ''Blue-collar workers constitute 47 percent of the workforce but just 7 percent of the art museum audience.''

So you have basically one-seventh of the art museum audience that is blue collar.

I am not saying we should not have art museums, but I am saying we ought to be careful, when we talk about subsidies, that we don't suggest to people we are subsidizing things for people who cannot afford them when in fact we are subsidizing programs for people who can very well afford them.

Robert J. Samuelson, a well-known, outstanding economist and commentator, put it this way, calling subvention of the arts ''highbrow pork barrel,'' and ''an income transfer from middle-class taxpayers to affluent museum goers.''

Now, I think the point is that to suggest that the National Endowment for the Arts is some way that we somehow open a door for everyone who is poor to become a great artist is simply to misinterpret what is happening here. All too frequently, the National Endowment for the Arts is subsidy for well-to-do individuals to be able to do what they would do anyhow. I believe that our responsibility to tax Americans is not related to providing subsidies for people to do what they can do on their own. Maybe Abraham Lincoln said it better than anybody else, when he said that ''The role of Government is to do for people what they cannot do well for themselves.'' I think these are things that can be done well.

There has been some suggestion on the part of those who would oppose this amendment, also, that the existence of good authors who have received help shows that we should have been subsidizing the program. I don't think that proves anything at all. You can have a good baseball player who got some help from the Government; does that mean we should have a program to subsidize baseball? You have to look at what happens in the absence of a subsidy and what happens in the presence of a subsidy. I think if you look at the first 200 years of this Nation's existence, basically where we had no subsidy, the quality of art was very good. As a matter of fact, it may have been better than it is today.

In many respects, whenever you provide a subsidy, you pay for something that the public would not pay for. Now, usually the public won't pay for things that are not as good. In business, for example, if you have a subsidy for something and it won't exist unless you subsidize it, it means that the market doesn't really believe that it is worth what people would be asked to pay for it and it simply doesn't survive. So that subsidies themselves become a way for picking up things, in many respects, at the bottom end of quality. I won't deny that there may be fledgling artists who may be beginning and might want to try and find somebody to provide them a stake so that they can get started. But people who find their way into other professions don't have a means of getting started in their writing, in their music, and in their paintings. For my music and for my writing, I have never had that kind of subsidy. I have done it on my own. It is not that I resent those who do. But I think it is important for us to understand that when the Government chooses one and denies another, it expresses a special set of values. In my view, that special set of values is something that we ought to be careful about, especially when that special set of values is found in books like ''Blood of Mugwump,'' where you have people who are sexual deviants and vampires, who involve themselves in cannibalism and other things as a result of their problems, which come to them because they were involved in religious experiences. I think that is an affront. I am not a Catholic. I am grateful for my Catholic friends and for the influence of the Catholic Church in this culture. But if I were, as a Catholic, to look at the book ''Blood of Mugwump,'' about a Catholic family group of vampires with all this deviance and were to learn that it suggested in the book that many of their problems come as a result of a virus that infects them because they are involved in prayer, I don't know if I would think that was a very appropriate book. I don't think the Government needs to be in the business of approaching this culture of literature and subsidizing this literature, if it is going to pull the spiritual underpinnings of America from beneath us.

I know there is a dispute about whether this publisher was the one that got the assistance, or whether this specific book got the assistance. The publisher seems to be representing the fact that he used the money to publish this book. The National Endowment for the Arts, having learned that people are distressed about this, now wants to say that the publisher should not have used the money for the book. But then, later on, the Chairman of the National Endowment for the Arts indicates that this is one fine publisher and it ought to be credited for what it has done to bring on line exciting new authors who would have novel approaches to the world. Some of those novel approaches would certainly be best left without a Federal subsidy, in my judgment.

I observe the presence in the Chamber of other individuals, such as the senior Senator from North Carolina. I reserve the balance of my time at this moment and suggest the absence——

Mr. GORTON. Will the Senator withhold that?

Mr. ASHCROFT. Yes.

Mr. GORTON. Mr. President, I believe the senior Senator from North Carolina wishes to speak. I understand that the senior Senator from Illinois would like to speak and doesn't have any time left on her side. I ask, how long does she wish to speak?

Ms. MOSELEY-BRAUN. Thank you very much. I was going to ask my colleague if it was possible to have 5 minutes to speak, obviously, in opposition to the amendment. I know there is no time for the opponents left. If my colleagues would so indulge me, I would be grateful.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. I am certainly not going to have any objection to that request. I wanted to find out where we are in order to announce what I can announce, and this would not be inconsistent with the request of the Senator from Illinois.

It looks like this debate will be concluded at about 4:45. There will then be a vote, I believe, on the amendment. I certainly do not propose to table the amendment.

I now, with the permission of the minority leader, ask unanimous consent that immediately following the vote on the Ashcroft amendment, there be 2 minutes of debate, equally divided between Senator BRYAN and myself, to be followed by a vote on or in relation to the Bryan amendment No. 1205.

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

Mr. ASHCROFT. May I inquire as to the current state of business in the Senate then? What has been done? Has the Senator from Illinois been granted time to speak?

Mr. GORTON. I don't think the request has been formally made yet.

Ms. MOSELEY-BRAUN addressed the Chair.

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

Ms. MOSELEY-BRAUN. Reserving the right to object, and I will not object, necessarily. I wanted to know if the Senator from Washington would be prepared to allow me to speak.

Mr. GORTON. The Senator from Washington is not going to object to a request by the Senator from Illinois.

Ms. MOSELEY-BRAUN. Could the unanimous-consent request be amended to provide 5 minutes for the Senator from Illinois before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, reserving the right to object. May I inquire as to how much time is left for debate on this?

The PRESIDING OFFICER. There are 18 minutes 14 seconds for the Senator from Missouri and 5 minutes for the Senator from Washington.

Mr. ASHCROFT. Is it my understanding that the Senator from Washington is yielding his 5 minutes to the Senator from Illinois?

Mr. GORTON. That understanding would not be correct.

The PRESIDING OFFICER. That is not the case.

Mr. ASHCROFT. Then is it my understanding that the Senator from Illinois is asking that the proponents of this amendment, who have 18 minutes left, yield to the opponents an additional 5 minutes from their time?

The PRESIDING OFFICER. No. The request, as I understand it, of the Senator from Illinois was simply for an extra 5 minutes—to delay the voting time 5 minutes to give her an additional 5 minutes.

Ms. MOSELEY-BRAUN. Mr. President, again, as a matter of deference to my colleagues, if they are prepared to give 5 minutes of debate to the opponent, I would be grateful to accept that. Alternatively, if the proponents of the amendment would agree to add an additional 5 minutes, I would be grateful for that. Really, I am not concerned as to the source of the time. I would like to have some time to speak to this before a vote takes place.

Mr. ASHCROFT. 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. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Is there objection to the request of the Senator from Illinois?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, is my unanimous-consent agreement on the stacked votes agreed to?

The PRESIDING OFFICER. That has already been agreed to.

Mr. GORTON. One other point, for the convenience of colleagues. When those 2 stacked votes have been completed, we will go to the Abraham amendment and, after that, on the other two amendments that have already been extensively debated on the National Endowment for the Arts, I believe there will be 30 minutes equally divided agreed to on each of those. Whether or not those votes will be stacked to occur all at the same time or not is yet undecided. But there will be more votes this afternoon. There will be more debate on the National Endowment for the Arts.

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

Ms. MOSELEY-BRAUN. I thank the Chair. I am going to try to be brief. I have a lot to say and I will try to summarize. Some friends of mine were having a conversation over dinner, and their 5-year-old was sitting at the table. They were talking about this issue, the funding for the National Endowment for the Arts. And midconversation, the baby looked up and said, ''Mommy, do Republicans hate Big Bird?'' The answer is obviously that Republicans don't hate Big Bird and, in any event, ''Sesame Street'' is only indirectly supported by the National Endowment for the Arts. But there is little question but that some have made this issue one of those wedge issues to inflame passions about cultural values and the role of Government, to pit people against each other and, again, to make us angry at each other as Americans, and focus in on those things that make us different from one another, on the things that separate us instead of the things that bring us together.

Public support of the arts ought to be one of those points around which we as Americans can come together, because it is one of the ways in which we define ourselves as Americans and in which we communicate the richness of our American culture.

The NEA follows in a noble tradition of publicly supported art initiatives. Just last night, we were over at the Library of Congress, and there we had an opportunity to see firsthand what public support of the arts can do. That building is one of the more magnificent treasures of this country. I hope every American can have the opportunity to see it. I was particularly impressed by the room in which we held our meeting, which had been built by American craftsmen—publicly supported, following the end of the Columbian Exposition in my hometown of Chicago—who brought a variety of skills to bear on its creation, the woodworking, plaster work, painting, ceramics—some so beautifully done that it lifted spirits just to look at them.

Some of them were so refined that, frankly, the talents, skills, and art involved are in danger of being lost to us forever.

Then in another part of the Library of Congress, there is a wonderful exhibit of the Works Progress Administration that was started, as you know, during the Depression, by President Roosevelt. President Roosevelt started WPA to hire starving artists, and, frankly, every American should be grateful that he did. The work that they did, preserved for us the indigenous music out of the Delta of Mississippi, folk music and blues—and oral histories that would have been lost to us forever. We would not have the value of the photographs and the paintings and the music and the original art that had been created all over this country had it not been for the activities and intercession of the WPA. And so they did all of this wonderful stuff and left it as a legacy to all of us.

By and through the arts, the cultural fabric of our country was reinforced during some of its darkest days. Now the National Endowment for the Arts, which was created in 1965, is under attack again. I point out what their charter says. It says: ''To foster excellence, diversity and vitality of art and broaden public access to the arts.''

That is the charter; that is what NEA is supposed to do, and that is what it in fact has done. Has it followed tradition? A look at the good things it does for our country resoundingly answers that question. In Illinois, it has supported the YMCA of Chicago, The Lyric Opera, the Art Institute, and other large institutions that might have private support, but then it also, most importantly, supports those smaller institutions that would not have the help otherwise.

We have in Illinois received NEA grants for the Peoria Symphony and the Little City Foundation, Glenn Ellyn Children's Choir—activities that would not have the support and would not be able to leverage private dollars were it not for the NEA.

These community initiatives educate children, provide adults with the tools to socialize our young people, help communities to build on positive values which art inspires.

I would like to quote from Tolstoy for a moment who defines art ''as a human activity having for its purpose the transmission to others of the highest and best feelings to which men have risen.''

Obviously, this amendment, I think, takes the position that if you do not have private money, those positive values won't be available to you or to your community.

Have there been embarrassments among the projects supported? Of course there have. As with any art, some of it will at all times be repugnant to somebody. There is 16th century art around that some of my colleagues will find offensive. That is a matter of their personal taste. But the truth is that in any republic such as ours the freedom we enjoy starts with the proposition that individual expression is a positive value. Instead of allowing for the fact that expression will be of all kinds, the sponsors of this

amendment would shut down all expression because they don't like some of it.

I urge my colleagues to reject this attempt to divide us as Americans, and I urge their support of the NEA.

I thank my colleagues for their indulgence and thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from North Carolina, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair. I hope the Senator will yield to me 5 or 6 minutes.

Mr. ASHCROFT. The Senator from Missouri is pleased to yield as much time as the distinguished Senator from North Carolina desires.

Mr. HELMS. I certainly appreciate it. I would have been here earlier but we had a meeting on China in the Foreign Relations Committee. I couldn't leave. The witnesses were long-winded, as well as some others.

But I compliment the distinguished Senator from Missouri. I have been in the same position that he has been in for several years. It is pretty lonely. But the people all across this country will admire the Senator from Missouri for it, and the Senator will hear from them—people who believe in high principles and morality. I just want the Senator to know that he is not being overlooked.

I want a few minutes this afternoon to reflect upon an Associated Press report published Tuesday morning quoting NEA spokeswoman Cherie Simon as claiming that ''legislative restrictions'' and ''internal reforms'' have solved the NEA problem and that the NEA ''didn't fund some of the programs as HELMS condemned''.

Mr. President, isn't it interesting? You have a little lady —and I know she is a nice lady because she is somebody's daughter, but I never heard of her—make this statement, which is not true in the first place, that the NEA is not furnishing taxpayers' money for a whole plethora of rotten material. No other word will fit. This dissembling has been going on, but every year they come up, and say, ''Oh, no. Not us. We just fund nice things.''

It is sort of like the farmer who heard some noise in his chicken house. He said, ''Who is out there?'' He heard a voice say, ''Just us chickens.'' And that is all the NEA says. I like Jane Alexander. I have met with her. But they are evading the issue every year. They are getting money that they ought not to get every year.

If spokeswoman Cherie Simon, whoever she is, believes that ''legislative restrictions,'' as she put it, and ''internal reforms,'' as she put it, have, as she put it, ''solved'' the problem, she needs to wake up and smell the coffee because she obviously didn't understand the problem in the first place. The truth is that legislative restrictions and internal reforms mean simply that the NEA has been using subterfuge and sophistry to spend the taxpayers' money on programs that every year outrage the taxpayers.

So the NEA wants to deny funding this filthy book, with all of their double talk about who is paying for it, or who has paid for it. This book, called ''Blood of Mugwump'' by a fellow named Doug Rice—the saints have been good to me; I have never heard of him before—the most filthy thing I believe I have ever read. And I have not read but about half a page of it. But down here it says—what do you guess? The National Endowment for the Arts. Up here it says that the National Endowment for the Arts is furnishing the money through the English Department for Contemporary Literature of Illinois State University, Illinois Arts Center.

That is the way it always is—subterfuge about what is going on with the taxpayers' money.

I am informed that while I was over in the Dirksen Building presiding in the Foreign Relations Committee, Senator HARKIN inserted a letter from the NEA disavowing NEA connection with the book. Yet, even the letter acknowledges that it was published by FC2. That is the publishing company, FC2. And FC2 put the NEA seal of approval on the copyright page of this book. All I am doing is reading it to you.

The point, Mr. President, is this: The NEA and the FC2 can cook the books all they want to, but they know what this publishing company is all about, and they know about the filth that they have published, particularly in this book. There is not a Senator in this body who will take this book home and show it to his wife, or her husband, let alone their children. It is filth. And the taxpayers paid for it. No matter what Cherie Simon says about it, the taxpayers of America paid for this book.

On June 24 of this year—long after the Senator from Iowa claimed that the NEA disavowed ''Blood of Mugwump''—Jane Alexander wrote that FC2—get this—''FC2 has sustained a commitment to intellectual challenge. . .'' That is the lady who heads the agency. That is the lady whom I like personally. She is a nice lady. But I don't know where she is when all of these decisions are made. This book sure is an intellectual challenge, isn't it?. I wish every citizen of America would take a look at it; they'd want to throw it in the furnace.

Perhaps we should examine another example of how these legislative restrictions and internal reforms work.

The other day on this floor I mentioned a grant—for fiscal year 1997—for a project by choreographer Mark Morris. This is the same guy who once staged a version of The Nutcracker Suite complete with cross-dressing and other unsavory themes.

If the folks at the NEA want to say that the taxpayers didn't fund that piece of work, they might be accurate. But, knowing this fellow Morris and his background, the NEA will nevertheless—nevertheless—funnel $150,000 of the taxpayers' money this year to support his future work.

That is what is going on. They come forth with obfuscation and confusion, Mr. President, and they hoodwink a lot of Senators. They didn't hoodwink them over in the House of Representatives.

The amendment of the Senator from Missouri deserves to be approved on a unanimous vote. It won't be, because there are enough weak sisters sitting around that will find some excuse for not voting for it.

But I commend the Senator, and I praise him for taking the time to address this subject.

One final note. I think it is time to end the charade at the NEA and just acknowledge to the taxpayers once and for all that Congress will no longer waste money on this Federal agency. So the Senate of the United States ought to do the right thing today by adopting the amendment of the Senator from Missouri.

Thank you, Mr. President.

I yield back such time as I may have.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Washington.

Mr. GORTON. Mr. President, this should be charged to my own time on this amendment.

Mr. President, I recommend to my colleagues the rejection of the Ashcroft amendment with a degree of sympathy and understanding of the purity and the sincerity of his motives. I don't intend to go into great detail on it. Personally, I think there has been too much detail spent on this amendment and this bill already.

Fundamentally, however, there are large numbers of people in the United States who believe passionately in the mission of the National Endowment for the Arts. There are millions more who benefit from it directly or indirectly through the various institutions, musical and otherwise, that it supports and the outreach in educational benefits that they provide. At the same time, there is not the slightest doubt but that the National Endowment for the Arts frequently follows the most recent politically correct trends, that it has wasted some of the money that has been granted to it and has financed other exhibits under the broad definition of ''art'' that are fundamentally offensive to large numbers—often to a majority of the American people.

I believe that the reforms of the last few years have to a significant degree corrected that shortcoming but that no set of reforms could correct them forever, simply because we have grants at two different levels. The first are the direct grants from the National Endowment itself over which we should exercise at least a degree of control that we already have and about which the National Endowment should be even more sensitive than it has been in the past.

The second level, of course, are what grantees do with grants that they get from the National Endowment for the Arts. The process is more difficult for us to control and often presents some difficulty to the Endowment itself.

I have little doubt that there are those at the extremes of the art community who deliberately go out of their way to use money to offend a majority of Americans. But I want them to control the ultimate outcome of this debate no more than I want it controlled by those who would remove all limits from the National Endowment and spend far more money on it than we are doing at the present time.

I believe that on balance it is a healthy influence in American society and, therefore, I think agreeing with the House in abolishing it, as this amendment would do, is inappropriate.

I have a somewhat greater degree of sympathy with those proposals that would decentralize it and give more to State art entities, although I must say I am not at all sure they are going to be less politically correct than is the National Endowment itself. My own opinion is that it is likely that we will come out of the conference committee with a somewhat more decentralized system than we have at the present time.

But, for the purposes of this debate, I don't believe that the Senate is going to accept the Ashcroft amendment. There was no sentiment for it on the 15-member subcommittee that I headed that reported this bill, and I do believe this is a case in which we should strive for greater improvement and greater public acceptability rather than destroy the entity in its entirety.

I yield the remainder of my time.

I believe it is appropriate for the proponent of the amendment to have the last word.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank the Senator from Washington. I believe the 8 minutes that I have remaining will be sufficient for me.

I want to begin by thanking Senator HELMS for his understanding of the fact that subsidized speech, the process of identifying for Americans what they should value and what they should not in terms of ideas, somehow selecting between one author and another, has been a bad concept. It has been a bad concept which turned into a horrible concept as we have literally wasted resources, and it has been a waste of resources from the inception. I provided examples from the 1960's, and I have examples from the 1990's.

Now, part of the activity on the part of the group that would seek to praise the National Endowment and say that it is just fine is the suggestion that the NEA disavowed involvement in the publication of the ''Blood of Mugwump'' book.

In March this year they said to the publisher: You shouldn't have used the money on ''Blood of Mugwump.'' And this was brought to the floor by the Senator from Iowa as testimony that the National Endowment had nothing to do with the scandalous and literally revolting attack on faith and on persons of spiritual values and upon morality that the ''Blood of Mugwump'' book represents. And obviously, the National Endowment, having been caught in this indiscretion, feels bad about it and seeks to repudiate it. But the Senator from Iowa did not provide the additional documentation showing that 5 months before that the publisher was submitting a reimbursement form that included ''Blood of Mugwump'' as part of what was being subsidized.

Mr. President, I ask unanimous consent that this ''Request for Advance or Reimbursement'' form to which I am referring be printed in the RECORD.

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

REQUEST FOR ADVANCE OR REIMBURSEMENT

(Long Form)

Please type or print clearly.

Complete and mail the top three copies to: Grants Office, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506–0001 OR–FAX one copy to 202/682–5610. Do not do both.

If you need assistance, call 202/882–5403.

☐ National Endowment for the Arts
☐ Grant #96–5223–0091
☐ Type of payment requested
a. ☐ Advance
☐ Reimbursement
b. ☐ Final
☐ Partial
☐ Basis of request
☐ Cash
☐ Accrued Expenditures
☐ Payment request #2
☐ Grantee account or identifying #13–2957841
☐ Period covered by this request (month/day/year)
From 8–15–16 To 11–15–96
☐ Grantee (Official IRS name/mailing address)
Fiction Collective, Inc. Unit for Contemporary Literature Illinois State University Normal, IL 61790–4241.
☐ Remittance address. Complete only if different from #8.
For faster payment, complete #14 below.
☐ Computation of amount requested:

a. Total project outlays to date (As of 10–10–96).	$18,000
b. Estimated net cash outlays needed for advance period ...	7,000
c. Total (a plus b)	25,000
d. Non-Endowment share of amount on line c	0
e. Endowment share of amount on line c (c minus d)	25,000
f. Endowment payments previously requested	16,000
g. Endowment share now requested (e minus f)	9,000

☐ Reminders:

a. Authorizing Official. This form must be signed by an authorizing official who either signed the original application or has a signature authorization form on file. If necessary, submit an updated signature authorization form.

b. Labor Assurances. In signing below, grantee is also certifying to the Assurances as to Labor Standards printed on the reverse of this form.

c. Progress Report. Complete #12 the first time the cumulative amount requested exceeds two-thirds of the grant amount. Consult the Reporting Requirements document included in your grant award package for guidance on the content of this report.

☐ Progress report. Please respond in the space provided.
☐ Authorizing Official: To the best of my knowledge and belief, the data reported above are correct and all outlays were made in accordance with grant conditions. Payment is due and has not been previously requested.

Signature: Curtis White.
Name/Title: Co-director.
Contact Person: Curtis White.
Date 10–10–96.

Mr. ASHCROFT. Mr. President, the situation is simply this. The publisher in the previous year was claiming that it was publishing with the grant the ''Blood of Mugwump.'' I think the record is clear. It may be that the National Endowment for the Arts doesn't want to say that the money, our money, your money, my money, taxpayers' money was being used for what was obviously revolting or repugnant literature. But the publisher knew what he was using it for and his request for reimbursement submitted to the agency well before, during the previous year indicated that the utilization of the resource was for ''Blood of Mugwump.'' Nevertheless, the National Endowment for the Arts says that its grant wasn't ''Blood of Mugwump.'' It was books like this one, ''S & M.'' Frankly, I could not read a page out of this book that I have seen to the Senate; I could not read it in my home, could not read it anywhere else. It says on the front, ''It's funny. It's smart.'' It is not, not at all.

Fellow Members of the Senate, the United States of America has been a culture that's been rich in good art and has been rich in good culture and has attained a level of being a world leader not because of Government sponsorship, not because of Government telling people what's good and what's not good and awarding scholarships or grants to one group and not to another. We attained our level of greatness in the absence of those things and in the presence of a free marketplace, in the presence of freedom for art.

Less than a month before John Kennedy was assassinated, less than a month before he died, he was asked to speak at Amherst College in Massachusetts to praise American poet Robert Frost. John Kennedy talked about art and about freedom and about how artists need to be free in order to express themselves with integrity and how Government might corrupt that process.

Now, you have to understand that there was no such thing as the National Endowment for the Arts in the lifetime of John Kennedy, President of the United States, assassinated in 1963. This program, the National Endowment for the Arts, was part of Lyndon Johnson's discontent with America, thinking we could make it a great society by infusing Government money everywhere. And you know what he did to

the family; you know what he did with the welfare system, and you are seeing what he did to the arts.

Here are the words of John F. Kennedy.

> For art establishes the basic human truths which must serve as the touchstones of our judgment. The artist, however faithful to his personal vision of reality, becomes the last champion of the individual mind and sensibility against an intrusive society and an officious State.

Let me just say that again and see if I can say it more clearly. John Kennedy says that the artist becomes an individual who stands against the intrusive society and the officious State. He sees the artist as a line of defense against statism. He sees it as a bulwark of freedom—John Kennedy. I wonder what he would have thought if the officious State was to be guarded by an artist paid by the State.

He goes on to say:

> The great artist is thus a solitary figure. He has, as Frost said, ''a lover's quarrel with the world.''

Then John Kennedy is eloquent and insightful.

> In pursuing his perceptions of reality, the artist must often sail against the currents of his time. This is not a popular role.

Well, against the currents of your time is not what we find is happening with the National Endowment for the Arts. They are directing the current. We have gone over and over the article by Jan Breslauer from the Los Angeles Times which reminds us that they are demanding that artists be politically correct in accordance with what the Government would dictate.

That is really not rising to the challenge of being against the officious State. That is falling into the trap of being a participant of the officious State telling citizens what to believe and how to think. So when John Kennedy was praising Robert Frost, John Kennedy put it this way:

> In pursuing his perceptions of reality, the artist must often sail against the currents of his time.

Perhaps he might even dare be politically incorrect, but were he to do so, woe be unto his chance of being identified for a grant from the NEA.

Kennedy spoke in praise of Robert Frost who, without subsidy from the Government, wrote eloquently:

> Two roads diverged in a wood and I, I took the one less traveled by, and that has made all the difference.

America could have art that was subsidized, controlled by, directed by Government. It can happen. You can look at the art of the Soviet Union of the last 70 years. They had art. They took the artists that weren't acceptable and they banished them. Solzhenitsyn was one of them. We don't manage artists but we identify ones for approval and others for subsidy, and some of those that don't get the subsidy and don't get the approval are individuals that we ought to be looking carefully at and they should not be discriminated against. A Government which discriminates against artists by discriminating in favor of others violates our fundamental responsibility of free speech. And when it promotes morality, it undermines the very foundation and underpinnings of a culture.

We should defund the National Endowment for the Arts. We should not spend this $100 million of taxpayer resources.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. GORTON. Has all time expired? I assume that the Senator from Missouri wishes a rollcall?

Mr. ASHCROFT. Yes. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft amendment numbered 1188. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—23

Allard	Hagel	McConnell
Ashcroft	Helms	Nickles
Brownback	Hutchinson	Sessions
Coats	Inhofe	Shelby
Enzi	Kyl	Smith (NH)
Faircloth	Lott	Thompson
Gramm	Mack	Thurmond
Grams	McCain	

NAYS—77

Abraham	Dorgan	Levin
Akaka	Durbin	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Frist	Moynihan
Bond	Glenn	Murkowski
Boxer	Gorton	Murray
Breaux	Graham	Reed (RI)
Bryan	Grassley	Reid
Bumpers	Gregg	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchison	Santorum
Cleland	Inouye	Sarbanes
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Torricelli
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1205

The PRESIDING OFFICER. The question now occurs on amendment No. 1205 offered by the Senator from the State of Nevada, Mr. BRYAN. Under the previous order, there will now be 2 minutes for debate equally divided between Senators BRYAN and GORTON.

Mr. GORTON. Will the Presiding Officer bring the Senate to order?

The PRESIDING OFFICER. The Senate will please come to order. This is an important amendment.

Mr. STEVENS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senate will be in order.

The Senator from Nevada.

Mr. BRYAN. I thank the Chair. Mr. President, I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor to the Bryan amendment.

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

Mr. BRYAN. I thank the Chair.

Mr. President, I say to my colleagues, I want to tell you, first of all, what this amendment is not about. This amendment is not about timber harvesting in the national forests. It does not prevent it. And it does not prevent the construction of new roads in the national forests for purposes of timber access.

What it does is to eliminate a costly taxpayer subsidy that is part of the Forest Service program, a subsidy that has been roundly denounced, and correctly so, by virtually every taxpayer group in America, such as Citizens Against Government Waste and Taxpayers for Common Sense, because it cannot be justified.

Second, this is an important environmental vote, perhaps our most important environmental vote to date because we reduce by $10 million an amount of money that is appropriated for new road construction in the national forests.

The amendment does absolutely nothing to reduce or to impede the accounts that are provided for in the maintenance of roads in the National Park System.

So Mr. President, I urge support of the Bryan amendment because it is truth in budgeting and makes sense from a fiscal point of view and because environmentally it is sound policy for the Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. GORTON. Mr. President, harvesters in national forests have declined by more than two-thirds over the course of the last several years. This amendment is designed to cause them to decline still further. Many of its principal sponsors outside of this body have as their design the entire termination of any harvest on our Federal lands. This proposal drives significantly in that direction.

The amount of money in the bill for Forest Service roads is the recommendation of the Clinton administration. The Clinton administration reflects no savings of money by the ending of the Forest Service credit. It is simply another step in the desire to see to it that there is no harvest whatsoever on our forest lands.

The PRESIDING OFFICER. All time for the debate on the amendment has now expired.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. GORTON. 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.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have cleared this request with the Republican leader.

I ask unanimous consent that I may address the Senate for not to exceed 10 minutes following this rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I would like to make a unanimous-consent request that I think will inform Members of where we are going in the next few minutes.

I ask unanimous consent that when the Senate considers the following amendments regarding the National Endowment for the Arts—that will be next—they be considered under a 30-minute time limit, equally divided in the usual form: the Abraham amendment No. 1206; the Hutchinson of Arkansas amendment No. 1187; the Hutchison amendment No. 1186. I further ask unanimous consent that no second-degree amendments be in order to these amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following the debate on the Abraham and the Hutchinson of Arkansas amendments, the Senate proceed to a rollcall vote on or in relation to amendment No. 1206, to be followed by a vote on or in relation to amendment No. 1187.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not object, there is an effort to have the Armed Services Committee meet. I was just speaking with the chairman. Would it be possible to have the votes on those three amendments lined up together at the end of the debate for all three? Was that part of the UC?

Mr. GORTON. The design of this request is that the votes on the first two be stacked, and there would be an hour between the end of the next rollcall and those two. The proponent of the third amendment does not want to stack her amendment with them. But there will be more than an hour for the committee to meet.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous-consent request is agreed to.

Under the previous order, the question now occurs on agreeing to amendment No. 1205 offered by the Senator from Nevada. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—49

Akaka	Ford	Lieberman
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Brownback	Gregg	Murray
Bumpers	Harkin	Reed
Chafee	Hollings	Reid
Cleland	Inouye	Robb
Conrad	Jeffords	Rockefeller
D'Amato	Johnson	Roth
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Thompson
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden
Feingold	Lautenberg	
Feinstein	Leahy	

NAYS—51

Abraham	Enzi	McCain
Allard	Faircloth	McConnell
Ashcroft	Gorton	Mack
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Hagel	Santorum
Bryan	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Kempthorne	Specter
Collins	Kyl	Stevens
Coverdell	Levin	Thomas
Craig	Lott	Thurmond
Domenici	Lugar	Warner

The amendment (No. 1205) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

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

Mr. BRYAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

For the moment, there is not a sufficient second.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question now occurs on the motion to reconsider the previous vote.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—49

Akaka	Ford	Lieberman
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bryan	Gregg	Murray
Bumpers	Harkin	Reed
Chafee	Hollings	Reid
Cleland	Inouye	Robb
Conrad	Jeffords	Rockefeller
D'Amato	Johnson	Roth
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Thompson
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden
Feingold	Lautenberg	
Feinstein	Leahy	

NAYS—51

Abraham	Enzi	McCain
Allard	Faircloth	McConnell
Ashcroft	Gorton	Mack
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Hagel	Santorum
Brownback	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Kempthorne	Specter
Collins	Kyl	Stevens
Coverdell	Levin	Thomas
Craig	Lott	Thurmond
Domenici	Lugar	Warner

The motion was rejected.

Mr. GORTON. Madam President, there is an amendment that might have caused a lot of debate that has been agreed to by Members on both sides. I request the President recognize Senator BUMPERS to offer that amendment. Senator BYRD has graciously agreed to give us a minute before his special order.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 1 minute for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is the Senator from Arkansas offering a first-degree amendment to the bill?

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

Mr. BUMPERS. I ask unanimous consent the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on line 9, page 123 of the bill.

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

The text of the excepted committee amendment is as follows:

SEC. 339. (a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which shall prepare and submit a report in accordance with this section.

(b) The Committee shall be composed of appropriate representatives from the Department of the Interior and a representative appointed by the Governor from each State that contains public lands open to location under the General Mining Laws. The Committee shall be established and operated pursuant to the terms of the Federal Advisory Committee Act, 5 U.S.C. ap 21 et seq.

(c) The Committee established pursuant to subsection (b) shall prepare and submit a report

to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives which (1) contains consensus recommendations on the appropriate relationship of State and Federal land management agencies in environmental, land management and regulation of activities subject to the Bureau's regulations at 43 C.F.R. 3809, (2) identifies current and proposed State environmental, land management and reclamation laws, regulations, performance standards and policies, applicable to such activities, including those State laws and regulations which have been adopted to achieve primacy in the administration of federally mandated efforts; (3) explains how these current State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contains consensus recommendations for how Federal and State coordination can be maximized in the future to ensure environmental protection and minimize regulatory duplication, conflict and burdens.

AMENDMENT NO. 1209 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

(Purpose: To modify an antienvironmental rider to permit the Interior Department to revise environmental regulations governing hardrock mining on certain Federal land)

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1209 to excepted committee amendment beginning on page 123, line 9, through page 124, line 20.

Mr. BUMPERS. Madam 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:

Strike all after ''SEC. 339.'' on page 123, line 9, of the pending Committee amendment and add the following:

''(a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of the Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

''(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication.''.

Mr. BUMPERS. Madam President, this amendment has not only been agreed to, it has been microscopically fly-specked by all of the parties for the past 24 hours. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1209) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The question now occurs on the underlying committee amendment.

All those in favor, say aye.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest the absence of a quorum.

Mr. BYRD. Madam President, I don't yield the floor for that purpose. I yielded for 1 minute. I did not yield for that purpose.

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes, under the previous order.

Mr. BYRD. I thank the Chair. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia.

THE UNITED STATES CONSTITUTION

Mr. BYRD. Madam President, today marks the 210th anniversary of the most successful political experiment in thousands of years of human history, because on this date in 1787, the United States Constitution was signed by a majority of delegates attending the Constitutional Convention in Philadelphia. This ingenious living document, thoughtfully crafted by our Founding Fathers more than two centuries ago, owes its enduring quality in great measure to one of its most basic, yet most ingenious and revolutionary ideas—namely, that the power and sovereignty of the United States Government ultimately rests in the hands of its citizens.

An active and educated citizenry, is therefore an essential component of the constitutional machinery that keeps our Government in tune. A citizen of the United States not only has the right to hold opinions, but he has a duty to work through his elected officials in behalf of those opinions. If the Government is not being run effectively, efficiently, and constitutionally, citizens of the United States have a responsibility to work to correct that course through the exercise of their right to vote. It is not only a right, it is a privilege. In other words, the Government that stands over us is ours to endorse or to change.

Unfortunately, however, a recent poll commissioned by the National Constitution Center, an organization established to better educate Americans about the Constitution, reveals that a shocking number of people in this country have virtually no knowledge of what is contained in this vital document, and, thus, have no clue about how it affects their everyday lives.

In fact, according to the survey, only 5 percent of Americans could correctly answer 10 rudimentary questions about the Constitution. That is an embarrassingly low percentage. How can citizens be expected to meet their Constitutional responsibilities when they lack even basic knowledge about how our Government operates?

While 84 percent of those polled felt that to work as intended, the U.S. Constitutional system depends on an active and informed citizenry, only 58 percent surveyed could name the three branches that comprise our Federal Government—only 58 percent. And, less than half knew how many Members make up the U.S. Senate.

These are not difficult questions, but basic knowledge taught to schoolchildren at a young age when I was coming along, and should be taught today to schoolchildren at a very young age. Yet, only 66 percent of those surveyed knew that the first ten amendments to the Constitution are called the Bill of Rights—only 66 percent. Some even responded that the first ten amendments to the Constitution are called the Pledge of Allegiance. Now, think of that.

I wonder how many listening right now to my voice know how many amendments have been added to the Constitution since 1787. Only 19 percent of those surveyed answered correctly. There have been 27 amendments.

The 27 amendments that have been added to the Constitution—which include the first 10 amendments, or the Bill of Rights—reflect the genius that our Founding Fathers demonstrated in the creation of the document, by equipping the document with the inherent flexibility to accommodate the changes of a growing nation. Such flexibility is intended to be part of a continuing process, which gives the Constitution life and relevance to the daily affairs of all Americans. A course of apathy, and an ignorance of our civic responsibilities and rights threatens to completely undermine the democratic principles on which our sacred Republic was founded—the very principles which Americans say they value so highly.

If there is anything encouraging to come from the results of the National Constitution Center's poll, perhaps it is that 9 out of 10 people surveyed said that they were proud of the U.S. Constitution. On this anniversary of the signing of the U.S. Constitution, I hope that more citizens will demonstrate that pride by taking it upon themselves to learn more about their Constitution and their Government, and teach their children, so that they can adequately perform the responsibilities which were conferred upon them in Philadelphia in 1787 by some of the greatest minds in history.

Our first Chief Justice John Marshall once stated ''The people make the Constitution, and the people can unmake it. It is the creature of their own will, and lives only by their will.'' If that will is motivated mostly by ignorance

and misinformation our hard won, sacred freedoms appear to be in grave, grave peril indeed.

Madam President, I ask unanimous consent that the dismal results of the National Constitution Center's poll be placed in the RECORD at this point.

I thank Senators for listening and I yield the floor.

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

How People Answered the Constitution Poll

How do Americans feel about the Constitution?	Responses:
The U.S. Constitution is important to me	91% agree.
I am proud of the U.S. Constitution	89% agree.
The U.S. Constitution is used as a model by many countries	67% agree.
To work as intended, the U.S. Constitutional system depends on active and informed citizens	84% agree.
The U.S. Constitution doesn't impact events today	72% disagree.
The Constitution doesn't matter much in my daily life	77% disagree.
To understand the Constitution, you have to be a lawyer	77% disagree.
The question asked:	Percent of correct responses:
When was the Constitution written?	19%—1787.
Where was the Constitution written?	61%—Philadelphia, PA.
What are the first ten amendments to the Constitution called?	66%—the Bill of Rights.
Do you recall what the introduction of the Constitution is called?	55%—the Preamble.
How many branches of the Federal Government are there?	58%—three.
How many Senators are there in the U.S. Congress?	48%—100.
How many years are there in a Senate term?	43%—6 years.
How many voting members are there in the House of Representatives?	23%—435.
How many years are there in a Representative's term?	45%—2 years.
Who nominates the justices of the Supreme Court?	70%—the president.
According to the Constitution, a person must meet certain requirements in order to be eligible to be elected President. Can you name any of these requirements?	69%—born in the US. 51%—35 years of age. 8%—lived in the US 14 years.

How People Answered the Constitution Poll—Continued

Can you recall any of the rights guaranteed by the first amendment?	64%—speech. 41%—religion. 33%—press. 17%—assembly.
Whose rights are guaranteed by the Constitution?	88%—US Citizens.
Approximately how long is the U.S. Constitution?	29%—1–5 pages.
Who is Commander-in Chief of the U.S. Armed Services?	74%—the President.
Can you name the group or any of the individuals who were responsible for drafting the U.S. Constitution?	7%—the Constitutional Convention.
How many amendments are there to the Constitution?	19%—27 amendments.
What are the names of the three branches of the Federal government?	51%—legislative. 50%—executive. 56%—judicial.
True or False: The Constitution states that all men are created equal	15%—false.
True or False: The U.S. Constitution can be modified	76%—true.
True or False: The Constitution is the supreme law of the land	86%—true.
True or False: The people can vote directly for President	42%—false.
True or False: When it was first written, the Constitution outlawed slavery	69%—false.
True or False: There are 10 Supreme Court Justices	48%—false.
True or False: Congressional Representatives are elected by the people	72%—true.
True or False: The Constitution states that Christianity is the official religion of the U.S	75%—false.
True or False: The Constitution states that the first language of the U.S. is English.	58%—false.
True or False: The text of the Constitution specifically protects a woman's right to have an abortion	74% false.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 96, LINE 12 THROUGH PAGE 97, LINE 8

The PRESIDING OFFICER. Under a previous order, the Senate will now resume consideration of the committee amendment on page 96, line 12.

The Senator from Michigan is recognized to offer a second-degree amendment, on which there shall be 30 minutes of debate equally divided.

The Senator from Michigan is recognized.

AMENDMENT NO. 1206 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To decrease funding for NEA)

Mr. ABRAHAM. Madam President, I would like to call up my amendment at this time, amendment No. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 1206 to excepted committee amendment beginning on page 96, line 12.

Mr. ABRAHAM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 96, line 16, strike ''$83,300,000'' and insert ''$55,533,000''.

On page 96, line 25, strike ''$16,760,000'' and insert ''$11,173,000''.

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional $32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which $8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers''.

Mr. ABRAHAM. Madam President, I just would state at the outset it is not my intention, given the lateness of the day and the other amendments still to come, to necessarily use all of the time on this issue. In fact, I intend to make a brief statement. I will stay here to discuss it at greater length if opponents of this amendment want to engage in more discussion, although I know today most people have expressed themselves already on these issues pertaining to the National Endowment for the Arts. So I am going to make a brief statement and I will then wait to see whether others wish to speak. If not, I am prepared at a certain point to yield back the remainder of the time.

This amendment seeks to accomplish several key objectives.

First and foremost, it has been my goal since arriving in the Senate to move the NEA in a direction of being a private national entity supporting the arts. I believe that is in the long-term best interests of the taxpayers and of the arts. Since arriving here and well before my arrival, it has been obvious to me that these discussions about the NEA too often turn on questions of accusations from one side that we are spending tax dollars to basically promote things that are unacceptable or even obscene, and on the other side arguments from those who are part of the arts community that we in the Congress are trying to somehow censor the creative activities of people in our country. This will continue, Madam President, as long as taxpayer money is involved.

What I worry about as a supporter of the arts is that we will continue to see the NEA reduced in size and scope, both in terms of its budget, as well as in terms of its flexibility, because each time a new issue arises, Congress' response has been to reduce funding and to add more strings and more handcuffs to the Endowment.

The best way to address it, I think, is to move in the direction of privatization, move this out of the Government, and allow it to be as large as support for it can be. That is what my amendment seeks to set in motion by reducing for the upcoming year by approximately one-third the size of the Endowment but allowing the Endowment to spend a percentage of its revenues for the beginning of a fundraising program designed to ultimately produce adequate funds to sustain itself as an independently chartered entity.

I believe that will be a long-term approach. As I laid out in previous debates, I think there are a variety of indicators that suggest support for the Endowment would be existent, that there would be the kind of private support, given the magnitude of national support already for arts activities in our country of $9 billion per year, given the fact that numerous private institutions are larger than the National Endowment for the Arts, even today. I believe such support would be existent. And so this would be the first step in that direction toward privatization.

If my amendment is adopted, I will have sense-of-the-Senate and other amendments that I will bring at appropriate times to buttress this plan of action.

The other goal of this amendment is to direct additional Federal dollars in support of other national treasures, some of them arch-related, that I think deserve our commitment: the Star-Spangled Banner, Ellis Island, the papers of our Presidents and Founders, the works of our great composers, Mount Rushmore. All five of these entities or institutions or documents, or in the case of the Star-Spangled Banner, the flag itself, are in various states of deterioration and lack of support.

My amendment would divert $30 million from the NEA to the support of these entities at the amounts that have been requested by the people involved with them in order to facilitate restoration where that is appropriate, in order to facilitate maintenance where that is appropriate, in order to supply additional dollars to ongoing restoration projects, and so on.

I believe all of us should be able to agree that these five national treasures that I have outlined in this amendment deserve the support of the Congress. By moving in this direction, we can accomplish two very noble objectives, I think: On the one hand, the privatization and liberation of the National Endowment for the Arts, and on the other hand the preservation, restoration, and protection of great national treasures.

For those reasons, I call upon my colleagues to support this amendment. I think it is perfectly consistent with those who have argued for a national entity to support the arts. I think it is consistent with those who have argued that we shouldn't have taxpayer dollars engaged in that entity. I believe that it is the right way to strike a balance between the rival positions on this and at the same time do great good in preservation of very important national treasures.

At this point, Madam President, I yield the floor and see if anyone else wishes to speak on this amendment.

Mr. HUTCHINSON. Will the Senator yield?

Mr. ABRAHAM. I yield—how much time does the Senator from Arkansas desire?

Mr. HUTCHINSON. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining on his time.

Mr. HUTCHINSON. I inquire, do you have other Senators wishing to speak on behalf of your amendment?

Mr. ABRAHAM. What I was hoping for, if I can just indicate, was to determine if there was any further discussion or interest on the opposing side of this amendment. If there is, then I would want to speak about my amendment more. If not, I will be prepared to yield the remainder of my time to the Senator from Arkansas to speak on whatever matter he wants.

Mr. HUTCHINSON. I only anticipate perhaps 5 minutes.

Mr. ABRAHAM. That will be great. I yield 5 minutes to the Senator from Arkansas to speak on whatever issue he might wish, with respect to this amendment or upcoming amendments.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, and I thank the Senator from Michigan for yielding.

Madam President, I commend the Senator from Michigan for his outstanding leadership on the issue of the National Endowment for the Arts, for his very constructive role that he has played over recent years since his entry in the Senate. I know this is an issue he has felt very strongly about, that he has looked for creative and innovative ways in which we can continue to fund arts in this country, in which we can continue to emphasize that arts are a priority and, at the same time, address many of the concerns that the American people have addressed concerning the National Endowment for the Arts, its administration and its elitist attitude.

I would just like to say in reference to that attitude, which has caused such consternation among those who sincerely believe that arts are important in America but are greatly troubled by what they see in the National Endowment for the Arts, a statement that was made by Jane Alexander, the Chairwoman of the National Endowment for the Arts, when she testified before the Labor and Human Resources Committee this past April.

In a dialog with myself and in response to the questions I posed to her, Ms. Alexander said:

> Let me suggest an analogy here with regard to the arts.

Her response was in direct answer to my question concerning the situation in Arkansas in which, out of 12 grant applications, only one was granted. A little over $400,000 went to the whole State of Arkansas, while single exhibits around this country received more. In response to that she said:

> Let me suggest an analogy here with regard to the arts . . . There are apples grown in practically every State of the United States, but there are few States that have the right conditions for nurturing and developing apple trees; and then, they are distributed all throughout the Nation.

The implication being that arts are like apples, that there are only a few places they are really going to flourish, and that Arkansas was not one of them. I hope my constituents understand and I hope that my colleagues understand why that was so offensive to me. She went on:

> The same is true of the arts. The talent pools, the areas of nurturing and development of artists tend to be located in a few States.

Perhaps that explains why one-third of all of the direct grants of the National Endowment go to six cities. Perhaps this attitude, revealed in an unguarded moment, explains why one-third of the congressional districts in this country receive nothing from the National Endowment for the Arts. This is an agency whose original mission was to broaden access to the arts. Broaden access to the arts—I ask, is that going to be the result of the attitude that development of artists tend to be located in a few States, that the talent pool is only located in a few States? I take great, great exception to that, and that is why I believe the Senator from Michigan—I have my own amendment I will be talking on later—but I commend the Senator from

Michigan for the good job he has done in addressing these kind of abuses and this kind of attitude.

I have pointed out that the administrative costs for the National Endowment are well above most other Federal agencies—almost 20 percent. Almost a penny out of every nickel that the NEA has is spent on administration overhead.

So I believe the votes that we are going to cast this evening on the Abraham amendment, on the Hutchinson-Sessions amendment, and on the Hutchison of Texas amendment will be, to a great extent, a vote on whether we want the Washington bureaucracy or whether we want more local control on funding for the arts.

So I ask support for the Abraham amendment. I also ask support for other amendments that will be offered concerning the National Endowment. We must not obfuscate, we must not confuse what this issue is. It is not are you proarts or against arts. So often I have heard proponents of the NEA come down and say, ''Well, arts are good.'' Of course, arts are good. They are beneficial, uplifting and they are inspiring and ennobling. They are all of those things, but you cannot equate the NEA with arts. In fact, the NEA funds less than 5 percent of the Federal contribution to arts in this country. So it is time that we reform. It is time we made a change in the status quo.

I commend the Senator from Michigan. I thank him for yielding.

Mr. ABRAHAM. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to anyone.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ABRAHAM. Madam President, it is my intention to offer a unanimous consent request which I think has now been cleared on both sides. I ask unanimous consent that the votes ordered with respect to the NEA issue be stacked to occur at 7:30 p.m., with 4 minutes of debate equally divided prior to the votes on those issues.

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

Mr. ABRAHAM. I now ask unanimous consent to have the time remaining on both sides of the debate on the Abraham amendment be yielded back.

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

Under the previous order, the Abraham amendment No. 1206 is set aside, and the Senator from Arkansas is recognized to offer a second-degree amendment to the committee amendment on page 96, line 12 through page 97, line 8. There will be 30 minutes of debate on the amendment equally divided in the usual form.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. The unanimous consent request has been agreed to.

Mr. GORTON. So there will be votes at 7:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Madam President, we will try to find some other business to occupy the Senate until that time.

Does the Senator from Arkansas wish to speak?

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer his amendment.

AMENDMENT NO. 1187 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To provide financial assistance to States to support the arts)

Mr. HUTCHINSON. Madam President, I call up amendment No. 1187.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] for himself, Mr. SESSIONS, Mr. ABRAHAM and Mr. ENZI, proposes an amendment numbered 1187 to excepted committee amendment beginning on page 96, line 12.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HUTCHINSON. Madam President, we have 30 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. Madam President, over and over during the debate on the National Endowment for the Arts we have heard the proponents come to the floor and say how good and beneficial the arts are. Who can argue with that? The argument they seem to make is, we ought to automatically reauthorize, that we ought to automatically appropriate $100 million for the National Endowment for the Arts because art is good, without any scrutiny, without any close examination of how the National Endowment is operating, how they are working today.

The debate has in fact deteriorated into kind of a syllogism. The syllogism goes like this: Art is good. The National Endowment for the Arts is art; and, therefore, the NEA is good.

Obviously, art is good. It is inspiring. It is uplifting. We have heard anecdote after anecdote of the benefits of art in our lives. But the NEA is not the equivalent of art.

In fact, as we see on this chart, the NEA is less than 5 percent of the total Federal support for the arts and the humanities. You can look at the Smithsonian, the military bands, the Fulbright International Exchange, the National Endowment of the Humanities, the National Gallery of Art, the Holocaust Memorial Council. On and on we find the Federal role in arts is not limited to the National Endowment at all.

Only 5 percent, in fact, of all of the Federal involvement, involves the NEA. That 5 percent though, as we have seen, has been eroded by extravagant overhead, over 18 percent administrative costs that are immediately taken off because of the bureaucracy here in Washington. And that small 5 percent is absorbed by six cities—six cities. And one-third of all of the congressional districts in the United States receive nothing from the National Endowment of the Arts.

So in all of this debate, the problems in the NEA have gone unanswered. I heard the proponents of the NEA come to the floor, and over and over again they laud how wonderful art is—Who can object to that?—how great literature is. Who can complain about that? But they never respond to the objections that have been raised concerning the National Endowment for the Arts.

Their mission is broader public access to the arts. Yet, as we saw just a few moments ago in a statement by Chairwoman Jane Alexander, she says that there are only a few States that have the proper nurturing and development to produce artists. That, to me, will never fulfill their mission of broadening public access to the arts.

Fully 85 percent of the 1997 grantees were past recipients of NEA largess—85 percent. That is not going out and fostering new artists, new writers, new sculptors.

Here are the issues before the Senate. No. 1, accountability. As the proponents of the NEA come down, they have not responded to the NEA's own IG report which listed the abuses, things like 63 percent of the grantees that had project costs that were not reconcilable to accounting records, 79 percent with inadequate documentation of personal costs charged to the grant, 53 percent failed to engage independent auditors to conduct grant audits as required by the OMB.

No one responded to that. I listened and listened. No one would respond to the inspector general's report or the General Accounting Office's evaluation of the NEA and how it operates. So accountability is an issue.

Local control is an issue. Do we want to continue to say yes to Washington bureaucrats, or do we want to say yes to local control of how these dollars are spent?

Third, the issue is fairness and funding. Under the proposal of Senator SESSIONS and myself we have offered an amendment that will allow 45 States to receive more for arts. I hope that all of my colleagues in the U.S. Senate will

pick up the ''Dear Colleague'' on their desk that we so often overlook. If Members look up your State, you will see exactly how much more will be available for arts education or available for the local artists under our amendment as opposed to the status quo.

Say no to Washington. Say yes to local control. Say yes to the Hutchinson-Sessions amendment.

If there are no opponents here to speak I yield to the cosponsor of this amendment, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to join Senator HUTCHINSON from Arkansas in support of this bill which I believe certainly answers all the objections of those who are concerned that somehow we would be cutting support for arts in America.

It answers the concerns of those who believe that the National Endowment for the Arts, as shown by its own inspector general's office, has mismanaged itself, has not managed the taxpayers' money—money taken from working citizens all over America—who have entrusted it to their Government in hopes that Members of this body will appropriate it wisely and effectively to further national goals.

Our bill says, all right, we can fund arts, but we want to do it a different way. We are tired of trusting that inside group, the elite corps, that has been distributing moneys, in my opinion, unfairly, for quite a number of years.

It is quite an interesting fact that six cities in this Nation receive one-third of the moneys from the entire National Endowment for the Arts. This chart will reflect that and give some appreciation for this fact. The big cities, the wealthiest cities in the world, really, are the ones receiving the most money. That is because the distribution of that money is being decided by a group in Washington that is not connected to the arts communities in places all over America—whether it is Indiana, Kansas, Ohio, Alabama or Arkansas. They are not connected with those communities. So they tend to further the people they are dealing with. It has been going in drastically unfair proportions to cities that are wealthier than any cities in the world. We think that is a major factor that we ought to think about today.

New York City itself received more money than 29 different States, including my State of Alabama. Madam President, 75 percent of the money, as Senator HUTCHINSON has pointed out, 75 percent of these moneys have gone in what may be considered a political direction. Seventy-five percent has gone to the districts of Democratic Congressmen. That, I think, should concern people, because a majority of the citizens of this country have elected their representatives to be Republicans. It is not fair that the money be distributed just to the Democrats.

They made very, very poor funding decisions. They funded programs that are arcane, bureaucratic, bizarre, and often just plain silly, and not supporting funding for programs that are worthy and needy.

In my hometown of Mobile, AL, we have an opera that celebrated its fiftieth anniversary a few years ago. A group of citizens who love the music and fine arts came together and formed that organization. It received a paltry $4,000 from the National Endowment for the Arts, whereas, as Senator ASHCROFT so eloquently talked about yesterday, this organization gave $1,500 to a poem consisting of one word—L-I-G-H-G-H-T. I don't know what it says or what language it is but they spent that much, and we only got $4,000 for an opera that does outstanding work in our community.

The opera in Mobile performs works that I think anyone can support, ''La Boheme,'' and ''Pirates of Penzance,'' one of my favorites, just last year. In ''Pirates'' I recall the great phrase, he is the very model of a modern major general, he knows all things, agricultural, chemical and mineral, but he didn't know how to fight a war. That was a good lesson. Arts do teach us. We learn from those kind of things.

I am not against art. I think we can do a better job of supporting. I am willing to support arts funding. This bill represents a huge infusion of money into the arts community all over America in virtually every State.

Look at this: Alabama goes from $750,000 to $1.6 million, a $900,000 increase; Alaska shows a $50,000 increase; Arizona, a $600,000 increase; Arkansas, a $770,000 increase; California, a $1 million increase; Colorado, a $97,000 increase; Connecticut, a $127,000 increase; Delaware, a $152,000 increase; Washington, DC, $1.8 million reduction. Washington, DC, has money already funded for the National Gallery of Art, the Kennedy Center, and many other activities in this community by this body.

Madam President, I say that art is valuable. Good art does uplift. All of us who care about a greater America should support the arts. We should support fine arts. But just as good art uplifts, poor art can demean and undermine the qualities of a great Nation.

Too often, this organization has supported art that is not healthy, ''art from the gutter,'' as has been said. Just this past year, as was demonstrated on ''Dateline'' with Jane Pauley this summer, a special on the National Endowment for the Arts showed explicit homosexual activities on the screen using a $31,000 grant by the National Endowment for the Arts.

One of the reasons they say they want to remain in existence is because they helped set the standard, they are the Good Housekeeping Seal of Approval. What kind of approval is that, for this Government to fund obscene and pornographic material with taxpayers' money, against and contrary to the basic and deepest decent views of the average citizen in our Nation?

Madam President, 45 States will get more. Our orchestras in virtually every State will get more. Our museums will get more. Our theaters will get more. Our folk art will have more opportunities for additional funding.

I submit this proposal answers all of the objections of the critics who say that we should continue to fund arts. It continues to fund arts at a greater degree than we have done before and eliminates the mismanagement that we have seen in Washington.

This is a good bill. I urge all my colleagues to support it. It is time to bring to an end an agency that has abused its power, who for year after year after year has come before this body and promised to do better but does not do so. It is time to bring that agency to an end and take the taxpayers' money and spend it wisely in real support of real art all over America.

Madam President, that concludes my remarks. I note that Senator JESSE HELMS, who voted to end all funding for the National Endowment for the Arts, also has expressed a wish to join in as a cosponsor to this amendment. I think that should be noted for the RECORD.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. There are 15 minutes remaining in opposition to the amendment. Senator HUTCHINSON has 3 minutes 33 seconds remaining on his side.

Mr. DODD. Madam President, I yield myself 7 minutes. If I need an additional minute or so, I may ask unanimous consent for that. Will the Chair notify me when 7 minutes have expired and maybe we can work something out here.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. DODD. Madam President, let me begin by expressing my appreciation to our colleagues who rejected the proposal to eliminate the National Endowment for the Arts in its entirety by a vote of 23 to 77. I think it was a good vote and a strong vote, one in which the Senate can take legitimate pride. I think that vote expresses the feelings of most of us here that the National Endowment for the Arts has been a very successful agency that has made a significant contribution, and continues to do so, to the vitality, health, well-being, and cultural heritage of our country.

I know it has been said that there have been examples cited of where NEA grants or subgrants or subcontracts over the years, from time to time have been given that have supported or produced or been involved with some productions of art that have been distasteful to many people in this country. I

am not here to argue the merits or demerits of those particular cases. In fact, in several instances, I, too, was sort of stunned that certain productions were provided with that kind of financing and backing.

But I think it is important for everybody to understand and to put this into context, if we can. As I understand it now, since the creation of the National Endowment for the Arts, going back more than a quarter of a century ago, there have been over 100,000 grants that have been extended by the NEA. Of that 100,000, I am told, if you take all the controversial grants that have been given, the number is around 40 or 45 maybe. That, many would argue, goes beyond the ones that were the most controversial, which number in the single digits. I wanted to put that into perspective.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. DODD. If I can just finish my remarks, I will be glad to yield at that time.

The reason I cite those statistics is I think it is important, as we look at these agencies, that we keep this in context. No agency is perfect. There have been questionable grants given by the Housing Administration, by the Defense Department, and by the Commerce Department. In fact, I would match up the total amount of grants given by the NEA, those that are controversial or distasteful, and compare that with almost any other agency of the Federal Government and compare their track record in terms of cases where there has been fraud, abuse, or waste of millions of dollars.

So nobody is standing here suggesting perfection at all. What we are arguing about is whether or not there is a legitimate purpose in having a National Endowment for the Arts, a federally chartered agency that tries to express the importance of the cultural contribution of the arts. I have often said to students in my State, or elsewhere, when this issue comes up—I think almost every grade school student can tell you the name of the artist who painted the roof of the Sistine Chapel. But I defy anybody to tell you who the Pope was at that time, or to name the Emperor of Rome. We don't remember the political figures throughout history, but artists have given us a definition, a signature, in many cases, of a generation or a time. Certainly, we have seen that in our country.

We define our own heritage by literature, art, and music. To have our Government, in a sense, speak to that and try to provide guidance, assistance, and support for areas of the country that would not otherwise get that assistance, I think is something we ought to build upon and perpetuate. We build stadiums for sports with taxpayers' money. These stadiums today can cost $100 or $115 million to house 30,000 or 40,000 people to watch a sporting event. The entire budget we are talking about here for the National Endowment for the Arts is $100 million for all 50 States, to support our cultural activities.

There has been a tremendous burst and blossoming of activities in the last 30 years in this country in the arts area. The number of nonprofit theaters has grown from fifty-six 30 years ago to over 400 in the country today. Orchestras have quadrupled in number, to over 200 in our Nation. Public arts agencies in small towns and cities have climbed to over 3,000 in the last 30 years.

Yet, today, we see another attempt here to try, in one way or another, to get rid of the agency, to either vote it out of existence or, with all due respect, to block grant the money to eliminate it. We also know that this very agency has been the one which has served as the impetus, the spark, if you will, that has aided in the flourishing of the arts we have seen over these past three decades.

With a deep commitment and a meager beget, the NEA has provided vital support to States, local communities, schools, artistic and cultural institutions, artists, and others for over 30 years.

While always limited, these dollars do make a difference. It is hard to leverage out of a block grant, if you will, the kind of private contributions NEA has been able to generate. So by removing the kind of programs that we have seen here and leaving things up to sort of the political vagaries, we leave this commitment that we have made over the years in great, great jeopardy.

Currently, 35 percent of the NEA's budget flows directly to the States—in effect, a block grant, if you will. I understand that the States deserve a role, but it needs to be a partnership with the Federal Government. The success of the NEA is rooted, obviously, in its national presence—once that is lost, I think we all lose in this country.

Why is the Federal leadership role important? First, I happen to believe that Federal leadership allows better access to the arts for all Americans. It assures all Americans, regardless of income or geography, that they will have access to the arts. Grants allow quality orchestras and theater groups to travel throughout the country. The NEA helps communities with few resources to develop local talent through exposure to operas, theaters, and orchestra groups.

Second, the NEA develops public-private partnerships that work. NEA grants, as I said a moment ago, help raise and leverage private dollars. Also, it is the prestige of an NEA grant that, on average, attracts money from other public and private funding sources. There is no guarantee that these same sources will risk supporting a festival or exhibit sponsored by an unknown State art council with no track record and without the stature of the NEA. In essence, NEA grants raise money; block grants do not.

Third, support for programs with a national impact is a goal and commitment of the NEA and can only be forwarded by an organization with resources and the kind of clout and prestige of a Federal agency. It puts us on record, as a nation, that we stand and support these efforts.

The NEA supports such nationally important work as the Vietnam Veterans Memorial, or public television shows; these are national in scope not State by State, or community by community. We lose that if we don't have a national focus and direction.

National studies into the importance of arts education can be lost. Supporting American artists that represent the United States as a nation in cultural festivals overseas are supported by the NEA. Who is going to do this if we, in fact, distribute the resources around the country and lose the national presence of the National Endowment for the Arts?

The National Endowment for the Arts dollars go to regional projects—not just State and local ones—such as exhibiting the traditional folk arts of the Delaware Valley. Only the NEA, as a fully funded Federal agency, can garner the resources and provide the leadership for such nationally important work.

Fourth, NEA dollars receive economic returns. These dollars create $37 billion in national economic activity, and $1 billion alone in my home State of Connecticut. Grants spur economic activity throughout the country. NEA grants generate tourism, stimulate business development, drive urban renewal and contribute to our Nation's economic vitality. Over 1.3 million jobs are supported by the arts.

Finally, the NEA is a leader. The NEA provides cultural leadership for the Nation in such areas as education, crime prevention initiatives, city design, public arts, and preservation of the Nation's cultural heritage.

By giving the majority of funds to the States, by cutting out the so-called middleman here in Washington, you are not helping, necessarily, the local artist, the local orchestra, or the local theater. In many cases, I suggest that you are actually hurting them.

The NEA is the keystone here. Once removed, I think we all lose.

Mr. President, the arts adds to our culture, to our Nation and our economy. I believe it is time that we look for a source of funding, in addition to Federal funds, to maintain the NEA's vital role.

Our colleague from Alaska, Senator STEVENS, has a proposal—a sense-of-the-Senate resolution—that we conduct some extensive hearings in the coming Congress to look at ways in which we might supplement the Federal funding for the NEA. It is time we do more to ensure the future viability of the NEA and the NEH.

I am looking at a way in which we might get beyond the debate, and create a true endowment to supplement

federal funds. I suggest looking into an innovative way to create this true endowment. I propose tapping revenue from a copyright extension to fund this true endowment. My idea is to extend, or rather to terminate the copyright period—whatever it may be, 50 70, or 90 years—that there be a period of say 20 years after that period in which the Government would auction off these copyrights. Individuals would bid on the copyrights. And the resources that came in from the bids would support a national arts endowment, a true endowment. But this would allow one generation of artists supporting future generations; in a sense, a true endowment.

This is no endowment. I don't know why we call this a National Endowment for the Arts. It is not an endowment. It is an appropriations that we have year in and year out. The idea of a true endowment is not a perfect one at all. But it would be a way of us getting away, if you will, from the constant battle of appropriations to a way of having the arts in effect generate revenues.

You may not get much immediately. But I suspect with all the technology that is being developed—the preservation, the ability to preserve works of art and many art forms emerging—that in the 21st century, long after all of us are gone, there might be a substantial amount of revenues that would be generated to support arts activities in the country.

I raise the idea of a true endowment as a mere suggestion and I hope the Senate will look into the suggestion. It is time to endow the NEA and the NEH with a future and secure a national cultural endowment for generations to come.

With that, I thank my colleagues for their patience in listening. But I know my colleague from Arkansas wanted to raise a question. I would be glad to at least try to respond.

Mr. HUTCHINSON. First, I commend the Senator from Connecticut for his creative and innovative ideas on how we might truly have endowment of the arts. I hope that everyone understands on both sides of this debate that there is support for funding for the arts. The issue is the National Endowment—the so-called National Endowment for the Arts.

As I have listened to the proponents of the NEA, I have heard glowing commendations and glowing reports about arts in America. But what I have failed to hear anyone respond to—and the question I would pose to the Senator from Connecticut—is the very I think deplorable record that the NEA has established, both in its administrative costs and over 18 cents on the dollar, by a nickel more per dollar, than the National Endowment for the Humanities, or other Federal agencies.

The inspector general, who, in conducting his grantee audits from 1991 to 1996, found that absolutely deplorable record of audits, a lack of accountability without knowledge of where the money was going, who was spending it, who was receiving it. It is that kind of slipshod management that has put a question mark over I think the future of the NEA. And when we talk about funding for the arts, only 5 percent of the Federal involvement in the arts at the Federal level is the NEA. There are literally hundreds of billions of dollars being spent at the Federal level in support of various arts programs and other agencies and departments. It is not a matter of pulling out the Federal role in arts.

I would welcome the response.

Mr. DODD. If my colleague would give me a chance to respond to the question, he raises the issue in the committees. He is not just raising it here on the floor.

First, let me—I should have mentioned these in my remarks—comment here. I happen to believe that Jane Alexander has done a brilliant job at NEA—a remarkable individual, truly a national treasure. I recall the specific questions being raised about these issues. Certainly legitimate questions should be raised about how well an agency functions, whether or not we are getting much for the dollar for the purposes intended, or how much gets consumed by administrative costs. I think that is a legitimate question raised in ways in which we make an agency function better. Certainly we have seen this administration focus a great deal of its attention on so-called ''reinvention of Government''—trying to streamline 180,000 fewer jobs at the Federal level, and fewer pages of Federal regulations. I think we all applaud that.

I think it is a legitimate issue to look to see how we can make this agency perform better so that the American people will be the greater beneficiary, if you will, of the role of and the purpose of the NEA. But I would respectfully say to my colleague from Arkansas, as legitimate as those questions are, it seems to me that we ought not to try to eliminate in effect, through either block grant or total elimination, a Federal agency that has played such a critical role in giving national voice, as I said earlier, to the arts efforts, not to mention regional aspects, and the like. My fear is that, of course, by doing this through a block grant we would achieve just that—rather than an appropriate examination of how we can make the NEA work better, respond better, reduce its overhead costs so that more of those dollars will actually reach the artists, the communities, and the artistic efforts that we all would like to see happen. That is my concern here. We seem to be saying that no matter what you try to do, there is nothing that could be done here—that there is no way whatsoever to make this agency work better. I believe there are ways. I think Jane Alexander has certainly demonstrated that over the last several years under her leadership.

So, I urge that, rather than discarding in a sense de facto—that would be the result here—with all due respect the NEA, we ought to look at ways in which the Senator might suggest how we can improve the NEA's performance rather than certainly suggesting its elimination.

My colleague I see may have another question.

Mr. HUTCHINSON. No. I was going to inquire of the Chair the amount of time left in this debate.

The PRESIDING OFFICER. The Senator from Arkansas controls 2 minutes. The Senator from Connecticut controls 15 seconds.

Mr. DODD. Madam President, if I may, I still have the floor.

Mr. GORTON. Will the Senator yield? I would like for Members to have more time, if I may.

Mr. DODD. I yield for the purposes of making a request.

Mr. GORTON. Madam President, we have until 7:30 before the vote. I think it would be appropriate to ask unanimous consent that the time between now and 7:30 be evenly divided between the two sides with the last 4 minutes devoted to the opponents and proponents using 2 minutes.

Mr. DODD. Reserving the right to object, I want to inquire of the leadership.

I have no objection.

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

Mr. DODD. Madam President, I ask unanimous consent that an article by Lewis Hyde that appeared in the Los Angeles Times, a MacArthur Fellow and Professor of Art and Politics at Kenyon College, that talks about concept and idea, that I mentioned in terms of establishing a true endowment, be printed in the RECORD.

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

USE COPYRIGHT EXTENSION TO ENDOW CREATIVITY

(By Lewis Hyde)

The mother lode of creative work from the early days of film and sound recording will soon begin to enter the public domain. This potentially enormous wealth could be used to support the community of artists and scholars from which it ultimately derives. But Congress is considering a bill that would essentially transfer the wealth from the public domain to the pockets of private corporations and individuals. It would be a serious loss if the decision to give the money away were not joined to the debate about how we support creativity.

A 1994 proposal from Sen. Christopher J. Dodd (D-Conn.) lays out an ingenious way to use the value of past intellectual property to support artists and scholars working today. The ''Arts Endowing the Arts Act'' would add 20 years to the term of copyright protection and use the income from those extra years to underwrite current creative work.

At present, U.S. copyright protects an individual's work for his or her lifetime, plus 50 years; corporations with works ''made for hire'' hold rights for 75 years. Under Dodd's proposal, at the end of each of these terms, the rights to an additional 20 years would be publicly auctioned, the proceeds going to

build an endowment dedicated to the arts and humanities.

Sen. Orrin Hatch (R-Utah) is sponsoring a bill that would similarly extend the term of copyright for 10 years, but the proceeds of this windfall would go to current rights holders. Supporters of Hatch's bill point out that the European Union has directed its member states to unify their terms of copyright at ''life plus 70 years,'' and they contend that many benefits would follow if we did the same, chief among them an increase in the U.S. balance of trade. They also contend that many countries follow ''the rule of the shorter term'' when foreign and local laws differ; thus, if the U.S. term is shorter, Americans would forfeit income they might otherwise have earned abroad.

None of these arguments holds up under scrutiny. The arithmetic doesn't make sense, for one thing. Corporations owning made-for-hire works currently hold copyrights for 75 years; under Hatch's bill, the term would run 95 years, a welcome change for ASCAP and the Motion Picture Assn, but not one that brings U.S. law into harmony with European law. To do that would mean reducing the work-for-hire term by five years, not adding 20 to it.

As for gains in the balance of payments or losses under the ''rule of the shorter term,'' we should remember that Europeans are not the only consumers who would pay for this change. The bulk of the cost of this corporate handout would be borne by U.S. citizens, who would be obliged to continue paying royalties for works that would have otherwise become common property.

Since its beginnings in the 18th century, U.S. copyright law has sought to balance private gain and public good. If Congress now wants to change the terms of copyright, the crucial question to ask is not whether it would be harmonious with Europe's, but whether the constitutional mandate to balance private and public good would be upheld. The beauty of the Dodd proposal is that it not only addresses issues set in motion by Europe's longer term, but it does so without any theft from the public side of the scale. It adds a middle term between public and private, a transition period during which we designate as ''the public'' that community of artists and scholars whose calling already makes them the initial heirs of our cultural patrimony.

It would be best if the income from such a plan went to build endowments for the National Endowment for the Arts and the National Endowment for the Humanities so they might eventually be free of their reliance on congressional funding. For many years, supporters of the arts have sought some way in which the arts and humanities might benefit from their own streams of wealth, rather than having to go begging for tax dollars. The American creative community already has riches and income. It needs only institutions designed to translate some of that wealth into support for those who labor today to create the cultural riches that will be passed on tomorrow.

By extending copyright to help build the endowments, Congress can create such an institution. If, on the other hand, it extends copyright with no regard for the public domain, it will have done little more than sponsor a remarkable theft.

Mr. DODD. Second, I will conclude my remarks so others may have a chance to speak on this issue. In the reauthorization bill, which passed 14 to 4 by the Labor and Human Resources Committee, we adopted an amendment by our colleague that codifies the inspector general's recommendations that the Senator from Arkansas has identified before the committee today.

So that the suggestions that are being made are ones that we think ought to be made a part of making NEA perform better. That is a legitimate function of a congressional committee—to examine all of our agencies to determine how they can function better. We did that pretty overwhelmingly in the committee.

I commend my colleague for the amendment and the suggestion that codified those ideas.

Second, Mr. President, administrative costs were lower at the agency when, frankly, the appropriations were higher. You shrink a budget down and, of course, if you are trying to maintain a programmatic level, what can happen is you find your percentage costs rise with the shrinkage of dollars, so that more and more of it gets eaten up in administration. When we actually appropriated more for the NEA, those administrative costs were a lower percentage of the overall budget. Audit findings were from a group of grants recommended by the staff of the NEA for audit because of concerns about the grant administration, and they were not randomly selected, I might point out as well.

At any rate, Mr. President, just to make the final point on this from my perspective here, I think we ought to be celebrating the success of the agency. To have had 100,000 grants in 30 years with 40 controversial ones, I defy any other Federal agency to have a track record even remotely close to that record. Any other agency that provides grants to anyone, where they have had only 40 that fall into the category of controversial, that is a remarkable record and one I think we ought to applaud. We ought to be celebrating the National Endowment for the Arts and its contribution to our country and what it has stimulated, what it has brought to enrich our heritage, our culture, our time.

Someone was pointing out to me earlier today there was a great debate in the Congress over whether or not we ought to accept the library of Thomas Jefferson when he offered it to the United States. Of course, the successor of that it is the Library of Congress, but it was the Jefferson library that was offered. The debate was a raging debate, and some suggested we only ought to accept the Jefferson library if we extracted from it any books which spoke about atheism or other questions which were not mainstream or popular or certainly rejected the values of our society as a whole. It was a relatively close vote, but that idea was rejected and we bought the entire Jefferson library. Today, I think our Library of Congress and the contribution that Thomas Jefferson made is something all of us applaud.

We might find it even somewhat amusing today to have heard there was that kind of debate. I would suggest today that even with these highly controversial performances that people do not like, that offend them, we can focus on that if we want, but why not focus as well on the over 100,000 grants that have enriched our society, have brought a great wealth to this Nation, opportunities to people in areas of this Nation that never would have had that benefit.

My hope is that when our colleagues vote on this particular amendment, they will be mindful of that contribution, of this great success and of the great fortune we have as a Nation to have someone of Jane Alexander's abilities and background and qualities to help lead this agency, as sensitive as she is, listening to the concerns of any Member who cares to have her time in how to make this agency work better. I hope we would keep that in mind as we cast our votes, so future generations look back on this time and say that in this Congress at the close of the 20th century the Senate insisted, a majority of us here, to keep the National Endowment for the Arts, to prepare for the 21st century and to leave a legacy of riches, of cultural riches. We lose that, Mr. President, if we abandon this agency and turn this into a block grant.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). Who yields time to the Senator from Alabama?

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I yield such time as he might consume to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Arkansas controls 8 minutes 20 seconds.

Mr. SESSIONS. I say to the eloquent Senator from Connecticut, to talk about retreating from the arts, this is not the appropriate argument here. We are talking about spending more money directly for the arts.

As he was talking, I did a quick look at how the State of Connecticut would fair under a block grant program, and they would go from $1,265,000 to $1,392,000, actually increase $128,000 in real moneys they can use for arts in the State of Connecticut. But I would also add, Connecticut is one of the wealthiest States, I think perhaps the wealthiest State in America. It is a State with a great tradition of arts, but I notice they received 28 grants last year totaling $1,059,000—28 grants, $1,059,000. Under our plan they would receive more money than that.

But let me tell you, I represent the people of the State of Alabama, and I have had three groups representing orchestras in my State in my office. I know of the great Shakespeare theater in Montgomery. I am aware of the opera and museums in Mobile. We have a great history of arts, too, but we received only 11—not 28. We received 11

grants at only $540,000, even though we have more people in the State of Alabama paying taxes to this country than they do in the State of Connecticut.

One of the real problems with this program is it has not allocated the money fairly. How can I support a program that takes money from taxpayers in Alabama to support the wealthiest States in art endeavors when we have art endeavors we are striving every day to enhance and improve?

Bureaucracies have never created art. Nothing of beauty has come out of a committee. It takes the intelligence and genius of individual citizens to do it. So I say it is the wrong approach to think that we can send money to Washington, DC, and that they can somehow decide how to nourish art. That is not the way it is going to happen. Let us put that money out into the States, to the arts councils of the States, and let them look at how they can contribute the money to those budding artists who need money, to those orchestras that need just that extra amount to keep their doors open, to assist those communities that are working hard to raise money to preserve folk art.

That is what we ought to be doing. I do not think there is any doubt about it. This is as clear a vote as I have ever seen in this Senate. The choice is clear. Do we send money to Washington to allow them to mismanage it and a bureaucracy to use almost 20 percent or do we send this money out to the arts councils around this Nation so they can use it to improve the operas and orchestras and museums of our States throughout our Nation? That is what we ought to do.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the National Endowment for the Arts has been accused of elistism. But the true record of the Endowment is far different. It is a record of diversity, excellence, and outreach.

The Endowment has been supportive of national efforts of the Country Music Foundation. The Endowment supported their commission of the Thomas Hart Benton famous last painting ''Sources of Country Music'' through its Art in Public Places Program. The painting is on display, it has traveled the Southeast, and has been exhibited in a vast array of venues from the Hirshhorn Museum to the cafeteria of the Nissan Plant in Nashville, TN.

Another grant in the late 1970's catalyzed fundraising for a major country music discography of the early 78 rpm recordings from 1922 through the 1940's. The project is just being completed today.

Again, in the 1980's, the NEA supported an educational kit entitled ''Tennessee Traditions'' distributed to every public school in Tennessee. One of the components of the kit was a folk music tape.

Each year the Arts Endowment honors National Heritage Fellows. The fellows are from a wide variety of disciplines of the folk and traditional arts. Among the honorees this year are bluegrass musicians Jim and Jesse McReynolds of Tennessee; Gladys LeBlanc Clark who is a Cajun weaver from Louisiana; blacksmith Francis Whitaker from Carbondale, CO; Hystercine Rankin, a quilter from Lorman, MS; and Ramon Jose Lopex, a metalsmith from Santa Fe, NM.

These honorees will be honored next week at a White House ceremony and will perform and celebrate their work. The National Heritage Fellowships are the Nation's most prestigious recognition of accomplishment in the folk and traditional arts. And it is an NEA program.

Another traditional program that owes early and critical support to the NEA is the Cowboy Poets Festival. In the early 1980's Elko, NV, was chosen as the site for the Western Folklife Center. It was established in the center of the ranching community to celebrate its culture and folk traditions.

They approached the NEA for support when corporate sponsors and other funders were hard to come by. With NEA support in 1985, the first cowboys festival got underway, with about 60 poets and approximately 1,000 audience members.

Today, corporate supporters join the NEA to support the festival and the center and this year's festival welcomed 8,000 attendees.

Support for the folk and traditional arts continues at the Arts Endowment. This year the Endowment has funded the Southern Arts Federation's ''Southern Connections,'' which is a 2-year training and touring program to support indigenous southern artists.

The Endowment also supported the West Virginia Folk Arts Apprenticeship program; the Creative Arts Guild of Dalton, GA; and the Alabama Folklife Association. The grant to Alabama will support the publication of documentation of primitive Baptist hymn singing through a publication, cassette recordings, and compact discs.

The Endowment also funded Appalshop, Inc., Roadside Theater in Whitesburg, KY. This grant will work with the theater and a consortium of the Performing Arts League/Prairie Mountain Players of Choteau, MT, and Community Connection of Austin, TX, to develop, test, and document a nationally applicable model for the creation of rural drama.

I hope that, as we debate the appropriate funding level for the National Endowment for the Arts, we can be fair about its record, and responsive to the overwhelming need across America for the programs that the Endowment supports.

In many ways, in so many communities, the NEA is a lifeline of financial stability.

I urge my colleagues to oppose the seemingly relentless attacks of the critics and support the record of the Endowment. Let's support full funding for this small, but worthy, Federal program.

Mrs. MURRAY. Mr. President, the following is an article written by Metropolitan King County Councilman Larry Philips of the fourth district and Metropolitan King County Councilwoman Louise Miller of the third district. I ask unanimous consent that the article be printed in the RECORD.

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

CONGRESS SHOULD EMBRACE INVESTMENT IN ARTS, CULTURE

(By Louise Miller and Larry Phillips)

''Democracy demands wisdom and vision in its citizens and * * * must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds * * * masters of their technology and not its unthinking servant.''—The Declaration of Purpose for the National Foundation of the Arts and Humanities Act of 1965.

With the establishment of the National Endowment for the Arts (NEA) in 1965, our country has come a long way in achieving the ideal of access to and participation in the arts for all Americans. Today, that ideal is under attack.

There has been a movement in Congress to eliminate all public investment in the cultural activities of our nation, specifically, by targeting the NEA. Although funding for the NEA was recently restored by a Senate subcommittee after it had been eliminated by the House, the agency's future remains uncertain. In September, a joint committee of House and Senate members will negotiate the fate of the NEA and the investment we make in our arts and cultural heritage. Is the U.S. to be the only Western nation on earth not to fund its cultural legacy?

As elected leaders in King County, we firmly believe that the NEA is a critical investment that helps keep the arts alive and accessible for all residents in our nation and, closer to home, in King County. Why is the NEA so important? With the NEA's support, the King County Arts Commission (KCAC) was created in 1967—the nation's first county arts commission. Since then, an entire ''cultural sector'' has burgeoned in our region, stimulating a stronger economy, enriching our quality of life and enhancing education in the arts.

Vital arts organizations and active participation in the arts are increasingly essential to our regional economy. Not only do the arts contribute to our quality of life in the Northwest, but they also generate over $180 million annually to our economy, according to a Corporate Council on the Arts 1992 economic impact study. In addition, cultural tourism means big business to our area. When the Seattle Opera presents Wagner's Ring Cycle, it attracts an audience from all 50 states and 18 countries.

Opponents of the NEA state that the arts should be funded exclusively through private contributions. This demonstrates a lack of understanding about arts funding. Many private organizations will not make a financial donation to an artist or arts organization unless they have also received grant funding from the NEA or their state or local arts agency. Donations by private corporations, foundations and individuals cannot fill the financial gap that would be created if the NEA were eliminated. In other words, the small percentage of funds contributed by the NEA and public agencies is essential in order for nonprofit arts organizations to leverage donations from private sources.

Critics of the NEA have questioned the value of the artwork that has received NEA funds. Let's look at the real picture. In the last three years, over 40 local and regional arts organizations have received $3.1 million in direct NEA grants (equal to about 1 percent of their combined operating budgets). Who are these organizations? They range from major ones like the Seattle Symphony, the Seattle Opera and the Seattle Repertory Theater, so suburban groups like the Village Theater in Issaquah and the Vashon Allied Arts, to youth-centered organizations including the Seattle Youth Symphony Orchestra, the Northwest Girlchoir and Seattle Children's Theater.

These organizations reflect the rich diversity of our community and the best work of our finest artists. More importantly, the grant funding helps ensure that the arts—and all the enrichment and joy that they bring—are affordable for the families and young people of our region. A requirement for an arts organization that receives grant funding is to broaden public access to the arts. That may be in the form of reduced ticket prices or special performances for school groups.

Another good example of local NEA support is this year's inaugural season of the King County Performance Network, a collaboration between the KCAC and 14 suburban arts agencies. A $60,000 grant from the NEA to the KCAC will help bring outstanding dance ensembles to under-served suburban communities from Redmond to Federal Way beginning Sept. 6. The Performance Network is a good example of the vast majority of projects supported by the NEA: It brings art into the lives of those who may not otherwise have the opportunity.

The success of the arts in our region is the result of a strong partnership among the NEA, more than two dozen local governments and nonprofit arts agencies, hundreds of businesses and foundations, and thousands of private citizens. Thanks to this partnership, King County residents enjoy one of the highest cultural participation rates per capita in the nation. With the full participation of the NEA, that partnership is threatened, and the rich cultural environment of our nation and King County will be severely undermined.

As we celebrate 30 years of public support of the arts, we strongly believe that public investment for culture and the arts should be strengthened and valued. The partnership we have enjoyed for nearly a generation should be preserved so that today's and tomorrow's citizens may enjoy the cultural heritage and traditions of our region and our nation. As we look toward the future, the county pledges to continue its mission to raise the standard of artistic accomplishment in King County and to broaden cultural opportunities for all our citizens, not merely those who can afford it. Congress should do the same.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I will yield myself such time as is controlled by the opponents of the amendment.

The PRESIDING OFFICER. There is 3 minutes and 40 seconds controlled by those in opposition. The Senator from Rhode Island is recognized for such time.

Mr. REED. I thank the Chair.

I rise in strong support of the arts. Earlier this afternoon, we were able to fend off a frontal asault on the National Endowment by the Ashcroft amendment. Today we are debating two amendments that would also do great damage to the National Endowment for the Arts.

I come to this position with I think a very special standing because I have succeeded Senator Claiborne Pell, who was one of the architects of the National Endowment for the Arts. Senator Pell recognized that centuries from now this Nation would be recognized far more for its contribution to the human spirit than perhaps anything else. And through his efforts, the National Endowment was created and through the efforts of the National Endowment theater, ballet, and opera has spread throughout this country.

One of the fallacies I think that is found in the argument of my colleagues is that the States are quite capable of doing this, they are ready to do this. But the reality is that before the National Endowment for the Arts there was not much art throughout many parts of this country, that there were not as there is today opera companies throughout America and theater companies. In fact, if the National Endowment for the Arts is eliminated, if this is put into a block grant, I fear, and I think I fear with very, very good evidence, that what will happen is a shriveling of the arts in America.

Many of us have been in State government. We know that there is no monopoly on great wisdom or aesthetic sensibility at the State level, no more so than at the Federal level. We know that this money might be ill used. But we also know that it will be subject to a much more narrower and parochial focus. We have within the National Endowment a national vision, a national vision, though, that acts through local individuals, and that is what is critical also.

The National Endowment is not running a great national theater here in Washington exclusively. But what it is doing is reaching into every corner of America and giving people an opportunity to appreciate and participate in the arts. In my home State of Rhode Island, we have theater companies that are supported by the NEA. We have educational programs that allow young children to witness the arts. Indeed, the first time I ever saw a play was as a grammar school student in Cranston, RI, when I went to see the Trinity Repertory Company, supported by the National Endowment, by Federal support, put on ''Saint Joan'' by George Bernard Shaw. That was a moving experience. And that experience is replicated every day throughout this country because of the National Endowment.

In addition to contributing to the artistic quality of America, this agency has generated tremendous economic development and progress throughout the country. In my own State, its contribution to the arts has been multiplied in terms of the economic effect. Providence, particularly, has become a city that is proud of our arts, that has thriving companies that need the National Endowment, not just for aesthetic reasons but for good, solid economic reasons. And by eliminating the National Endowment, or by block granting its funds, we will, I think, dissipate that energy, that enthusiasm, and that achievement we have seen today.

The arts are not only a source of pleasure, but in many cases a source of great economic progress, particularly in my home State of Rhode Island. So, for many, many reasons, I believe that these amendments, while well intentioned, will undercut what is a strong national policy to support the arts.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. May I inquire how much time opponents of the amendment have remaining?

The PRESIDING OFFICER. The time of the opponents has expired. The proponents control 4 minutes 45 seconds.

Mr. HUTCHINSON. Mr. President, I will take just a few minutes that we have remaining to respond to some of the statements made by the opponents of the amendment. I remind Senator REED, incidentally, the State of Rhode Island would gain $123,000 in additional funds for arts spending in Rhode Island under the block grant amendment that Senator SESSIONS and myself have offered. I remind each Senator that they can check on their desks here in the Senate Chamber exactly how much, but 45 States will receive more funds under this amendment to support the arts within their own States.

I was interested that Senator REED spoke of the shriveling of the arts. If we take this pittance, this relative pittance, in view of the Federal budget, of $100 million and we remove that National Endowment funding, that national entity, that somehow the arts in this country would begin to shrivel. I think, in all due respect, the Senator from Rhode Island underestimates the American people, underestimates the arts community in the United States, and underestimates how much the arts flourish today without a huge injection of Federal funds.

As an example, the Metropolitan Opera, which has a total income of $133 million, the Lyric Opera, which has an annual income of $37 million, the Boston Symphony, which has an annual income of $43 million, and the Art Institute of Chicago, which has an annual income of $96 million—all of them receiving NEA grants. Most of these wealthy organizations experienced significant cuts in NEA funding in the last 2 years. Yet, in spite of those cuts in NEA funding, each one reported dramatic increases in total income in 1996. The point being that even as funding cuts in the NEA have occurred, arts in this country have continued to flourish.

But I will tell you what is offensive to me. What is offensive to me is that the Metropolitan Opera is getting an NEA grant. What is offensive to me is

the Boston Symphony, with a $43 million income, is getting an NEA grant, while the Opera Theater in Wildwood, in Little Rock, AR, got $4,000. The mission of the NEA was to broadly increase access to the arts. That is not what is happening. Mr. President, 85 percent of the grantees in the last fiscal year have been previous recipients of NEA funds. That is not increasing access to the arts.

So I suggest that, if we really care about the arts, removing the Washington bureaucracy, sending the money to the States, allowing those closest to the people to make those decisions, will be far wiser and far more productive for arts in this country.

I have raised great issues as to the priorities of the National Endowment, the decisions they are making. The State of Arkansas—you know, I heard Senator DODD. I have the greatest respect for him.

Mr. REED. Will the Senator yield?

Mr. HUTCHINSON. I will be glad to yield, but let me finish my point. I have the greatest respect for Senator DODD, but he spoke of, ''Let's not concentrate on the few bad grants, let's concentrate on the 100,000 good grants.'' When he said that, I thought about Arkansas, because we got one last year. We made 12 applications and we received 1, for the Arts Council in Arkansas.

So I have great questions about the priorities. In Arkansas, the NEA spent 17 cents for every man, woman and child in Arkansas; 17 cents. In New York State the NEA spent $1 for every man, woman and child in New York State.

I'm sorry, everybody says, ''Give the NEA a chance.'' We have given them chance after chance after chance. Year after year these objections and these concerns have been raised. We see no reform. We see no change. Instead we see arrogant elitism. And I say it is time to end the NEA. Don't end support for the arts—no. But end this Washington bureaucracy, send that money back so Rhode Island will have another $123,000, so Arkansas will have another $700,000, so Alabama him have another half-million dollars, so the States all over this country can do more for those artists, for those schoolchildren who, too often, fall through the cracks.

I believe that the amendment that we have offered makes eminent common sense.

I will be glad to yield to the Senator from Rhode Island.

Mr. REED. I would say you have trotted out some impressive statistics about income as a measure of the wealth of these artistic enterprises like the Metropolitan, but the other side of the equation is their cost. Many of these institutions, even the famous ones, find it very difficult to make ends meet.

Mr. HUTCHINSON. Reclaiming my time, I will just say, if you check each one of these institutions, they are well endowed, they have good support and good sources of income and the dependence upon any kind of NEA grant, I think, is simply not justifiable. If you are looking at the Boston Symphony, the Art Institute of Chicago, with the kind of support base that they have, and compare them—

AMENDMENT NO. 1206

The PRESIDING OFFICER. All time has expired on this amendment.

We will now proceed with amendment No. 1206, the Abraham amendment. By previous agreed-upon order, there will be 2 minutes of debate equally divided between the sides. Who seeks recognition? The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will quickly summarize. My amendment is designed to accomplish two things: To begin an effort to privatize the NEA so it can be as large as it wants to be and as liberated from the strings which Congress has attached to it as it wants to be. I believe this is feasible and I think it would take away from us, finally and once and for all, this ongoing debate between obscenity and censorship. Let the arts be free and creative and at the discretion of an independent entity. At the same time, my amendment would provide new funding to try to maintain and restore such treasures as the Star Spangled Banner, the works of our great composers, Presidential papers, Ellis Island, and Mount Rushmore.

By moving in this direction, if my amendment passes, I will be offering a sense-of-the-Senate amendment which would incorporate the privatization concept, and then begin working on a variety of mechanisms by which I believe we in Congress can legislatively assist a private entity to thrive and be successful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the National Endowment for the Arts has served this Nation well for many, many years. There are things that we can do to improve its performance, but the wholesale scuttling of the National Endowment would, I think, be a mistake. I believe that we can make improvements but we cannot give up the vision of a national agency which reaches into every corner of this country to encourage and inspire the artistic excellence of the American people. By supporting the NEA, we can accomplish that. I believe these amendments would disrupt that support, and, therefore, I oppose them and request that my colleagues oppose them.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mr. ABRAHAM. 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 question is on agreeing to the amendment, No. 1206. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN], is necessarily absent.

The result was announced, yeas 26, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—26

Abraham	Gramm	McConnell
Allard	Grams	Nickles
Ashcroft	Hagel	Roberts
Brownback	Helms	Sessions
Coats	Hutchinson	Shelby
Coverdell	Inhofe	Smith (NH)
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Frist	Mack	

NAYS—73

Akaka	Durbin	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grassley	Reed
Bryan	Gregg	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchison	Santorum
Chafee	Inouye	Sarbanes
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kempthorne	Specter
Conrad	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Torricelli
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

NOT VOTING—1

McCain

The amendment (No. 1206) was rejected.

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

Mr. CHAFEE. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. In just a few minutes I will propound a unanimous-consent request. I had hoped we would be able to finish the interior appropriations bill by tonight. We have not been able to do so because of a number of conflicts and amendments that have been offered.

Senator DASCHLE and I have tried to move it along and we have not been able to do so yet. I understand that Senators still have some amendments they would like to offer. We have one more vote pending tonight which has already been called for.

I believe the next amendment then would be the Hutchinson amendment. I will ask unanimous consent that we have a time limit of about 20 minutes,

and that we do that vote at 9:30 in the morning. I will also ask that we get a list of amendments tonight to see what we are dealing with, to begin to close this out. I don't think we have that many problems, but because of the length of time that we have put into the amendments we have already voted on, a number of Senators would like to see this list and work through it in the morning.

Again, I hope we can work together to get it done. We could have as many as five votes tonight—could have. You know, one of these days we may have to do that. But in view of the circumstances, since we seem to be contributing to some of the problems, and everybody has tried to work in good faith, I think the better part of valor tonight would be to have this one last vote and get the UC, and we would begin votes again in the morning. Is there any comment on that from the minority leader?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration of schedules. I do hope that all Senators will cooperate. We have had good debate on the NEA and I hope we can get it behind us. We have a lot of other issues and they all deserve some consideration.

I hope we can create a finite list tonight and reach some agreement about what that list is so that we can complete our work, hopefully, tomorrow. So I ask for the cooperation of all of our colleagues on my side of the aisle in an effort to get that finite list so we can continue our work and, hopefully, complete it by the end of the day tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that, following the amendment remaining to be voted on, the next amendment in order to the Interior appropriations bill be the Hutchinson amendment, and that the vote on that would occur at—we would begin debate at 9:30 in the morning with 20 minutes, equally divided, before the vote.

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

Mr. LOTT. I further ask unanimous consent that, following the amendments, we have a list that would be the only remaining amendments in order to the Interior appropriations bill, and that they be offered in the first or second degree on this list.

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

Mr. LOTT. Mr. President, in light of that somewhat haphazard unanimous consent request, there will be no further votes tonight. Members are urged to get their amendments offered. We will begin voting at 9:30 a.m.

I yield the floor.

AMENDMENT NO. 1187

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on amendment No. 1187, the Hutchinson amendment, which had been previously agreed to.

Who yields time?

Mr. HUTCHINSON. Mr. President, I thank Senator SESSIONS, Senator ASHCROFT, and Senator ABRAHAM for their work on behalf of this amendment. It does not change the appropriations for the arts; it is $100 million, block granted to the States. There is a chart down in the well. Everybody has seen what their State will do. Forty-five States will have more resources for arts funding under this amendment.

The National Endowment has simply failed on their mission to broaden public access to the arts. One-third of the congressional districts in this country get zero from the National Endowment for the Arts. One-third of the funding of the NEA goes to six cities. This is unfair.

The issue is simply local control. The issue is more resources for art. I ask my fellow Senators to say ''yes'' to more resources for art and to say ''no'' to Washington bureaucrats and support this amendment. It means more money for your States to help on those local arts projects.

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. Who yields time in opposition? Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—37

Abraham	Frist	Mack
Allard	Gramm	Murkowski
Ashcroft	Grassley	Nickles
Breaux	Hagel	Robb
Brownback	Helms	Roberts
Burns	Hutchinson	Santorum
Coats	Hutchison	Sessions
Coverdell	Inhofe	Shelby
Craig	Kempthorne	Smith (NH)
DeWine	Kyl	Thomas
Enzi	Lott	Thompson
Faircloth	Lugar	Thurmond

NAYS—62

Akaka	Dodd	Kennedy
Baucus	Domenici	Kerrey
Bennett	Dorgan	Kerry
Biden	Durbin	Kohl
Bingaman	Feingold	Landrieu
Bond	Feinstein	Lautenberg
Boxer	Ford	Leahy
Bryan	Glenn	Levin
Bumpers	Gorton	Lieberman
Byrd	Graham	Mikulski
Campbell	Grams	Moseley-Braun
Chafee	Gregg	Moynihan
Cleland	Harkin	Murray
Cochran	Hatch	Reed
Collins	Hollings	Reid
Conrad	Inouye	Rockefeller
D'Amato	Jeffords	Roth
Daschle	Johnson	Sarbanes
Smith (OR)	Stevens	Wellstone
Snowe	Torricelli	Wyden
Specter	Warner	

NOT VOTING—1

McCain

The amendment (No. 1187) was rejected.

AMENDMENT NO. 1204

Mr. BROWNBACK. Mr. President, I call up amendment No. 1204.

The PRESIDING OFFICER. Amendment No. 1204 is before the Senate.

Mr. BROWNBACK. Mr. President, this is an amendment that basically seeks to preserve tribal Indian land as a cemetery and burial ground in Kansas City, KA. It is a very contentious issue there. But this is and has been an Indian burial ground since 1855. There are plans to put a casino on it now. This is being contested. But clearly the land should remain a tribal ancestral land. We put forth this amendment to do that.

I believe we have consent from all sides and all parties for this amendment to be agreed to.

I would like to yield to the Senator from Colorado for a brief statement in that regard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, thank you.

Mr. President, I appreciate the time, and my colleague from Kansas allowing me to speak to this a little bit today.

Yesterday, we had a very extended debate here on the floor of the Senate, and several of us took the opportunity to address this Nation's shameful history in its dealings with American Indians. One of the areas that is the most shameful is the history of failing to abide by its treaties and agreements with native tribes.

This country, as you know, Mr. President, coming from a State that has so many Indian tribes, has had very little respect for the lands and rights of aboriginal people, including the rights of the Wyandotte Tribe in question today.

For example, in 1966 the Congress enacted a law requiring the Wyandotte cemetery be transferred and sold. That law is still on the books, fortunately. The tribe, however, opposed the action and the cemetery was not sold. In this respect, the tribe was seeking to preserve its burial site, culture, and history at a time when the United States was ignoring the tribe's rights.

Frankly, Mr. President, being the chairman of the Committee on Indian Affairs, I find nothing more distasteful to me than to referee intertribal fights. Those disagreements often pit family against family, brother against brother, sister against sister. But I feel compelled to speak out in support of the Brownback amendment today.

Let me try and ferret through this as I understand it. We have two tribes linked by culture, linked by history, linked genetically, probably linguistically, too. The Oklahoma Wyandottes have trust title, although this is being

contested as I understand in Federal court and also being dealt with in the Department of the Interior.

The focal point is a cemetery. The Indians that have control of the cemetery, i.e., they have kept it up and taken care of it, are the Kansas Wyandottes. This cemetery, as Senator BROWNBACK has said, has been a burial place for predominantly Indians ever since 1855, 140 years.

Now, the Oklahoma Wyandottes want to build a casino on this cemetery. That in itself is very interesting to me, Mr. President, because those of us who live on reservations, who come from Indian country, we have known literally since childhood the reverence, the feeling that Indians have about burial places. Most of the time, regardless of years, they don't call them cemeteries. They call them holy places or burial places. They consider them places that should be undisturbed, treated with reverence, and very seriously. I pity the construction company that would ever try to build a high rise or a roadway or something of that nature through an Indian burial ground because they do have laws on the books, we have laws on the books right now dealing with Indian burial places that prevent construction in those areas.

Well, very simply, Mr. President, just because they are Indian, they can't have it both ways, and it would seem to me there are many questions that are left unanswered if we try to make a policy change on an appropriations bill. For instance, we have not, to my knowledge, heard from the State of Kansas. Under the 1988 IGRA any tribe that wants to build a casino or open a casino within a State has to reach some kind of understanding with the State, not to exceed the State law in non-Indian owned casinos. To my knowledge, they have not done this. We have not heard, to my knowledge, from anybody at Huron who would be affected. We have haven't heard from people in the local communities, the citizens who are going to be affected or the mayor of Kansas City. We simply do not know, if we do pass this into law, how it would affect the ongoing litigation. I simply think it is the wrong vehicle.

Now, I am not familiar beyond that with the circumstances of this case, but I think that we could be doing ourselves a disservice by not having the supporters of this, that is, the opponents of the Brownback amendment, bring it forward as a legislative piece of paper where we can deal with it in legislative committees. I am not aware of any bill being introduced to that effect either.

So I would go on record, Mr. President, as saying that my feeling from a historical and cultural standpoint is this should continue to be used what it was originally used for, and that's basically what the Brownback amendment does. But no Congress is bound by the action of a previous Congress. We all know that. So if at later date a future Congress, whether it is the 106th, the 108th or whatever, feels it should reverse that because of something we don't know and do it by legislative action, then that's the way it should be done.

Now, they tell me that the Wyandottes of Oklahoma were only informed as late as last week of the Brownback amendment, but by the same token many supporters of the Brownback amendment didn't know of the original language in this bill until the last couple of days. So I think they are on a level playing field from that standpoint.

With that, Mr. President, I simply say I hope my colleagues would support the Brownback amendment. I yield the floor. I thank you.

Mr. INOUYE. Mr. President, as the vice chairman of the Committee on Indian Affairs, I feel that I must object to this amendment.

However meritorious its intent may be, it seems to me that there are serious legal ramifications to the proposal that we have not had an opportunity to evaluate.

As Americans, we have come to rely on the constitutional protections that are accorded to property rights under the law.

One of those rights is to be free in the use and enjoyment of our property—provided of course that our uses of property do not present any danger to the health or safety of the public.

Even when land is held in trust by the United States for an Indian tribe, the principal restriction on the use of trust property is a restriction against alienation.

In the modern era of self-governance and self-determination, this Government has long since abandoned the paternalistic stance of dictating to the tribes the details of everyday life on reservations.

The principle which informs the fifth amendment to our Constitution—that there will be no taking of property without just compensation—is precisely why we have spent so much time debating the issue of federally imposed land restrictions in the Congress.

The Wyandotte Tribe of Oklahoma has owned the Huron Cemetery—held beneficial title to the Huron cemetery as a function of an 1867 treaty—for 130 years.

And yet today, without the benefit of a hearing or any public consideration—and importantly—without the benefit of any consultation with the Wyandotte Tribe of Oklahoma, we are being asked to impose a restriction on the tribe's use of its own land.

Mr. President, I am not aware that there is any emergency at stake here.

I know of no reason why we must take this precipitous action on an appropriations bill.

I believe if the good gentleman from Kansas were to introduce his amendment as authorizing legislation, we could all have the benefit of the kind of information that can be gathered in a formal hearing.

We could be apprised of what legal liabilities may flow from the proposed amendment.

The Wyandotte Tribe of Oklahoma can be afforded the due process of law which our Constitution guarantees to all Americans, before the Senate of the United States decides to dictate to this tribe, the manner in which it can use its property.

Mr. President, I would be remiss if I were to fail to seize this opportunity to suggest that were we to adopt this amendment without the benefit of any hearings or any assessment of its impact—both as a legal matter and as a matter of policy—we will be establishing a precedent that we ought to think very carefully about.

Are we going to vest ourselves with the responsibility of micro-managing the use of tribal lands across this Nation—50 million acres of land?

Are we going to return to the days when this Government told the Indians that we were the ''Great White Father''—and we would decide what was best for them?

I, for one, will not go down that road, and I hope that my colleagues will not do so either, until and unless, there is some overwhelming and compelling reason for doing do.

Personally, I don't believe that the use of the Huron cemetery by the Wyandotte Tribe of Oklahoma presents that compelling a case—nor do I know why we would or should address this matter today.

Mr. President, let us proceed cautiously and deliberately, as the American public desires us to do—let us examine carefully what is at issue, and take action, only after we have done so, and only after we are informed of all of the facts.

The PRESIDING OFFICER (Mr. COATS). Is there further debate on the amendment?

Mr. BROWNBACK. I urge adoption of the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment (No. 1204) was agreed to.

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

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

The motion to lay on the table was agreed to.

INDIAN PROVISIONS

Mrs. BOXER. I am delighted that a compromise was reached yesterday on Sections 118 and 120 to the Interior Appropriations bill. As a Senator for California and as a citizen, I am greatly relieved that these two provisions will no longer endanger the rights of our Nation's Indian tribes.

Sections 118 and 120 would have directly violated the bargain struck between the United States and Indian tribes over a century ago. In hundreds of treaties, the United States agreed to make payments to Indian tribes in exchange for nearly 100 million acres of

tribal lands. Section 118, which would have imposed a means test on these payments, violates both the letter and the spirit of these contracts. The result would have been to impose a penalty against tribal governments for improving services for their citizens and trying to achieve self-sufficiency.

Section 120 would have gone even further in violating the promises the United States made to the tribes. It would have required tribes to choose between the payments promised to them and their inherent right to sovereign immunity, a right acknowledged in the United States Constitution.

The United States has a long history of recognizing tribes as sovereign entities. As early as 1895, the United States Court of Appeals for the 8th Circuit ruled that tribal sovereign immunity from lawsuit is analogous to state sovereign immunity, which is protected by the 11th Amendment to the Constitution. Section 120 would have ignored this history and stripped tribes of their Constitutional right to sovereign immunity without due process.

Sections 118 and 120 would have also significantly undermined the efforts of our Indian tribes to improve the quality of life for their people. Tribal Priority Allocations are funds targeted at addressing the most critical areas of need among our Nation's Native Americans. Without these funds, many tribes would be unable to pay for essential services, such as public schools, health care, social services, law enforcement, and road maintenance.

Ironically, Section 120 would not have affected the few tribes that are economically able to forgo federal funding. Only the most dependent tribes, those suffering most from poverty, would have been forced to trade their sovereign status for Federal support they desperately need to survive. The effect would have been the creation of two disparate classes of tribes, those who could afford to be sovereign and those who could not.

Sections 118 and 120 would have had a particularly harmful effect in my State. In California, there are 104 federally recognized tribes, and over 250,000 Native Americans, who would be financially and emotionally devastated had this provision become law. The vast majority of tribes desperately need Federal funds for daily survival. One third of all Native Americans live below the poverty level. Nearly half of all Native Americans living on reservations are unemployed. Of those who do work, almost a third earn less than $7,000 per year. Those Indian businesses that are experiencing any measure of success are just now beginning to create jobs and economic opportunity. To take away funding now for essential services like public schools and health care would have destroyed any chance for self-sufficiency for many tribes.

We must also keep in mind the potentially devastating effect Section 120 would have had on our Federal courts. Our Federal court system is already severely overburdened, a situation magnified by the 97 vacancies that plague our Federal judiciary. Chief Judge Proctor Hug of the Ninth Circuit Court of Appeals recently reported that he was forced to cancel more than 600 civil cases due to the shortage of judges. This already overburdened system could not absorb the thousands of cases that would have potentially flooded our Federal courts had tribes been stripped of their sovereign immunity. At a minimum, such a far-reaching proposal should be subject to the careful, deliberative process of the proper authorizing committees.

For all of these reasons, I was, and continue to be, strongly opposed to Sections 118 and 120 and I am happy to see them removed from the bill.

Mrs. MURRAY. Mr. President, I rise in support of the Interior appropriations bill. I commend the chairman and ranking member for developing a bill that provides a number of benefits to the people of the Nation and, particularly, the people of the Pacific Northwest. I want to highlight some of the bill's strengths and weaknesses.

FOREST ROAD POLICY

I voted in favor of the amendment offered by my colleague, Senator BRYAN, on forest road funding and purchaser road credits. I did so in response to the enormous outpouring of public opposition to the current road-building policies of the Forest Service. Everyplace I've gone in recent months, I have been approached by average citizens—not just environmental activists—and urged to slow new road construction and stop subsidies to timber companies. Editorial boards across my State and the Nation have said now is the time for a change in the road building policies of the Forest Service. I agree.

However, this has been a difficult decision for me. My top forest priority is full implementation of the President's forest plan, including meeting timber production goals. A severe cut in road construction and reconstruction might have impacted the Forest Service's ability to meet all of the plan's objectives. However, I have been assured by the administration that the Northwest forest plan remains a top priority and it will not be affected by the $10 million cut in road construction proposed by the Bryan amendment. The administration believes it can minimize the impact of these cuts on the timber program throughout the country, but will make the scientifically validated Northwest forest plan a priority.

Despite my strong and continuing support for the Northwest forest plan, I am concerned about the Forest Service's policies on roadless areas. The scientific assessment recently completed for the Interior Columbia Basin ecosystem management project demonstrates the importance of roadless areas for fish, wildlife, water quality, and ecosystem health. Thus, I believe we should only build news roads into large roadless areas infrequently and with great care and full environmental analysis.

That said, I continue to be a strong supporter of multiple use, including timber harvest, on our Nation's national forests. I cannot fathom why some want to prohibit harvest of second growth timber of Forest Service land. Timber harvest not only provides needed jobs and wood products, but in some cases it can improve the health of timber stands and reduce the risk of devastating wildfire.

I intend to work with the administration to improve our road-building policies, reduce subsidies, protect vital watersheds, and ensure ecologically healthy systems remain strong. I do not support elimination of all new roads, because roads are necessary for timber harvest. But we must stop subsidies and/or the appearance of subsidies by revamping the agency's accounting systems and ensuring our Nation's public lands are managed as economically viably as possible.

LOG EXPORTS

I want to explain why I believe the provisions in this bill regarding log export restrictions make good environmental and economic policy. As many of my colleagues know, the issue of log exports is very contentious. The battle over log export policy has raged in the Pacific Northwest for years. We first passed a comprehensive log export bill in 1990. Since then Congress has revisited that law in 1992, briefly in 1996, and again this year. The USDA Forest Service issued regulations in 1995 that would have seriously impacted the entire timber economy of the Northwest. Those regulations precipitated a demand by Senator GORTON for those Washington State entities impacted by log export policy to develop legislation they could all support. That was a tall order, but this legislation embodies the best compromise that could be developed. Let met explain what these provisions do.

First, this bill imposes a permanent ban on the export of all logs cut from State lands. My home State of Washington has been the biggest exporter of public timber in the Nation. However, under the compromise law Congress passed in 1990, no timber from State land could be exported for the first 5 years of the law. Those 5 years have passed, so the State ban on log export will—on October 1—be lifted and the existing law will prohibit the export of only 400 million board feet, of a total sale program of 650 million board feet. That means without this bill, 250 million board feet will go overseas without domestic processing. That means jobs would be lost in rural America and our region's forests would be cut without gaining their highest economic value.

Second, this bill also protects the private property rights and values of both industrial and family tree farmers. Without these provisions, a timber grower whose land was located next to a sawmill that uses Federal timber could not sell his or her trees to that sawmill if that sawmill also used Federal timber. That limitation does not

encourage domestic processing of timber—one of the original goals of the 1990, and this, legislation. In addition, the proposed agency regulations that this legislation will correct would have required all private timber owners to brand each and every tree cut on his or her land. It is simply bad policy and does not encourage landowners to keep their lands in timber production instead of selling them off for development.

Third, some have objected to the so-called buyer-broker provision saying its guts existing log export law. This provision allows a third party sawmill owner that uses Federal timber also to purchase private timber from another company or individual and export a portion and process a portion of that timber. This allows a timber purchaser both to supply an American sawmill and pay the landowner the highest price for the trees. Currently, the State of Washington has very similar policy instituted in its log export regulations—and the ban on State log export has worked, by all accounts, very well. This provision provides necessary flexibility and will likely lead to more private timber being processed domestically than would otherwise occur. And, let me be clear, under this bill, a private company that grows timber on its own land still cannot export that timber from the same area in which it purchases Federal timber.

Finally, this provision will hopefully bring closure to log export policy. I—and the vast majority of the public—support a permanent ban on the export of unprocessed timber from public lands. Most of us would also like to encourage greater processing of private timber. This provision provides the tools to accomplish these goals. It is the right economic and the right environmental policy.

EXPORT OF FOREST SERVICE ALASKA RED CEDAR

I have offered an amendment that I hope will be accepted under unanimous consent regarding the domestic processing of Alaska red cedar from National Forests in Alaska. Alaska is a unique place. When most of us think of exporting a product, we think of exporting it out of the United States. In Alaska, a product is exported if it leaves Alaska—even if that product goes to the lower 48 States.

Thus, on the Tongass National Forest, Western red cedar is first offered to Alaska timber purchasers. However, there is no market or no capacity to manufacture this species in Alaska, so it has been declared a ''surplus species.'' As a surplus species, these fine, scarce logs can be sold on the long export market to Asian buyers. While American companies are certainly free to purchase these public logs, they must pay the significantly higher prices offered on the export market. In the lower 48 States, Western red cedar is very much in demand.

Under my amendment, these national logs must be offered at domestic prices to mills in the lower 48 States. My amendment requires the Forest Service to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported.

The current policy must be remedied. I hope my amendment will be accepted.

LAND AND WATER CONSERVATION FUND

This bill provides critical funding for important land acquisition within the Pacific Northwest. The Columbia Gorge National Scenic Area will receive $8 million to purchase land to protect the ecological and scenic values in the gorge. It includes funds to acquire land and develop a trail along Cape Horn, one of the most beautiful areas on the Washington side of the gorge. Outside of the gorge, we appropriated $1.5 million for vital wetlands along the Black River in Thurston County. This unique, spring-fed river contains lands threatened by the growing population around Olympia and Tacoma.

I am very excited by the commitment Chairman GORTON has made to help secure funding to purchase the Elwha and Glines Canyon dams with land and water conservation funds. The acquisition and removal of the Glines Canyon and Elwha dams have been a priority of mine since I was elected in 1992. So far, we have $8 million authorized to purchase both dams from Diashowa Co. for a total of $29.5 million. It appears we can tap some of the $700 million allocated for LWCF purchases this year to acquire both dams and begin the process of removing one dam and restoring the outstanding salmon fisheries in this Olympic National Park River.

RECREATIONAL TRAILS FUNDING

I also support the increased funding for trails contained in this bill. Recreational use of our national forests has increased almost every year since the 1950's. This year, we added $3.5 million to the President's already high budget request for Forest Service trails maintenance in Washington and Oregon. These dollars desperately needed to keep our beautiful forests accessible, disperse forest users, and protect the forest system.

TITLE VI

Mr. CRAIG. I rise for a brief colloquy with the manager of the bill. First, I would like to commend the Senator from Washington for his hard work on title VI of this bill. Title VI, which includes the forest resources conservation and shortage relief provisions, represents a considerable amount of effort. The title is a thoughtful attempt to resolve a very complex issue in an equitable fashion. The title is necessary because of difficulties caused by the administration regulations restricting the movement of logs across different jurisdictions. However, because the provisions of the title are so complex and involve so many intensely disputed issues, I would hope we would use the next year as a time for testing the provisions in the title and securing additional comments from all interested parties. We can evaluate how successful the provisions are, and develop any necessary changes together with other interested Senators over the course of the next year. I ask my colleague from Washington whether he agrees that we should look at the following year as a test period for this measure so that we can together evaluate any needed changes.

Mr. GORTON. I fully understand the concerns that have been raised about these provisions. As is the case with any measure developed over a long process, there are parts of this title which will not please everyone. I believe my proposal represents the most comprehensive solution possible given this issue's complexity. While I sincerely hope that we do not have to revisit this issue again next year, it is certainly appropriate to look at the next year as a test period, to evaluate how well the provision works, and to assess what changes, if any, are necessary. I commit to my colleague from Idaho that I will work with him and other interested Senators and parties to this end.

Mr. SMITH of Oregon. I also would like to commend the Senator from Washington for his diligence in pursuing a solution to this issue. I would be pleased to work with the Senators from Washington and Idaho on this effort to evaluate how well this provision works, and to consider the need for any changes.

FUNDING FOR RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. HATCH. Mr. President, as the Senate considers the Interior appropriations bill, H.R. 2107, I want to comment briefly about a small but very important provision in the bill that will provide $100,000 in Federal money to renovate the Montezuma Creek Health Clinic in Montezuma Creek, Ut.

The Montezuma Creek Clinic is located in the rural community of Montezuma Creek in the southeastern part of Utah in San Juan County. This community serves as the population center for the eastern portion of the Utah Navajo region which is home to more than 6,000 Navajos who live on and around the Navajo Reservation.

This area also has one of the most critical health care shortages in Utah and, in fact, in the entire region of the western United States.

Located in the heart of this community is the Montezuma Creek Health Clinic which was initially operated by the Indian Health Service [IHS] to serve the Navajo population.

Today, the clinic principally serves the 6,000 Navajos as well as the non-Indian population who live in southeast Utah and northeast Arizona. The clinic is presently operated in a cooperative effort between the Utah Navajo trust fund as the owners of the clinic facility, the San Juan County Health Care Services as the county provider of

health services, and the IHS which provides contract support services.

It is ironic that there is only one IHS facility located in the entire State of Utah when neighboring States have as many as a dozen or more facilities each. The only IHS facility in Utah is an outpatient facility at Fort Duchesne which is located over 350 miles away.

It is obvious that the health care needs for this segment of the Utah Native American population are greatly under-served.

For over 3 years, I have worked with the IHS, the Utah Navajo trust fund, the State of Utah, the Aneth Chapter of the Navajo Nation, San Juan County and many other concerned parties in an effort to improve the delivery of health care for the residents of this community.

Unfortunately, it has not been an easy task.

The Federal budgetary pressures on facility construction projects within the IHS budget have prevented federal dollars for the construction of a new Facility at Montezuma Creek.

Moreover, the current IHS facility's priority list—which includes construction funding for projects on the priority list—has as a practical matter precluded the addition of new facilities for Utah. This is very unfortunate for the community of Montezuma Creek. It seems that Utah has always been shortchanged when it comes to IHS and IHS-related health care services in our State.

And, I would remind my colleagues that the health status of Utah Navajos living in San Juan County is lower than the Utah Native American population in general which, overall, is even lower than the Native American population as a whole.

In spite of the difficulties, the Montezuma Creek Clinic continues to operate and provide life saving health care services to the community albeit in the facility that is clearly outdated and in need of renovation.

Although the facility is functional, it is in poor condition and inadequate for the provision of needed services to the 65 to 110 patients served on a daily basis. In addition, there is a need to bring the facility into compliance with modern building codes for medical facilities.

Accordingly, I am delighted that the Interior bill contains Federal funds in the amount of $100,000 for design and construction purposes in renovating the existing facility.

Moreover, these funds will be matched dollar for dollar by the State of Utah and the Utah Navajo trust fund to collectively bring the total to $300,000. It is my hope that the Federal commitment of $100,000 will also prompt private contributions from those national corporations operating in San Juan County. I believe with the collective support and backing of all parties we will be able to set in motion much needed improvements in health care for the residents of Montezuma Creek.

I also want to thank my good friend and colleague from Utah, Senator BENNETT who, as a member of the Interior Appropriations Subcommittee, was extremely helpful in securing these funds for this project.

Moreover, let me thank the distinguished chairman of the Interior Subcommittee, Senator GORTON, for agreeing to this modest request and including it in the bill.

I must say that I am delighted we are finally able to help this clinic.

A great deal of time and effort has been devoted by many people in securing both the needed money and the cooperative arrangements for carrying-out this project.

In addition to Senator BENNETT and Senator GORTON, I want to thank Judy Edwards with the Utah Department of Health, Ed Alter who serves as Chairman of the Utah Navajo trust fund in which the combined funding will be deposited, Mark Maryboy with the Aneth Chapter of the Navajo Nation—Utah—and Donna Singer with the Montezuma Creek Clinic.

I look forward to working with these individuals and others in the months ahead on the long needed renovation of Montezuma Creek Clinic.

AMERICAN HERITAGE RIVERS INITIATIVE

Mr. KEMPTHORNE. Mr. President, the American Heritage Rivers Initiative [AHRI] was first announced by President Clinton in his State of the Union address to provide federal support to communities undertaking river restoration projects through improved access to federal resources and by encouraging private sector support for local efforts.

An interagency team led by the Council on Environmental Quality [CEQ] was established. The CEQ formally announced the program in the May 19, 1997, Federal Register. The Federal Register announcement stated that the goal of the AHRI was to address a ''need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river.'' Under the proposed rule, any person or community may nominate a river or entire watershed for designation by the Administration.

I, like many of my Colleagues, have concerns about this initiative. For one thing, those who could be affected by such a proposal have not had sufficient time or opportunity to comment. Second, Members of Congress have not received a detailed briefing from the administration on how this plan is to be carried out. It appears that the administration has completely circumvented the affected public and Congress in an effort to implement the AHRI.

I have concerns about where the funding and staff necessary to run this program will come from. In a time where budgets are constrained and the Federal Government is required to do more with less, it is difficult to support increased funding for a proposal initiated by the administration and where Congress has been left out of the implementation strategy.

A while back I co-signed a letter to the administration outlining our concerns with this proposal, and to request an extension of the public comment period for an additional 120 days which was granted, and expired on August 20. I signed a second letter from the Idaho delegation to Ms. Katy McGinty, CEQ Chair.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 5, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, The White House, Washington, DC.

DEAR MS. MCGINTY: We are writing on behalf of numerous constituents who have an interest in the newly announced American Heritage Rivers Program, which involves thirteen executive departments and agencies. We are requesting an extension in the public comment period of 120 days.

According to the May 19, 1997 Federal Register announcement, under this program rivers across the country will be designated as ''American Heritage Rivers.'' A designation is intended to address a ''need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river.'' Any person can nominate a river or entire watershed for designation by the administration, which is intended to preserve the natural, historic, cultural, social, economic and ecological diversity of the nation's rivers.

This program was first announced by President Clinton on February 4, 1997. Several public hearings were apparently held during April and May, although the hearings were not noticed in the Federal Register, nor were Congressional offices uniformly notified of the hearings. On May 19, 1997 this program was announced in the Federal Register for the first time. The comment period closes June 9, 1997, allowing only three weeks for public comment.

Given the vast scope of the goals of this proposed program and the magnitude of possible designations, this program will potentially implicate a vast range of interests. We believe that three weeks is clearly an insufficient amount of time to permit all interested parties to submit meaningful comment on the proposal.

Under the circumstances, and with the large impact this may have on the citizens of our states, we urge you to extend the comment period for an additional 120 days. This would ensure the submission of thoughtful comment representative of all interested parties and organizations. Surely you agree that the success of the proposed program hinges on addressing the concerns of the widest cross-section possible of affected parties. To adequately inform all parties, we also urge you to schedule public hearings on this program, after first notifying all congressional offices and noticing the hearings in the Federal Register of the scheduled hearings.

Thank you for your most expeditious response to these concerns.

Sincerely,

Conrad Burns, Rick Santorum, Sam Brownback, Ted Stevens, Larry E. Craig, Kay Bailey Hutchison, Robert T.

Bennett, Tim Hutchinson, Craig Thomas, Richard Shelby, Slade Gorton, — — —, Trent Lott, Dirk Kempthorne, Pete Domenici, and Don Nickles.

CONGRESS OF THE UNITED STATES,
THE IDAHO DELEGATION,
Washington, DC, August 14, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, Old Executive Office Building, Washington, DC.

DEAR CHAIRMAN MCGINTY: The following are comments from Idaho's united Congressional delegation on the American Heritage Rivers Initiative as described in the *Federal Register,* Volume 62, No. 96, Monday, May 19, 1997.

Let us be clear—we have serious concerns with the initiative. We are not only concerned about the initiative itself, but the manner in which it was advanced. It is a clear effort on the part of the Administration to bypass the Constitutionally directed lawmaking power of Congress and our system of checks and balances. Congress has not authorized this initiative and has not appropriated money for this program. Additionally, the Council on Environmental Quality (CEQ) is not granted the power to govern or regulate rivers or watersheds within sovereign states. As such, this initiative represents a challenge of Congress' power and the rights of states, in line with the protections guaranteed in the Fourteenth Amendment.

We have other objections beyond this fundamental concern. For example, this initiative actually works against its stated goals: to streamline the federal process dealing with river protection. There are existing federal and state authorities that are charged with the mission of regulating water resource planning and allocation. In addition, there are nearly a hundred grass roots watershed councils across the nation that are accomplishing the same objectives as the initiative, but they have local input as opposed to federal control. The initiative creates an unnecessary, additional layer of bureaucracy that will make it more difficult for private individuals to continue to develop and use water resources that have in the past been controlled by state and local government entities.

Another concern relates to the effort to obtain local input regarding the designation of rivers as an American Heritage River. While we support obtaining local input, we question whether the initiative is designed to achieve a truly representative sampler. This is because the local input is based upon what is referred to as ''river communities.'' Any small group, environmental organization or local civic club could be defined as a ''community.'' The initiative redefines communities, watersheds, and jurisdictional boundaries to create this governing entity, which will then have the power to decide the ''length of the area'' to be designated ''whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries.''

Because these communities have no set definition and because of the diverse, and often conflicting set of options, this may cause real communities to become fragmented. Worse, there is no guarantee that private property owners will be included in any decisions made by this river community. In fact, a river could be designated over the specific protests of local private property owners whose land would be most affected.

This potential threat to property rights is a serious one. There are no safeguards written into the initiative to protect the rights of property owners. On the contrary, it appears the initiative could result in rezoning properties, thereby disallowing legitimate uses or development. It's also feared that property values will decline because of the designation.

Another major concern with this initiative is that the designation of a river is essentially permanent. Wile CEQ may claim that a river can be undesignated at any time, according to the wishes of the local community, there is no defined process for undesignation. And you are aware, the needs and wishes of communities change and a community may decide it no longer wants to have that section of river designated.

The process by which this initiative was proposed is flawed, as well. It is in violation of the National Environmental Policy Act (NEPA), which requires an Environmental Impact Statement (EIS) to be filed for any federal action which would significantly impact our environment. No EIS was filed. Furthermore, NEPA requires a ninety-day public comment period for any EIS. A mere three weeks was originally provided for public comment. While we appreciate the extension of the comment period to sixty days, it was only after extensive public outcry.

Despite all of these significant problems with the initiative, there is still one more that cannot be ignored. If this initiative were to be enacted, it would conflict with the Idaho Constitution. Article XV, Section 1 of the Constitution of the State of Idaho, as approved by the U.S. Congress states: ''The use of all waters . . . [is] subject to the regulations and control of the state. . . .'' Additionally, Idaho Code 42–101 states: ''All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose.'' Idaho clearly has jurisdiction, control, and sovereignty over water within her own borders and any federal attempt to usurp or interfere with that authority will be aggressively resisted.

As you can see, we have some serious reservations about your American Heritage Rivers initiative. Our concerns can be summed up into three basic areas: the lack of Congressional approval, the vague language and absence of definitions and the excess federal control over private property and state water rights.

We thank you for extending the comment period to sixty days, but we request you withdraw this initiative and allow the local stakeholders and the state to use their current laws to govern their water.

Sincerely,

HELEN CHENOWETH,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
MIKE CRAPO,
Member of Congress.
DIRK KEMPTHORNE,
United States Senator.

Mr. KEMPTHORNE. Mr. President, Idahoans are quite opposed to the AHRI. They see it as a further encroachment of the Federal Government not only into their lives but onto their lands. Even though the administration insists the initiative would be locally driven and administered, the average Idahoan strongly disagrees with this notion and simply wants the Federal Government's role to decrease in every possible aspect.

Mr. President, I support the amendment to H.R. 2107 submitted by the Senator from Arkansas.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed in morning business for up to 5 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

HELICOPTER CRASH IN BOSNIA

Mr. BIDEN. Mr. President, I rise this evening to comment on the tragic news from Bosnia. Earlier today, a U.N. helicopter carrying several international officials crashed 40 miles northwest of Sarajevo. Twelve people are reported dead and four injured. The latest reports indicate that on board were four or five Americans, still unidentified, who were working for the International Police Task Force and the Office of the High Representative for Bosnia. Among the dead was Gerd Wagner, the Senior Deputy High Representative for Bosnia. Ambassador Wagner was well known to many of us in the Congress, since before he took up his post this past summer he was the political counselor at the German Embassy in Washington.

A Balkan expert who learned Serbo-Croatian while serving in Belgrade earlier in his career, Ambassador Wagner answered the call to take up the challenging and dangerous post as Senior Deputy to High Representative Carlos Westendorp.

I had dinner with the Ambassador 3 weeks ago in Sarajevo. In the presence of a diverse group of Bosnian Muslims, Croats, and other international officials, he spoke out forcefully in favor of the difficult task of making the Federation work. Much of the credit for refugee resettlement and for fleshing out the political institutions mandated by the Dayton accords belongs to Gerd Wagner.

Mr. President, this terrible helicopter crash follows just 2 years after the accident on Mount Igman that took the lives of three dedicated American diplomats—Joe Kruzel, Bob Frasure, and Nelson Drew. In neither the Mount Igman accident in 1995 nor today's helicopter crash was any foul play suspected.

As a matter of fact, the early reports are reminiscent—Dr. Haltzel, of the Foreign Relations Committee staff, and I were talking about it today—of our own helicopter travel in Bosnia 3 weeks ago. We were in a similar situation. Reportedly the reason Ambassador Wagner's delegation crashed was heavy fog. We also took off from Sarajevo in a peasoup fog, and the pilot of our American Blackhawk helicopter expressed concern about the fog and the mountains. Obviously, in our case it turned out not to be a problem. Tragically in this case for Ambassador

Wagner's Czech-made helicopter, it ended up being a fatal problem.

As I mentioned, apparently the crash was not the consequence of any foul play. The accident occurred while Ambassador Wagner's party was on a regular peacekeeping mission. The sacrifices of these brave individuals point out the dangers that international peacekeepers, mediators, diplomats, USAID workers, and others face in Bosnia every day, even if they may not be the direct victims of the ethnic fighting.

If the cause of stabilizing the fragile peace in Bosnia and putting that country back on the road to political and economic recovery is important to the United States and its allies, as I firmly believe it is, then we must take the risks to achieve our goals. Our diplomats in Bosnia understand that simple truth, our volunteer professional soldiers in SFOR understand that simple truth, our USAID workers in Bosnia understand it, and our volunteers working for the International Police Task Force in Bosnia understand it. And Gerd Wagner understood it.

Mr. President, our hearts go out to the families of all the victims, the relatives of the as yet unnamed Americans on board, and Ambassador Wagner's wife, Mrs. Sandra Wagner, their two sons, and their daughter, who has been studying at the University of California at Berkeley. Gerd Wagner was a fine German diplomat, a dedicated international civil servant, and a good friend of the United States of America. He will be sorely missed.

Mr. President, I thank my colleague from Iowa for allowing me to speak ahead of him, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO BOBBY SILVERSTEIN

Mr. HARKIN. Mr. President, I rise now to pay tribute to a great friend of mine, a close personal friend and someone who has added significantly to the Senate and the House over the course of almost an entire adult lifetime of work and, moreover, who has added to moving America forward in terms of how we feel and how we care about each other and really moving America forward toward the ideal of our Nation. And that is a nation without barriers to anyone, a nation of opportunity for all.

Mr. President, I speak of Bobby Silverstein, who later this month will leave the Senate to teach and establish a center for the study and advancement of disability policy at George Washington University.

For the past decade, Bobby has been my chief counsel and staff director of the Subcommittee on Disability Policy. During this time, he has been the behind-the-scenes architect of legislation that has truly revolutionized our Nation's policy towards its citizens with disabilities and expanded opportunities for the more than 49 million Americans with disabilities and their families. There is simply not a more knowledgeable, skillful, accomplished and respected person in the field of disability policy in our entire Nation.

Bobby Silverstein played a significant role in crafting the Americans with Disabilities Act, ADA. Before the ADA, discrimination on the basis of disability was wrong, but it was not illegal. Bobby helped me fashion a coalition of grassroots and Washington-based advocacy groups and demonstrated the significant political strength of this unity. Through this coalition, every Member of Congress was educated that disability is a natural part of the human experience, that discrimination on the basis of disability can be tolerated no longer, and that people with disabilities must be judged on what they can do, not on the basis of myths, stereotypes or fears.

His mastery of the issues, unrivaled negotiating skills, patience, and excellent working relationships with those in the disability community, the business community, the Congress, and the White House enabled what many have called the emancipation proclamation for people with disabilities—the Americans With Disabilities Act.

Under Bobby's behind-the-scenes leadership, public policy for infants, children, and adults with disabilities and their families has been strengthened and expanded in every aspect of life: education, employment, civil rights, housing, income maintenance, health, transportation, telecommunications, and recreation. In addition to the ADA, he was my chief aide responsible for securing passing of legislation establishing the National Institute of Deafness and Communication Disorders at the National Institutes of Health. This Institute has contributed significantly to the knowledge of deafness, and has led to improvements in the lives of millions of Americans who are deaf or hard-of-hearing, including senior citizens. Bobby also shaped legislation to reauthorize the Rehabilitation Act, which supports essential job training, employment, and independent living opportunities for thousands of adults with disabilities. On October 16, 1990, the Television Decoder Circuitry Act became law and opened up the information available on television to the millions of individuals who can benefit from captioned television, including deaf individuals and those children and adults who are learning English.

Prior to this time, people who were deaf, like my brother Frank, had to have a great big box that they set on top of their television set that would receive the signal and decode it for that television. Those units cost, if I am not mistaken, in the neighborhood of a couple of hundred dollars. But as my brother said to me one time, that's fine when I'm home watching television; I can get the news and the weather and other information I need through my decoder on my television. But what about when I travel and I stop at a motel or hotel and I want to find out what the weather is going to be, or I want to listen to the news? I can't take that box with me.

So, beginning in 1988, 1989, we began having hearings on the possibility of mandating every television set sold in America have a little chip put in it so that every television could decode the signal for closed captioning. I remember the hearings. The companies came in and said, ''Oh, no, this was going to cost too much money.''

Bobby wasn't satisfied. He went to the manufacturers of the chips, asked how much it would cost to produce the chips, and if every television set had them in it how much would it cost. And it came down to mere pennies. So, armed with that information, we were able to get that information to our committee, to Members of the Senate and the House. The bill passed and, as I said, was signed into law by President Bush on October 16, 1990.

So, every time when you turn on that television and a phone call comes in and you want to watch what is going on but you want to turn the sound down so you punch that button on your remote and the captions come up so you can follow the news and still answer that phone call, think of Bobby Silverstein. He is the one who made it happen. It was a great law and one that has just helped millions of Americans, including people like me who do not suffer from deafness, for just the very kind of purpose I just mentioned.

Bobby also championed the Assistive Technology for Individuals With Disabilities Act, protection and advocacy legislation for individuals with mental illness, the Development Disabilities Assistance and Bill of Rights Act and landmark family support legislation. Most recently, Bobby was the lead Democratic staffer for the negotiations that led to the bipartisan enactment of Public Law 105–17, the Individuals with Disabilities Education Act—known as IDEA—Amendments of 1997. This passed this year. IDEA guarantees a free, appropriate public education for more than 6 million children with disabilities.

Bobby came to the Senate after several years working for Congressman Pat Williams of Montana in the House of Representatives, where his skills resulted in landmark legislation that established early intervention and preschool opportunities for very young children with disabilities—what we now call part H. These two programs have enabled hundreds of thousands of children to obtain the services and support they need to live with their families and develop to their potential.

In addition to his impressive legislative achievements, Bobby has extensive experience working in Federal agencies and the private sector. He has drafted policy interpretations for the Office of Civil Rights of the United States Department of Health, Education and

Welfare on issues related to persons with disabilities under section 504 of the Rehabilitation Act of 1973; race and national origin issues under title VI of the Civil Rights Act of 1964; and gender issues under title IX of the Education Amendments of 1972. In private practice, he trained professionals on the legal framework of the Rehabilitation Act, as well as serving as legal counsel for parents of children with disabilities in cases relating to securing a free appropriate public education for their children.

Bobby Silverstein has won not only my unquestioned respect and deep admiration, but that of Republican and Democratic Senate and House Members, leaders of the disability community, the business community and grassroots activists. His knowledge of the issues and his intellectual rigor and honesty are recognized by everyone with whom he's worked.

If Bobby Silverstein says something or is involved with putting forward a point of view, everyone knows that he has come to that position after meticulous study and careful, objective and reasoned analysis. Bobby has taught us all the importance of working together to achieve a common goal. He was able to achieve consensus among parties with strongly held competing views. The great respect he commands from those across the political spectrum is rare and is clearly a tribute to his abilities and tireless dedication to good research and sound analysis. It is this widespread trust and respect for Bobby and his work that has made much of the legislation we've enacted possible.

Mr. President, I, along with every American, owe a great debt to Bobby Silverstein. In all my years in public service, I have not encountered a more dedicated, caring and good-hearted person. He exemplifies all that is good about public service. He is truly among the best and the brightest individuals in the field of public policy. In the field of disability policy, he has no equal.

Mr. President, as you know and as I know and so many people know, as we pass legislation here, it gets our name on it. We are the sponsor of the bill. When it is enacted into law, it is our name that is on it. So often we know it is dedicated staff that really do the work.

I said so many times that most of the legislation that we pass dealing with people with disabilities, if it were not for Bobby Silverstein, it never, ever would have happened.

So, in that way his mark will remain for a long, long time, not only here in the Senate but all across America.

I will yield to my friend and colleague, the Senator from Vermont.

Mr. JEFFORDS. I could not help but come in and join you, associate myself with your remarks for Bob, because I worked with him both in the House and the Senate. I agree with everything you said. He did so much to assist all of us who wanted to benefit those in the most needy situations. I agree with you. If it wasn't for him—and also of course Patricia Morrissey on my side, those two who worked so very closely together all during that period of time—we would not have accomplished so much. Bobby was incredible. I know he is going to have even, perhaps, a more useful role now that the basic work is done in the profession he is going into. But he is one wonderful person.

You are to be commended for recognizing that and utilizing him, of course, to benefit all of us. I thank the Senator for his comments.

Mr. HARKIN. I thank my friend, the Senator from Vermont, who again is known for his keen intellect, but also a big heart. I appreciate what he just said about Bobby Silverstein. I should have recognized the fact that the Senator would have worked with him, of course, on the House side.

Again, the people who worked so hard to make our country more fair and to break down barriers of discrimination against people—surely no one can claim that Senator JIM JEFFORDS needs to take a back seat to anyone.

Certainly, Senator JIM JEFFORDS of Vermont need not take a back seat to anyone. Senator JIM JEFFORDS has always been in the forefront of those fights, especially working on the issue I have been talking about, people with disabilities. The Senator from Vermont has always been in the forefront assuring that people with disabilities have their full constitutional and civil rights in this country. So I appreciate what he said about Bobby Silverstein, and coming from the distinguished Senator from Vermont, believe me, it means a lot to me and it means a lot to Bobby Silverstein.

Mr. JEFFORDS. Mr. President, I have enjoyed working with the Senator from Iowa. I think we have been together on every issue here over the course of the years. I have been with him, or just a little bit behind him, on all of these. I commend him for all the work he has done. We both know that without Bobby and Pat Morrissey, we would not have been as successful as we were.

Mr. HARKIN. Absolutely true. I appreciate what the Senator said. It has been a real joy working with the Senator from Vermont both in the House and in the U.S. Senate.

So, Mr. President, as the Senator from Vermont said, Bobby is moving on. I am absolutely certain that his next endeavor, which is the center for the study and advancement of disability policy located at George Washington University, will have an immediate and long-term effect on national policy for Americans with disabilities. I might just add as an aside, Bobby is capable of nothing less.

So as Bobby Silverstein leaves the Senate, I congratulate him on his outstanding accomplishments. I thank him for his tireless service to his country. I extend my best wishes to Bobby, to his wife Lynne and their sons, Mark and Evan, for continuing success in the many years ahead. So, Bobby, thank you for a job well done.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Mr. President, while we are waiting for a final draft of the amendment I intend to offer, I thought in the meantime I might just as well talk about it, and then we can take care of it when it is ready.

Senator TORRICELLI and I had a very interesting time earlier this week in helping celebrate the aftermath of the reenactment of the Battle of Antietam which occurred this past weekend, which reenacted one of the most, if not the most, violent battles in the history of warfare in the Civil War.

It was a remarkable experience, because not only were there thousands of people participating in the reenactment, but there also were over 100,000 people who watched the reenactment of that incredible battle which was, they say, the most bloody of the Civil War.

It reminded me of this Nation, as we march on toward the end of this millennium, that we do have an obligation to make a commitment to ourselves in this interim before we go to the next millennium to ensure that we have learned the lessons of history, especially in this Nation, now the most proud and important and strongest Nation in the world, of how we formed and how we lived our lives up through the time it was created in respect to its modern form of people arriving from Europe and other places, and the struggles that we had which were not easy ones.

We are still, in a sense, living some of the aftermath with respect to some of the biases and problems of discrimination in this Nation against those in the black community, who, as we all know, came over here as slaves, and then the great Civil War between the North and the South fought, to some extent, based upon the principles of the States rights, and yet also the very, very difficult question of abolishment of slavery in this country.

I have had the opportunity over the course of time to study a great deal about that war, for Vermont was very dedicated and, in many ways, was the leader in the sense of commitment, for it was early on that Vermonters participated in a higher number per capita than any State in the North. In battle after battle, Vermonters were at the head of the troops. In fact, Lincoln at one time commented after reviewing the efforts of Vermonters, ''Just tell them to follow the Vermonters.''

When I was first in the Senate, our Vermont Legislature, in commemoration of the 100th year of the Battle of

Cedar Creek—I guess it was a little longer than that, 120th, or something like that, because that was 1864, so I wasn't quite here yet, obviously. But anyway, they, in a sense, passed a resolution telling the Vermont delegation that they should go to the Battle of Cedar Creek and locate a monument which was erected there many, many years ago which commemorated the Vermonters. I will mention a little bit about that in a moment.

We went there and had to locate it. It was at the back of a private house, and we found that it was all grown up and trees were winding in and out of the fencework around it. So we took immediate steps to get permission from the landowner and then transferred that information back to our legislature.

But it brought to mind that before the memorabilia and memorials all disappeared, it would be important for us to try and see what we could do to retain them and make them available for future generations.

So I introduced a bill to commemorate, in a sense, the battle in 1864 which led to the election of Lincoln, but also I became so entranced with Stonewall Jackson that I began to study the Stonewall Jackson campaign which occurred earlier in 1862 and recognized and realized from reading that it was the Jackson campaign in the Shenandoah Valley that led to a whole new concept of how to conduct war.

In those battles, Stonewall Jackson took advantage of modern movement by the railroads. So he would appear in one place in Virginia, lodge a battle and then hop on a train and move to a totally different area, and in wonderment, he would appear miles and miles away and have another battle.

So I came to the conclusion that it would make it very interesting if we could save those battlefields and to create a sort of historic trail with the Park Service so that people could, in a few days, start and follow the Stonewall Jackson campaign and move up through the Shenandoah Valley and then turn around and come back.

That idea grew. Then attached to that at that time came the thought that we ought to take a look at conserving all battlefields that had a meaningful part of our history. Thus, the Battlefield Commission was created and the coin and all to try and fund it. That happened.

Now we are coming, as I started to say, to the end of our century, the end of the millennium, and still much needs to be done to be able to make sure that the history and the battlefields which were the main battles of the Civil War are not lost for future generations.

We have found that many of them are up for sale or the lands around them or critical pieces of land that were involved with those battlefields are up for sale.

Thus, shortly we will be introducing an amendment to make sure that we do not lose the opportunity to provide the funding and the direction to the appropriate Federal officials to make sure that there are funds available to ensure that we can maintain the integrity of the main battlefields of the Civil War.

I know my friend from New Jersey, who was with me as we thought about this and met with people this past week, joins me in this. I now yield the floor and allow him to participate in this discussion as we await the final draft.

Mr. TORRICELLI. Mr. President, I thank Senator JEFFORDS for giving me the opportunity to join with him in this amendment and offer not only my support by my appeal to our colleagues to not only support us in this effort tonight but in future years to keep the commitment to respond to the threat to battlefield sites and other aspects of American history, to give our true measure to protecting the history of this country.

In his Pulitzer prizewinning book, ''Battle Cry of Freedom,'' James McPherson once wrote of the Civil War that:

> Most of the things that we consider important in this era of American history—the fate of slavery, the structure of both the North and South, the direction of the American economy . . . the definition of freedom, the very survival of the United States—rested on the shoulders of those weary men in blue and grey * * *.

Most of those men, Mr. President, were simple volunteers, laborers, farmers. They were paid little and endured horrific conditions. Throughout the duration of the war, 620,000 Americans, black and white, North and South, soldiers and sailors, paid an extraordinary price to preserve this Nation or to define it as they would have had its future.

Mr. President, I rise today with Senator JEFFORDS in memory of those brave men because the lands where they fought, the places where they sacrificed, face a new threat. The battlefields of America, which define this country, where they gave their lives, may be lost to history. Future generations who might have been instructed by their sacrifices or discovered America by understanding what occurred on these lands will be denied the opportunity.

We rise, Mr. President, on an auspicious occasion in offering this amendment because it was 135 years ago today, only miles north of this Senate Chamber, when more than 125,000 Americans, Union and Confederate, gathered on the rolling fields near Sharpsburg, MD, for what we know as the Battle of Antietam.

It is therefore a fitting evening as we gather tonight to consider saving the lands where they died, to remember that only 12 hours after they gathered, in what would be remembered tomorrow, 23,000 men lay dead in what was the bloodiest day in American history, a day in which three times as many Americans fell as died on D-Day.

I remember this anniversary, Mr. President, because I come to this effort helping Senator JEFFORDS here tonight because, with friends, I visited the Antietam Battlefield only months ago. I stood in the Sunken Road where 5,000 men fell as a part of that battle.

And as I stood in the Sunken Road, where so many men gave their lives, looking from the Confederate positions to where the Union assault would have come, I recognized something peculiar that did not belong, strange to a great Nation, a ''For Sale'' sign stuck into this sacred ground rested where brave men led an assault to save or define or to change the United States.

Mr. President, when Abraham Lincoln dedicated the national cemetery at Gettysburg, he said:

> We cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.

I recall these words in this Chamber today because it is now for us to decide whether Lincoln was right or was wrong, because a ''For Sale'' sign is on lands where so many Americans fell, where generations will seek to visit to learn of their sacrifice and understand the rich and proud history of America. It is no place for commercial development, the sale and destruction of lands. It is, Mr. President, a desecration.

The battlefield of Antietam is not alone. Today, hundreds of battlefields, where thousands of others died, face the similar threat of ''For Sale'' signs, a future as shopping malls, strip development, or suburban housing tracts.

The battlefields of Antietam, where Senator SESSIONS and Senator MURRAY tell me that their own great-grandfathers lost their lives, will soon be housing tracts or the same commercial development that I fear.

North of Antietam, in Gettysburg, home to Pickett's charge, Senator LOTT tells me his own great-grandfather fell, on the left flank of what was the bloodiest battle where 55,000 Americans died in 3 days, more than in all the battles in the war of 14 years in Vietnam.

South of here, in the lands around Fredericksburg, best captured by the photograph to my right—home to the battles of Chancellorsville, Wilderness, and Spotsylvania Court House—important Civil War landmarks have already been destroyed by housing tracts and shopping centers.

Places where schoolchildren would have visited to remember their own relatives, learn about their sacrifices, understand how America came to be as we know it today will never have the experience. But it isn't just Gettysburg, it isn't only Antietam, it isn't simply experienced by Fredericksburg. It's Vicksburg, MS; Petersburg, VA; Mobile, AL; Fort Donelson, TN; Perryville, KY; Bentonville, NC; Chickamunga, GA.

Indeed, two-thirds of the most important Civil War battlefield sites in our Nation in the next 6 years could be irrevocably lost to history. We are not, Mr. President, the first Senate to recognize this threat. In November 1990,

under the leadership of Senator BUMPERS and in the House of Representatives under the leadership of Congressman Mrazek of New York, with the signature of President Bush, we established the Civil War Sites Advisory Commission to advise the Congress on how to preserve these lands. This 15-member panel identified 384 critical Civil War battles or engagement sites that, in their judgment, should be preserved.

Even 7 years ago, however, they recognized that 20 percent were already lost to history through commercial development. But they recognized that there are still 260 that could be saved. They warned then that time was short. Now, it is even shorter.

Our amendment, through a sense of the Senate, will ask that the conferees use their best efforts to use funding available in the Land and Conservation Fund to immediately make available, within Park Service boundaries, funding to save those lands still available. It will use less than 10 percent of the funding available to the Congress this year out of the conservation funds.

We offer this as a sense of the Senate because we have Senator LOTT's commitment, and I believe his sincere pledge, to defend the interests of this Senate in preserving these lands, but mostly because Senator GORTON has given his own commitment. Because of his own sincere belief in this effort, he will lead us in this important cause.

Mr. President, I am standing here tonight as a representative of a young country. We are challenged, I think, by the notion that if we stood not in the U.S. Congress but in the French National Assembly, the British Parliament, or any other great assembly in Europe, it would be unthinkable that the lands of Verdun or Stalingrad or Waterloo would ever be destroyed through commercial development.

Perhaps our Nation is not as old, but its history is just as important. Our own children will look for instruction from what occurred in these important lands just as much as those of France, Russia or Britain.

So, Mr. President, I offer this amendment with Senator JEFFORDS, giving my thanks to our colleagues who join with us and, indeed, to Professor McPherson, who has inspired yet another generation with his writing and battle cry of freedom and for writing to Members of the Senate today in support of this important amendment.

Senator JEFFORDS, thank you for your leadership, and, Senator GORTON, thank you for your help in representing the Senate in the conference in preserving the sense of the Senate and dedicating these funds to this important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as I said at the beginning of the discussion of this bill last Thursday afternoon, my subcommittee is an extremely popular one. I had some 1,800 special requests from Members, almost all for projects of one sort or another in their own States. I believe we may finish this bill tomorrow, but we have some two pages of amendments, most of which are not matters of profound national policy but, again, for specific programs or projects in individual States.

It is with that in mind that I want to say how refreshing it is to hear from these two Senators of their tremendous desire to save the sites of the most important battles, many of the most important battles, in the history of the United States that were fought in that profound turning point in our history, the Civil War.

I am quite a Civil War buff myself, a fan of Professor McPherson's book, perhaps an even greater fan of Shelby Foote, but with all of my reading, I fail to remember a single battle that took place in the State of New Jersey, and I can remember of only one skirmish that took place in the State of Vermont that was made into a movie a couple of decades ago. So the Senate has not heard from two Senators who are attempting to create projects in their own States. They are hearing from Senators who care deeply about our heritage and care deeply about the preservation of the physical aspects of that heritage.

At least two of the amendments that will be adopted tomorrow will relate to sites of battles that have already been preserved in large part but where the ravages of time are having a negative impact. The Senators know of my bias in favor of supporting them.

Even so, when the two Senators who sponsor this amendment first brought it to me, they placed me on the horns of a dilemma from which they now have most graciously removed me. The source of the money for the preservation of these sites is the Land and Water Conservation Fund. A $700 million infusion into the Land and Water Conservation Fund was a recommendation of the President, which at least at that level was acceded to by the Senate leadership in negotiations over the budget. It was not a mandatory part of that budget agreement. The House of Representatives omitted to fund any portion of that $700 million.

Feeling very strongly, in general terms, about the importance of not just this kind of preservation but of other preservation, my bill does include that $700 million. It sets three priority items for use of that money, two of which amount to almost half of the $700 million, high-profile priorities of the President of the United States—the Headwaters Forest in California and the New World Mine in Montana.

Another $100 million in it is appropriately earmarked for the States' share program, money to share with the States as we have in the past for their own preservation of recreational and other property.

So when the Secretary of the Interior came to me with this request, we made the determination that we would not earmark money directly for any other projects. I didn't want to be faced with a whole series of recommendations from the administration in which we in the Congress played no role. And I think it's safe to say the Secretary of the Interior and the administration didn't want us to spend all of the money without the administration playing any role in that determination. So I agreed that we would oppose additional specific earmarks in this bill.

At that point, these two Senators came along, either on their own, or knowing my own biases, and asked for money for a purpose which I think is worthy and of the highest possible priority. So they did put me on the horns of a dilemma. They have now agreed to make this a sense-of-the-Senate resolution as to how the money ought to be spent, with my support and with the support of the majority leader.

So I want to do two things. I want to thank them for phrasing it in this fashion and I pledge my support as we vote on the amendment. I also want to tell them that as we do work with the administration to set priorities across the country for the spending of the money from the Land and Water Conservation Fund, assuming that we can get the House of Representatives to agree that we are going to have the money at all, it is very difficult for me to imagine any higher priority than the preservation of these Civil War sites. So I want to agree with this amendment.

AMENDMENT NO. 1218

(Purpose: To express the sense of the Senate regarding the preservation of Civil War battlefields)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. TORRICELLI proposes an amendment numbered 1218.

Mr. JEFFORDS. 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 end of title III, insert the following:

SEC. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield cites.

Mr. JEFFORDS. Mr. President, my amendment is a critically important amendment to make sure that we preserve the Civil War battlefields for those people who will be in the next millennium to better understand this Nation.

Mr. President, I am proud to be joined today by Senator TORRICELLI in offering this amendment of national historic significance.

The American Civil War is thought by many historians to be the fundamental event shaping the character of the United States. This amendment takes a giant stride at preserving our history by establishing that it is these funds that be made available to protect the threatened American Civil War battlefields.

I am proud to say that there is in this land a great wellspring of caring for the places where freedom was won and defended. Millions of Americans have, in recent years, become aware of the hallowed ground of our Civil War battlefields, have visited them, read of them, many have written of them.

The clear and eloquent message I hear is that these treasured places should be saved, intact, for future generations. The preservation message goes forth from Gettysburg, Antietam, Manassas, Cold Harbor, Malvern Hill, Cedar Creek, Petersburg, Stones River, and dozens more Civil War places.

When battlefields become severely threatened there quickly develops a continuity of Americans that spreads nationwide. The American people care about their history, look on these places as national treasures, and speak eloquently and effectively for their preservation.

Preserving our Nation's battlefields is a subject very close to my heart. My efforts to preserve our Nation's historic places actually began in my State of Vermont several years ago when the Vermont Legislature unanimously passed a resolution asking Congress to save the places where Vermonters fought in the Civil War. The resolution was presented to me, and I went to work finding out all I could about the battlefields and what was needed. It quickly became apparent that the Civil War battlefields were in need of protection.

Over 7 years ago, Congress responded to the growing awareness of our Civil War heritage and the concern for the sites where that heritage took form, by passing legislation that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for 2 years studied the remaining Civil War battlefields. Civil War sites were visited, public meetings held, and in the end a report was written. The report presented a plan of action for protecting what remain of the Civil War battlefields. It is a plan that has recognized the need to act, a plan that I strongly favor.

Mr. President, as a proud American, preserving our great history is an opportunity I am always ready to seize. Congress should do what we can to help meet the recommendations of the Civil War Advisory Commission by preserving the country's most endangered Civil War sites.

In fighting to preserve Civil War battle sites, we have aimed to create the chance for our citizens to travel from battlefield to battlefield and to relive the brilliant Jackson campaign of 1862, and the successful Union campaign of 1864. By preserving these sites, we will allow people to enjoy the beautiful surroundings such as the Shenandoah Valley and give area economies an important boost.

Several years ago, I had the privilege to travel from battlefield to battlefield with several Civil War historians and Civil War buffs. We saw those battlefields pretty much as they were during the Civil War. We relived Jackson's battles of the 1862 campaign, one of the most studied campaigns in history. We also retraced the Union campaign of 1864. At that time the election was not looking so good for President Lincoln, and the Union was in dire need of battle victories. General Sheridan marched the Union forces up to the valley and won a series of battles culminating in the Battle of Ceder Creek. Many historians believe that this was the turning point in the war.

Mr. President, I came away from this trip with the strong feeling that it is my responsibility as U.S. Senator to help preserve this part of our national heritage. Bruce Catton, one of our Nation's most eminent historians has written:

> Any historian who confronts a gap in the record of bygone days knows moments of despair when he complains bitterly that no one took the trouble to dig out and assemble all of the facts while those facts where still available. To use unlimited resources in as broad and as all-inclusive as it possibly can be, to do it while everything is still fresh, and to do it with no other earthly motive than a desire to establish the full truth—this is the sort of thing that only governments can do, and they almost never dream of doing it.

Mr. Catton's words are more important than just an expression of the historian's frustration at not having access to ''all the facts.'' His words constitute a challenge, a challenge to government to preserve and protect the fragile bits and pieces of our Nation's history that remain with us today, but which tomorrow could vanish forever.

Just this past weekend, the Battle of Antietam or Sharpsburg, as it was referred to by the Confederates, was relived as over 15,000 civil war enthusiasts reenacted this bloody battle before over 100,000 spectators. On this day, 135 years ago, over 23,000 brave Americans lost their lives at the Battle of Antietam. The number of casualties was three times greater than the number of Americans killed at Normandy on D-day. Left for the dead on the battlefield, but surviving, was a young captain from Massachusetts who became one of the nation's most respected Supreme Court Justices, Oliver Wendell Holmes, Jr. General McClellan sent a message to Washington of a great victory, however the Confederates escaped across the Potomac and retreated into the lower Shanandoah Valley with little interference. Many believe that the victory prompted Abraham Lincoln to unveil his preliminary Emancipation Proclamation on September 22, 1862.

Mr. President, if we persist, we could give to future generations of Americans a gift of history, the opportunity to see, to walk, the hallowed ground of one of the most beautiful places on earth where this Nation's history was written. If we fail, we must answer to future generations who go in vain to seek places of our heritage. On October 19, 1864, with victory in his grasp, Jubal Early declined to launch a last attack. Early believed his valiant Confederate troops had won an adequate victory for the day along the banks of Cedar Creek. ''But this is the Sixth Corps,'' an aide protested, ''and they will not go unless we drive them.'' Early did not attack and his day was soon lost.

To those who would act too cautiously here, I say, ''But this is the eleventh hour. The battlefields will be lost unless we act now and decisively.''

Mr. President, I ask unanimous consent that an editorial from the New York Times of July 4, 1997, on the ''latest battle of Gettysburg'' be printed in the RECORD, along with a letter from James M. McPherson, of Princeton University, supporting my amendment.

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

[From the New York Times, July 4, 1997]

THE LATEST BATTLE OF GETTYSBURG

When Abraham Lincoln said of Gettysburg that ''the brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract,'' he did not reckon on the power of 20th-century developers.

At issue are 50 acres just outside the protective boundaries of the Battlefield Historic District at the interchange of Routes 15 and 30 in Pennsylvania. Gettysburg has mushroomed as a bedroom community in the last five years because of its proximity to the Baltimore-Washington area. Wal-Mart, several large hotels, fast-food franchises, grocery stores and a miniature golf course line the Route 30 corridor. Now, developers want to build a Giant Superstore on land that used to be Camp Letterman.

Camp Letterman was merely a field hospital in the sense that Gettysburg, where more than 7,000 died and 50,000 were wounded, was merely a battle. Nearly 5,000 union and Confederate soldiers were cared for in 500 tents at the camp. Historical records indicate that more than 1,200 were buried at the site. Although a mobile home park now sits on a small portion of Camp Letterman, which is under option by a development company, there has been no bulldozing or land contouring. Straban Township, where the camp is located, recently granted conditional approval to the development plan, although final approval is still pending with the Army Corps of Engineers, which can withhold building permits if significant archeological resources are discovered during excavation efforts. Archeological surveys so far have yielded indications of a grave.

The situation at Camp Letterman is emblematic of a national epidemic. Hallowed ground throughout the country is threatened by commercial development. For instance, a gravel company has optioned Buffington Island, the site of the only major battle in Ohio. If plans go through, the battlefield will be mined into a heap of pebbles. One of the more infamous struggles between development and historical preservation occurred in 1994 when the Walt Disney Company proposed to build a theme park in Virginia near

the Civil War shrines of Manassas. Had it not been for loud opposition from a conglomerate of scholars and legislators, Disney would have damaged an important historic area.

But most of the sites in jeopardy do not get publicity on the scale of Manassas, if they receive any attention at all. That should not diminish the significance of places like Camp Letterman, where soldiers spilled their blood for the sake of their country. In 1991, Congress created the Civil War Study Commission to avoid such dilemmas. The commission was charged with identifying high-priority sites and drawing up a plan to protect them. One of the most important discoveries involved public perception. Americans overwhelmingly believe that all Civil War sites are already protected. In fact, less than 4 percent fall under the national park system. More than one-third of all important battlefields are either ruined or nearly so. Without swift preservation efforts, the nation stands to lose two-thirds of its main battlefields within 10 years.

When the commission released its report in 1993, it recommended that Congress enact a ''Civil War Heritage Preservation'' law that would establish a national policy to protect the battlefields and related sites through a cooperative effort by national, state and local governments and private groups. But in a time of shrinking fiscal resources, its suggestions were shelved.

Sites like Camp Letterman tell the story of bravery and human suffering and conviction. The exchange of this heritage for strip malls and grocery stores is reprehensibly cheap. Before important parts of our past disappear, Congress should look to the future by re-examining the Civil War Study Commission's recommendations.

PRINCETON UNIVERSITY,
DEPARTMENT OF HISTORY,
Princeton, NJ, September 16, 1997.

Senators JAMES JEFFORDS AND ROBERT G. TORRICELLI,
U.S. Senate,
Washington, DC.

DEAR SENATORS JEFFORDS AND TORRICELLI: I strongly support the American Heritage Preservation Amendment that you have introduced in the Senate to use part of the proceeds from the Land and Water Conservation Fund for Civil War battlefield preservation.

In his address at Gettysburg to dedicate the cemetery for soldiers who had died in the epic battle, Abraham Lincoln said that the world ''can never forget what they did here.'' Nor has the world forgotten. Millions of people visit Gettysburg and other Civil War battlefields every year. Most come away profoundly moved by the experience. Yet portions of many of these battlefields are endangered by encroaching commercial and residential development. Thousands of acres of hallowed ground may disappear under concrete and asphalt unless we act now.

As a member of the congressional Civil War Sites Advisory Commission, which in 1993 recommended urgent action by public-private partnerships to purchase or otherwise protect these acres. I have been disappointed by the failure of Congress to act. Private organizations such as the Association for the Preservation of Civil War Sites, the Civil War Trust, and the Conservation Fund have raised millions of dollars for this purpose. But they cannot do it all alone. That is why I urge Congress to pass your American Heritage Preservation Amendment, which will dedicate a small portion—no more than 10 percent—of the $700 million already designated for land acquisition from the LWCF for the purchase of important Civil War sites.

''We cannot consecrate—we cannot hallow this ground,'' said Lincoln at Gettysburg. ''The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.'' Lincoln was both right and wrong. We cannot consecrate this ground, but we can desecrate it. We must take steps now to prevent that desecration. The Jeffords-Torricelli Amendment is a crucial first step toward this goal.

Sincerely yours,

JAMES M. MCPHERSON.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1218) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, on the bill, I ask unanimous consent to make a technical clarification to the committee report on page 32 of the report, which indicates that a report on the Natchez National Historic Park as being due on January 30, 1997. The actual due date, obviously, would be January 30, 1998.

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

AMENDMENT NO. 1212

(Purpose: Requires the Forest Service to implement recreation residence special use permit fees over a 5 year phase-in period and provides that no increases in fees may occur on the Sawtooth National Forest until January 1, 1999, and further provides that no fees may be increased sooner than a year after release of the Forest Service appraisal of the property)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CRAIG, proposes an amendment numbered 1212.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 127, at the end of Title III add the following general provision:

SEC. 3 . The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence *fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.*

Mr. GORTON. Mr. President, this suspends, for the period of this next fiscal year, the implementation of fees for recreational use for cabins in a national forest in Idaho, while Senator CRAIG and the appropriate committee discusses the method by which those fees were arrived at. It is cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1212) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1213

(Purpose: To revise the boundaries of the Arkansas Post Memorial, and for other purposes)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BUMPERS, proposes an amendment numbered 1213.

Mr. GORTON. 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 end of title I, add the following new section:

SEC. .ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled ''Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas'' and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided,* that such lands or interests therein may only be acquired with the consent of the owner thereof.

Mr. GORTON. This amendment will modify the boundaries of the Arkansas Post Memorial.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1213) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1214

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. COCHRAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. COCHRAN, proposes an amendment numbered 1214.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 47, line 9, following ''(25 U.S.C. 45, et seq.)'' insert the following: ''or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)''.

Mr. GORTON. Mr. President, this technical amendment clarifies language on the investment of certain funding by tribes and tribal organizations. The committee included language to provide some flexibility to tribes receiving advance payments of school grant funds. This language clarifies that such advance payments include those under the Indian Self-Determination and Education Assistance Act, or the Tribally Controlled Schools Act of 1988.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1214) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1215

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1215.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

''SEC. . Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine—Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided,* That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast lines, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glacier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further,* That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits.''

Mr. MURKOWSKI. Mr. President, this amendment is designed to bring an important element of the Alaskan national park experience to a wider range of visitors than has previously been the case.

Glacier Bay National Park and Preserve, west of Juneau, can be reached only by boat or plane. Park headquarters at Bartlett Cove is 65 miles from Juneau. It is an additional 40 miles from Bartlett Cove to the park's signature tidewater glaciers.

Glacier Bay proper is highly regulated by the National Park Service. Currently, only two cruise ships are allowed to proceed, from the outside, into Glacier Bay per day.

This amendment is not about cruise ships, nor will it adversely impact the forty miles from Bartlett Cove to the tidewater glaciers. In fact, this amendment has nothing to do with going into the bay beyond Bartlett Cove at the entrance to the Park.

Bartlett Cove, within Glacier Bay National Park, contains the Glacier Bay Lodge and Visitor Center, campground, Ranger Station, employee housing, maintenance facilities, etc. In short, it is the only developed area within the 3.3 million acre park.

The Cove also includes the docking facilities for NPS craft and the daily concession-operated tour boat. Overnight facilities are extremely limited, so day-use concession trips are one of the only ways, short of taking a cruise ship from Vancouver, to visit the park.

According to a recent ''Consumer Report's'' article, Glacier Bay is the highest rated park in America. The article does, unfortunately, mention the words ''if you can get to it''.

Currently, daily or overnight guests who leave Juneau by ferry for Glacier Bay National Park must disembark at the Gustavus docking facility and then get into a bus and drive for 45 minutes to an hour, to get to the NPS unpaved portion of the road which then leads to the docking facility so that you can again board a tour boat to go out and see the tidewater glaciers.

On the way back to Juneau from the glaciers, visitors travel by tour boat, then by the bus back through Gustavus, and finally by boat, back to Juneau.

Mr. President, this amendment is about: Convenient visitor access, access for the handicapped, access for the elderly; and, safety.

Somewhere along the line, in its effort to control the waters of Glacier Bay, the Bureaucracy forgot the concept that we are here to serve the all of the public * * * all of the people who would like to be National Park visitors * * * including the elderly, including those with handicaps and those whose age or physical condition necessitate easier forms of access to their national park.

It may be a surprise to some, but, some park visitors cannot leap tall facilities in a single bound. Some visitors, because of a disabling condition cannot get from the deck of a boat to a deteriorating dock facility 18 feet overhead.

Some visitors, even the most able among us, cannot be expected to jump from a boat on to an unprotected dock in high and windy seas just off of Icy Passage.

Unfortunately, in Alaska, and specifically Glacier Bay National Park, we have forgotten about the park visitor's convenience and safety. The dock facility at Gustavus is inconvenient, it is less than handicapped accessible, it can certainly be considered unsafe in certain wind and sea conditions.

This amendment will only allow the Auk Nu Marine—Glacier Bay Ferry to deliver park visitors, safely, to the protected harbor at Bartlett Cove within the boundaries of Glacier Bay National Park so that they can conveniently board the tour boat, or go to the lodge * * * period. The amendment does nothing else.

This amendment does not preclude the Superintendent from imposing speed limits and/or taking any other such actions to protect the wildlife and the other natural resources or waters of Glacier Bay National Park.

The amendment is not an attempt to subvert the current permit system, it is not as complicated as how do you know when it's time to tune your bagpipes. The amendment is simple and straight forward.

This amendment only involves safe and user-friendly access to the developed park facilities. I urge my colleagues to join me in this effort.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1215) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1216

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1216.

Mr. GORTON. 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:

Title I of Public Law 96–514 (94 Stat. 2957) is amended under the heading ''Exploration of National Petroleum Reserve in Alaska'' by striking ''(8) each lease shall be issued'' through the end of the first paragraph and inserting in lieu thereof the following:

(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such pool, field, or like area, or any part thereof

(whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well re-working operations performed in accordance with unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operation in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgment the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit. In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the Senate most directly or severely impacted by development of oil and gas leased under this Act.

Mr. GORTON. Mr. President, this clarifies conditions for oil and gas leasing of a national petroleum reserve in Alaska.

Mr. President, I should make clear that this amendment is cleared on both sides and is acceptable to the administration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1216) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1217

(Purpose: Includes language limiting the expenditure of funds which may occur to fund the Forest Service's Juneau regional office)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1217.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 69, lines 9 and 10, strike ''the relocation of the Regional Office for Region 10 to Ketchikan and other''.

On page 77, beginning on line 14 add the following: ''Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of $17,500,000 from the total funds appropriated for Region 10''.

Mr. MURKOWSKI. Mr. President, the managers of the bill have accepted an amendment I have offered concerning the organization and funding for the Alaska Region of the U.S. Forest Service. I appreciate the consideration of the managers on this matter.

As many of my colleagues know, the Forest Service has recently completed the Tongass land management plan after a 10-year and $13 million effort. The Committee on Energy and Natural Resources has conducted an extended oversight process on the development of this plan and on the prospects for successful implementation upon completion. Hearings held in July, August, and this month have raised significant questions about whether the Forest Service is organized, staffed, and funded to assure full implementation of the Tongass land management plan.

As a consequence of concerns raised during the early hearings in this series, the subcommittee chairman agreed to include language in the committee bill directing a reorganization of the Alaska Region. In subsequent hearings, we have collected additional information that suggests that, rather than moving to immediately reorganize the Alaska Region, it might be better to provide the Agency some direction on: First, the allocation of funds within the Alaska Region; and second, the development of a transition plan for implementation of the Tongass land management plan.

I believe that through the information collection in the oversight process conducted by the Commission on Energy and Natural Resources we have developed a more perfected proposal than the one included in the committee bill. Therefore, I am offering, as an amendment to the committee bill, new language which directs that:

Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised TLMP shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 Headquarters, including funding of centralized field costs or funding of persons employed at the Regional Office, shall be obligated or expanded in excess of $17.5 million from the total funds appropriated for Region 10.

The managers have also agreed to the following explanatory language in their statement explaining changes made to the committee bill:

The Tongass Land Management Plan reduces the Allowable Sale Quantity of the Alaska region. It is presumed that the Forest Service will tailor its workforce and organization appropriately. The Committee notes that expenditures on Regional Office operations and centralized field costs at the Region Headquarters has risen to 30 percent from 18 percent of annual appropriated funds since 1993. The Committee recognizes that the reduced timber volume offered under this plan will create economic hardships for local communities and that imbalanced distribution of remaining federal jobs and spending in the region may compound those hardships. Accordingly, the Committee expects the Regional Forester to conduct a regional work load study and to develop a workforce plan that ensures high levels of customer service throughout the region, preserves the Regional Headquarters in Alaska, evaluates the need to consolidate and/or relocated offices, including relocating the Regional Office to Ketchikan, and provides for implementation by January 1, 2000. Further, the Committee expects the workforce plan to reflect the full participation of affected Southeast Alaska communities, and to include a community by community assessment of economic impacts and the rationale used by the Regional Forester to distribute federal jobs under the workforce plan. The Committee expects that the workforce plan will emphasize retention of personnel experience in Southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and the Senate by March 1, 1998 for review and further guidance, if warranted. Any expenditures at the Regional Office in excess of $17.5 million from the funds provided to the Region shall be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives.

I believe that this language will provide direction to the Forest Service to allocate funds in a fashion that will come closer to assuring full implementation of the Tongass land management plan.

This approach will materially improve Forest Service operations in Alaska. During our oversight process, we discovered that over the last 6 years the Agency has increased the amount of funds consumed in the Regional Office from an average of 18 percent of annual Regional appropriations to something closer to 30 percent. This has diminished the Agency's field capability. Now, with the TLMP complete

it should be the Forest Service's intention to focus more of the funding and effort at the field level.

Should the conferees be agreeable to adopting the language that we are including in the Senate bill, I would hope that conference report language could be included which directs the Forest Service to tailor its work force and organization appropriately.

I would hope that the conferees note that expenditures on regional office operations and centralized field costs at the regional headquarters have risen to 30 percent from 18 percent of annual appropriated funds since 1993.

I trust that everyone recognizes that the reduced timber volume offered under the new TLMP plan will create economic hardships for local communities and that imbalanced distribution of remaining Federal jobs and spending in the region may compound those hardships. Accordingly, I would hope that the conference report would direct the regional Forester to conduct a regional work load study and to develop a work force plan that ensures high levels of customer service throughout the region, preserves the regional headquarters in Alaska, evaluates the need to consolidate and/or relocate offices, including relocating the regional office to Ketchikan, and provides for implementation by January 1, 2000.

Further, the workforce plan should reflect the full participation of affected southeast Alaska communities, and include a community-by-community assessment of economic impacts and the rationale used by the regional forester to distribute Federal jobs under the work force plan. I hope that any work force plan will emphasize retention of personnel experienced in southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and Senate by March 1, 1998, for review and further guidance, if warranted.

Under my amendment, any expenditures at the regional office in excess of $17.5 million from the funds provided to the region would have to be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives. I believe this language properly reflects the results of the Committee on Energy and Natural Resources oversight efforts.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1217) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. 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. GORTON. 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. GORTON. Mr. President, I understand the Presiding Officer has certain announcements to make.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 101–445, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

TREASURY, POSTAL SERVICE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2378, the Treasury-Postal Service appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2378 is stricken, and the text of S. 1023, as passed by the Senate, is inserted in lieu thereof, the House bill, as amended, is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2264, the Labor-HHS appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2264 is stricken and the text of S. 1061, as passed by the Senate, is inserted in lieu thereof. The House bill is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. GORTON. 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.

OPERATION DRUG FREE GEORGIA

Mr. COVERDELL. Mr. President, during a recent meeting in my home State of Georgia, a young woman approached me to express her concerns and hope that we can soon eradicate drugs from her home town of Cordele, GA. Her comments were written down on a piece of paper and were as follows:

I can be anything, if I put my mind to it.

But, if I use drugs I won't have a mind to do anything.

Drugs Destroy Dreams.

United we can help Senator Coverdell stomp out drugs in Cordele.

Mr. President, her comments struck me because they are frank and hard-hitting—if you use drugs, you will not be able to follow your hopes and dreams.

As we legislate in this body, we must continue to listen to our youth as they convey this message. For after all, they are the ones in which the future, and all of our dreams, lies.

SALLIE MAE

Mr. COVERDELL: Mr. President, a constituent of mine, Mr. Brad Cohen, has been named the winner of the 1997 Sallie Mae First Class Teacher Award for the State of Georgia. I ask unanimous consent that a congratulatory letter to him be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, August 26, 1997.

Mr. BRADLEY COHEN,
Atlanta, GA

DEAR BRAD: It gives me great pleasure to congratulate you on being named the winner of the ''1997 Sallie Mae First Class Teacher Award'' for the State of Georgia.

Brad, you have every reason to be proud of this achievement; it is indeed a special honor to have been singled out among the thousands of gifted and dedicated school teachers throughout our wonderful State. You have set a marvelous example for your students, enlightening them with your own experience and the importance of self-confidence. Your second-graders are truly lucky to share your knowledge and enthusiasm.

Thank you for your outstanding contributions to the youth of Georgia, and best wishes for every continued success.

Sincerely,

PAUL D. COVERDELL,
U.S. Senator.

Mr. COVERDELL. Mr. President, I thank you, and once again congratulate Mr. Cohen on his achievement.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 5TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 12,

the United States imported 9,371,000 barrels of oil each day, 1,799,000 barrels more than the 7,572,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week, and there is no sign that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 9,371,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 16, 1997, the Federal debt stood at $5,391,866,026,111.66. (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million, twenty-six thousand, one hundred eleven dollars and sixty-six cents)

One year ago, September 16, 1996, the Federal debt stood at $5,217,327,000,000 (Five trillion, two hundred seventeen billion, three hundred twenty-seven million)

Five years ago, September 16, 1992, the Federal debt stood at $4,036,030,000,000. (Four trillion, thirty-six billion, thirty million)

Ten years ago, September 16, 1987, the Federal debt stood at $2,353,294,000,000. (Two trillion, three hundred fifty-three billion, two hundred ninety-four million)

Fifteen years ago, September 16, 1982, the Federal debt stood at $1,105,897,000,000 (One trillion, one hundred five billion, eight hundred ninety-seven million) which reflects a debt increase of more than $4 trillion—$4,285,969,026,111.66 (Four trillion, two hundred eighty-five billion, nine hundred sixty-nine million, twenty-six thousand, one hundred eleven dollars and sixty-six cents) during the past 15 years.

RETIREMENT OF RONNIE ABRAMS

Mr. FORD. Mr. President, I rise today to honor a great friend and a great Kentuckian. This month, Ronnie Abrams will retire from Coopers & Lybrand L.L.P. after 40 years of dedicated service. I first met Ronnie and his wife Marie when I was Governor of Kentucky. Since then, I've not only had the pleasure of working with him on many Kentucky projects, but I've also come to count on his advice and counsel over the years.

Ronnie has made many contributions to his hometown of Louisville through his work with a wide range of groups including Adath Israel B'Rith Sholom, the Jewish Community Federation, Metro United Way, and the Louisville Chamber of Commerce. In each of these organizations, Ronnie has served in leadership positions and devoted countless hours of volunteer service. In recognition of his efforts to make the community a better place for everyone, the B'nai Brith honored him with the 1992 Person of the Year Award.

Ronnie has also been an active member of his profession through the American Institute of CPA's tax division, the Louisville Chamber of Commerce's State tax committee, the Estate Planning Council of Louisville, and as chairman of the Kentucky Society of CPA's State taxation committee.

Beyond his community and professional activities, Ronnie has been an invaluable advisor to many political leaders, myself included. He has shared his expertise in tax matters with policy makers at the State, local, and Federal level, providing both is expertise and old-fashioned commonsense.

During his four decades and Coopers & Lybrand L.L.P., Ronnie has provided solutions on tax planning and compliance matters to a large clientele in the manufacturing, retail, financial service, and health care sectors. He began his career with the firm in 1957 after graduating from Vanderbilt University and the University of Louisville. A partner since 1971, he retires as the tax market leader for Kentucky.

Mr. President, I hope all my colleagues will join me in thanking Ronnie for his hard work over the years, wishing him and his family the best of luck in the future. I know that no matter what he chooses to do, he will continue to excel and to be an asset to the community.

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 66

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:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92–463; 5 U.S.C., App. 2, 6(c)), I am submitting the Twenty-Fifth Annual Report on Federal Advisory Committees, covering fiscal year 1996.

The executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 501, or 37 percent fewer than those 801 committees in existence at the beginning of my Administration. Savings achieved through the elimination of discretionary committees during fiscal year 1996 totalled $2.5 million.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the total number of advisory committees specifically mandated by statute. The 407 such groups supported at the end of fiscal year 1996 represents a modest 7 percent decrease over the 439 in existence at the beginning of my Administration. However, more can be done to assure that the total costs to fund these groups in fiscal year 1997, or $38.5 million, are dedicated to support high-priority public involvement efforts.

During fiscal year 1996, the General Services Administration (GSA) initiated a process for collaborating with executive departments and agencies to increase public participation opportunities at all levels of American society. Building upon my Administration's commitment to expand access to Federal decisionmakers, managers at all levels will be provided with more timely guidance that includes enhanced options for achieving objectives, better training, and exposure to a variety of tools and techniques, which when used in conjunction with advisory committees, offer additional flexibility to address a wide variety of public participation needs.

Actions to broaden the scope and effectiveness of public participation within the Federal sector will continue during fiscal year 1997. During the year, GSA will develop newly updated guidance implementing FACA. At the same time, GSA will continue to support and work closely with such agencies as the Council on Environmental Quality and the Departments of Agriculture and the Interior to align its efforts with key Administration policies relating to ecosystem and land management priorities.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining committees are instrumental in achieving national interests.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

REPORT ON THE NATIONAL EMERGENCY—MESSAGE FROM THE PRESIDENT—PM

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 Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize, through specific licensing, certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

3. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of Executive Order 13059 was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) reexportation from a third country of controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and (7) any evasion, avoidance, or attempt to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses, or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

4. The Iranian Transactions Regulations, 31 CFR Part 560 (the ''ITR''),

were amended on April 18, 1997 (62 *Fed. Reg.* 19670, April 23, 1997), on July 30, 1997 (62 *Fed. Reg.* 41851, August 4, 1997), and on August 25, 1997 (62 *Fed. Reg.* 45098, August 25, 1997). In April 1997, Section 560.603 was amended to require a United States person to file a transaction report as to each foreign affiliate that engages in reportable oil-related transactions involving Iran of $1,000,000 or more during the calendar quarter.

In July 1997, sections 560.510(d)(1) and (d)(2) were amended to generally license all payments of awards against Iran issued by the Iran-U.S. Claims Tribunal in The Hague, irrespective of the source of funds for payment, and to generally license implementation (except exports or reexports that are subject to export license application requirements of Federal agencies other than the Department of the Treasury's Office of Foreign Assets Control (OFAC)) as well as payment of awards or settlements in cases to which the United States Government is a party.

Sections 560.525(a)(3) and (a)(5)(i) were amended to generally license the provision of legal services to initiate and conduct U.S. court and other domestic legal proceedings on behalf of persons in Iran or the Government of Iran and to initiate proceedings to resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national, notwithstanding the prohibition on exportation of services to Iran. On August 25, 1997, general reporting, record keeping, licensing, and other procedural regulations were moved from the ITR to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of these amendments is attached.

5. During the current 6-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, including those relating to disposal of U.S.-owned goods located in Iran and extension of, but not payment under, standby letters of credit. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associate with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. On March 20, 1997, a seven-count indictment was returned by a grand jury in the District of Maryland against a U.S. resident and two Iranian co-conspirators. The March indictment superseded a two-count indictment handed down on February 13, 1997. Each indictment charged violations of IEEPA and the ITR involving the attempted exportation from the United States to Iran of sophisticated state-of-the-art gas chromatographs used in the electric power industry, which were prevented from reaching Iran.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report on March 14, 1997, OFAC has collected four civil monetary penalties totaling nearly $22,000. The violations relate to the unlicensed import from or exports of goods to Iran. Civil penalty action is pending against 37 companies, financial institutions, and individuals for violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Order 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the ''John N. Griesemer Post Office Building''.

H.R. 1903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, 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. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation.

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

At. 5:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 2264. An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake''.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure 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. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the ''John N. Griesemer Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on the Judiciary.

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–2957. A communication from the Director, Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules received on September 15, 1997; to the Committee on Labor and Human Resources.

EC–2958. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, a notice relative to the Chairman of the Railroad Retirement Board; to the Committee on Labor and Human Resources.

EC–2959. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC–2960. A communication from the Acting Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, a report relative to the White House Communications Agency; to the Committee on Armed Services.

EC–2961. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to an outsourcing study; to the Committee on Armed Services.

EC–2962. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled ''Canadian Border Boat Landing Program'' (RIN 1115–AE53) received on September 11, 1997; to the Committee on the Judiciary.

EC–2963. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule entitled ''Fees for Motions to Reopen or Reconsider'' (RIN 1125–AA15) received on September 12, 1997; to the Committee on the Judiciary.

EC–2964. A communication from the Attorney General, transmitting, pursuant to law, the report of a supplemental brief; to the Committee on the Judiciary.

EC–2965. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Medicaid Program (Coverage of Personal Care Services)'' (RIN 0938–AH00) received on September 17, 1997; to the Committee on Finance.

EC–2966. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–53 received on September 16, 1997; to the Committee on Finance.

EC–2967. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–2968. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled ''Virginia Regulatory Program (Subsidence)'' (VA106FOR) received on September 15, 1997; to the Committee on Energy and Natural Resources.

EC–2969. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report relative to royalty management and delinquent account collection activities for Federal and Indian mineral leases; to the Committee on Energy and Natural Resources.

EC–2970. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Egg and Egg Product Safety Act of 1997''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Food Safety Enforcement Enhancement Act of 1997''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2972. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Farm Safety Net Improvement Act of 1997''; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–227. A resolution adopted by governing body of the City of Absecon, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM–228. A resolution adopted by Commission of the City of Miami, Florida relative to the U.S. Immigration and Naturalization Service; to the Committee on the Judiciary.

POM–229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Congress is currently considering the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 established a new vision for transportation in the United States by declaring that the national transportation system should be intermodal in character, economically efficient, environmentally sound and socially responsive; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 provides for the funding of transportation enhancement projects, or activities related to transportation that are designed to strengthen the cultural, aesthetic and environmental aspects of the country's transportation system; and

Whereas, transportation enhancement projects add community or environmental value to any active or completed transportation project, and include:

1. Facilities for pedestrians and bicycles;
2. The acquisition of scenic easements and scenic or historic sites;
3. Scenic or historic highway programs;
4. Landscaping and other scenic beautification;
5. Historic preservation;
6. The rehabilitation and operation of historic transportation buildings, structures or facilities, including railroad facilities and canals;
7. The preservation of abandoned railway corridors and the conversion of such corridors to other uses;
8. The control and removal of outdoor advertising;
9. Archaeological planning and research; and
10. The mitigation of water pollution resulting from highway runoff; and

Whereas, transportation enhancement projects enjoy broad popular support and have benefited the cities and counties of Nevada by improving the quality of life and economic development of those cities and counties: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the 69th Session of the Nevada Legislature urge Congress, in considering reauthorization, to maintain the course set by the Intermodal Surface Transportation Efficiency Act of 1991 through dedicated funding for transportation enhancement projects within the successor to the act; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–230. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

Whereas, throughout the world, an estimated 200 million children are at work, with many of them working under intolerable conditions; and

Whereas, child labor distorts and degrades an entire society, where children are cheated out of their childhoods, denied even the most basic education and set out, often at an early age, to difficult and dangerous work at pitifully low wages; and

Whereas, this abuse of children prevents many grown men and women from finding

work because employers would rather hire and exploit their sons and daughters; and

Whereas, children as young as 6 years of age work 15 hours a day, 7 days a week, scrambling for food, drugged to enable them to work longer and faster and often bent, cowed and crippled from overwork, accidents and starvation; and

Whereas, at a time when new technologies allow monetary investments to cross national borders with a keystroke on a computer and where capital can shop the world for the least expensive and most vulnerable workers, citizens of the United States must ensure that human values such as the dignity of working men and women and the dreams for their children continue to be honored; and

Whereas, international economic competition must not be allowed to degenerate into a race to the bottom where standards under which most people live are sacrificed for the private profit of a privileged few; and

Whereas, companies in the United States must be held accountable for the actions of their contractors at home and abroad; and

Whereas, persons in business, labor and government in our country need to do more by taking action against sweatshops and child labor in our own country as well as in other countries in the world; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. 1. The Nevada Legislature hereby urges:

(a) Congress to address the problem of child labor, both in the United States and abroad;

(b) Congress to support the adoption of the International Labor Organization convention on the elimination of child labor resulting from the 86th and 87th congressional sessions of the International Labor Organization in 1998 and 1999, respectively; and

(c) Businesses in the State of Nevada not to sell products made through the labor of children.

2. The Secretary of the Senate shall prepare and transmit a copy of this act to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.

SEC. 2. This act becomes effective upon passage and approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1093. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and for other purposes (Rept. No. 105–83).

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. DURBIN (for himself, Ms. COLLINS, Mrs. BOXER, Mr. BUMPERS, Mr. DEWINE, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Ms. SNOWE, Mr. WELLSTONE, and Mr. WYDEN):

S. 1183. A bill to repeal the provision crediting increased excise taxes on certain tobacco products against payments made pursuant to the tobacco industry settlement legislation; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. ABRAHAM, Mr. LEAHY, Mr. DEWINE, and Mr. BIDEN):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself Mr. JEFFORDS, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1186. A bill to provide for education and training, and for other purposes: to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. HOLLINGS, and Mr. THURMOND):

S. 1187. A bill to suspend temporarily the duty on ferroboron; to the Committee on Finance.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself and Mr. HATCH):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. ABRAHAM, Mr. LEAHY, Mr. DEWINE and Mr. BIDEN):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

THE MOTHER TERESA FEE WAIVER ACT OF 1997

Mr. HATCH. Mr. President. I am proud today to introduce—along with my colleagues Senators KENNEDY, ABRAHAM, LEAHY, and DEWINE—the Mother Teresa fee waiver bill of 1997.

While daily newscasts focus our attention on the scourge of senseless crime and deadly drugs in our country and around the world, Mother Teresa's death last week focused the world's attention on the simple good works that are all too often overlooked.

As the flag of India was draped over Mother Teresa, an observer commented ''She now belongs to the State.'' I think it is more accurate to say that Mother Teresa has and will always belong to the world. In an era where the phrase ''global economy'' has become commonplace, Mother Teresa represented a ''global morality.'' Her good works, and those of so many other religious organizations around the world are not, and should not be, confined by national borders and boundaries.

Shortly before her death, Mother Teresa personally sought a waiver of the fees charged to her missionaries seeking to enter this country on a temporary basis to help the poorest of the poor and the sickest of the sick in our own cities. Of course, she was absolutely right. We should give thanks to these kind and giving persons who travel to foreign lands for no other purpose than to give of themselves to help the neediest in those lands. Instead, we've been charging them. It is an absurd situation that needs to be remedied.

I am, therefore, pleased today to stand with my colleagues in introducing a simple and straightforward bill that would waive the fees for persons coming here temporarily for the purpose of engaging in charitable activities to help the needy. This bill is but one small but fitting and timely tribute to Mother Teresa who stood under 5 feet but whose goodness and righteousness made her tower among us.

I look forward to the Senate's swift action on this measure.

Mr. KENNEDY. I am pleased to join with Senator HATCH in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a $120 visa fee to the U.S. Government.

It makes no sense to require these religious workers to pay a fee to the Federal Government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the U.S. Senate would be considering legislation this week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Theresa and the compassionate work that her order brings to America. I urge my colleagues to support this legislation.

Mr. ABRAHAM. Mr. President. I am pleased to be a cosponsor of legislation

authored by Senators HATCH and KENNEDY to waive the visa fees for religious workers who enter to perform charitable functions.

It is not in the U.S. interest to impose fees that inhibit or otherwise burden individuals who seek to help our communities. Mother Teresa spoke specifically of eliminating these fees for members of her mission coming to the United States to serve the poor, so as to make the money available for more good works. I applaud Senators HATCH and KENNEDY for introducing this important legislation.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

THE PENSION TOOLS ACT

Mr. GRASSLEY. Mr. GRASSLEY. Mr. President, today I rise to introduce the Pension Tools Act of 1997. Why pension tools? Because this legislation contains the components, or tools that will assist pension participants and retirees to understand the fundamentals of their pension plans, get them to think about their retirement for the long term, and when problems arise—help put in place a cost-effective conflicts resolution process.

This legislation is very important to today's retirees and workers. In June, the Senate Aging Committee, which I chair, convened a hearing which highlighted the growing problem of pension mistakes. That's right, Mr. President. A pension mistake. The problem addressed at the hearing did not target intentional wrongdoing—but honest mistakes by employers which can lead to a cut in a monthly pension payment or a lump-sum payment a worker takes when leaving a job.

It's impossible to determine how big the problem is, but it is a growing concern. To try to document how big the problem could be, I asked the Pension Benefit Guaranty Corporation [PBGC] to provide me with data about a program they administer called the standard termination audit program. The program audits a sample of plans which have terminated—these are not plans which have gone bankrupt. The PBGC released a letter to my committee which showed that certain pension payouts have errors in the range of 8 percent. That number has increased since the program started back in 1986 when it was 2 percent. Many of these errors involve substantial sums of money. In fact, one in three people who were shortchanged, were shortchanged by at least $1,000.

Other pension experts and advocates would put the number of mistakes at a higher rate—in the range of 15 to 20 percent. But we just can't say what the number is because none of the agencies who regulate pensions audit whether or not the pensions and lump-sum payments that are made to the majority of workers and retirees are usually accurate. Most employers are doing their best to pay the right amount but mistakes do happen. The problem is that people are not aware that they really need to verify that their pension payouts are the right amount.

The hearing called attention to that very problem. Too many workers lack a full understanding of how their pension works and how much their benefit will be until just before retirement.

It is my hope that this legislation will be a vital part of our effort to educate people about the need to prepare for retirement. One of the components of good retirement preparation is tracking your employer-provided pension and knowing your pension rights.

Specifically, this legislation will give employees the opportunity to have benefit statements sent to them on a regular basis. In addition, the legislation clarifies that pension plan participants and beneficiaries should have access to plan documents which show how their pension benefit was calculated. That way, they can check the math and verify that their benefit is correct.

My bill will also address two other problems raised at the hearing. First, one problem faced by pension participants and beneficiaries is that employers are slow to respond to their requests for information. To address that problem, we will authorize the Secretary of Labor to assess a fine if an employer fails or refuses to provide information in a timely manner. The other problem that this bill will address is to clarify that a person who has been cashed out of a plan can still get information from the plan administrator if a problem arises after the person separates from employment.

Senator BREAUX and I are also including a directive to the Secretary of Labor to draft model procedures for alternative dispute resolution. The enforcement option open to pension participants now—a lawsuit—is simply too costly for many people who are living on a fixed income.

Part of the problem we see is that pensions are very complex. It is hard for employers to administer pensions even with the expert advice of paid pension consultants. I am continuing to seek ways to alleviate some of the pressure on employers. We have already taken the first step of asking the General Accounting Office to review the changes in the law since the passage of GATT—this had an impact on interest rates—one of the areas where we see the most problems in pension errors. We are also looking into the usefulness of mandating that employers provide a summary annual report of the pension plan to participants every year. These summary reports are not user-friendly and do not provide the participants with information in an accessible way. Benefit statements and the use of education and outreach may provide a substitute for the annual mailing of summary annual reports to pension participants.

I am also submitting for the RECORD two letters of support for the legislation. The first letter is from the Pension Rights Center here in Washington, DC. The center has a long history as an effective advocate for participant rights. The second letter was submitted by the American Society of Pension Actuaries. This group strongly supports the idea of automatic benefit statements and we will certainly work with them to clarify language in the legislation.

While great strides have been made since the act went into effect, participants and beneficiaries still lack access to basic but vital information and tools to enforce their rights. Having a pension can make all the difference to people once they retire. The Pension Tools Act strikes the right balance to get people useful information about their pensions and help them enforce basic rights to that information. I urge my colleagues to support the efforts of Senator BREAUX and myself to ensure that retirees and workers get every penny they have earned when the time comes to retire.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

AMERICAN SOCIETY OF PENSION ACTUARIES,
Arlington, VA, September 16, 1997.

Hon. CHARLES E. GRASSLEY,
Special Committee on Aging, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The American Society of Pension Actuaries appreciates your efforts to ensure that plan participants and beneficiaries have sufficient information about their plan benefits. ASPA believes that better informed participants will become more active participants. Particularly, ASPA strongly supports your proposals to provide for participant benefit statements and benefit calculations. This invaluable information will allow plan participants to more accurately plan for retirement.

We agree conceptually with the other proposals outlined in the ''Summary of Pension Tools Act of 1997,'' which was provided to us by your staff. However, we are unable to more fully endorse the entire bill until we have had an opportunity to review the detailed legislative language. Further, we would like to alert you about two general concerns we have pertaining to two of the proposals outlined.

First, one of the proposals would treat participants who have been ''cashed out'' of the plan as ''active'' participants for purposes of obtaining information about the plan as allowed under the Employee Retirement Income Security Act. Although we appreciate the general objective underlying this proposal, we are concerned if the proposal would allow, for instance, a former participant to request a benefit calculation after ten years. Such a request would be a tremendous hardship on the plan sponsor or plan administrator since in most cases such records are not retained for a long period of time. We would suggest giving participants a fixed period of time—such as 18 months after they have received their benefits—to request this information.

Second, another proposal would require the Secretary of Labor to develop model alternative dispute resolution procedures. We agree that such procedures can often be a more efficient means for resolving disputes, and we also agree with your conclusion to give plans the option of choosing to adopt such procedures. The summary further indicates that the Secretary of Labor would formulate a list of neutral experts to serve as mediators. We are concerned that such a list would become politicized. Consequently, we would suggest as an alternative that the Secretary of Labor be tasked with simply maintaining the list and that any pension professional meeting objective qualification requirements be permitted to be listed.

We hope these comments are helpful and we look forward to working with you and your staff toward passage of this legislation.

Respectfully,

BRIAN H. GRAFF, Esq.,
Executive Director.

PENSION RIGHTS CENTER,
Washington, DC, September 11, 1997.

Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to express the Pension Rights Center's strong support for the Pension Tools Act of 1997. Your proposed legislation will help assure that employees will receive accurate and timely information about their future pension benefits. It will also give retirees the opportunity to check the accuracy of plan calculations, and develop an inexpensive forum where they can challenge improper benefit denials.

Sincerely your,

KAREN W. FERGUSON,
Director.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1186. A bill to provide for education and training, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKFORCE INVESTMENT PARTNERSHIP ACT

Mr. DEWINE. Madam President, as a member of the Senate Labor and Human Resources Committee and chairman of the Subcommittee on Employment and Training, I have spent the last few years examining our Federal job training programs. During this examination, it has become clear to me as well as many others, that these programs are in dire need of reform. The status quo is just plain unacceptable.

What we are faced with today is a fragmented and duplicative maze of narrowly focused programs administered by numerous Federal agencies that lack coordination, a coherent strategy to provide training assistance, and the confidence of the two key consumers who utilize these services—those seeking the training, and those businesses seeking to hire them. Despite spending billions of tax dollars each year on job training programs, most Federal agencies do not know how their programs work and if their programs are really helping people find jobs.

Here is what we do know. Today's job training system is no system at all—it is a complex patchwork of numerous rules, regulations, requirements, and overlapping bureaucratic responsibilities. As a result, programs are largely ineffective. Frustration and confusion is widespread throughout the system—by program administrators and employers, and most important, by those seeking assistance. People have difficulty knowing where to begin to look for training assistance because there are no clear points of entry and no clear paths from one program to another.

This is frustration at the breaking point.

Frustration to the point that business community participation, which is absolutely necessary for success, is waning.

Frustration to the point that community activists, again whose participation is absolutely necessary for success, are becoming disenchanted.

Frustration to the point that we have begun to question our commitment to job training.

Fragmentation, duplication, ineffectiveness, and frustration—these are the words that describe the current Federal job training apparatus. That is the status quo. That is unacceptable. That is largely why reform is needed now.

There are other important reasons why reform is necessary. The economic future of our country depends on a well-trained work force. I have heard from employers at every level who find it increasingly difficult to attract and find qualified employees for high-skilled, high-paying jobs as well as qualified entry level employees. If we are going to remain economically competitive, we must address this growing shortage of workers.

Reform also is needed if the welfare reform bill Congress passed last year is going to have any chance of succeeding. We need to provide States with the tools necessary to develop a comprehensive system to assist people make work, not welfare, their way of life.

To achieve all of these goals, job training is the key.

The bill that I introduce today with Senators JEFFORDS, KENNEDY, and WELLSTONE represents a bipartisan belief that we can do better and we can achieve these goals. We can replace the current system of frustration and provide a framework for success.

By removing or reforming outdated rules and regulations, we can remove the barriers that have stymied reform in the past. We can empower States to boldly move forward, transforming the current patchwork of programs into a comprehensive system to make it easier for all consumers seeking assistance to receive assistance.

Just like we did with welfare reform, job training reform is about recognizing the leadership of States that have shown innovation and initiative over the last few years, even in the midst of numerous Federal barriers and obstacles. It is about allowing them and encouraging them to continue with the innovations they have implemented without Federal reform legislation.

We can establish a framework for a system that provides consumer choice. Individuals seeking assistance should have a say in where, how, and what training they will receive. At the same time, the Federal bureaucracy should not engage in micro-management by mandating vouchers or any other specific local delivery system. This is a decision that belongs to the States and localities. This bill takes the opposite approach—it provides States and localities the flexibility to develop training programs that meet the real needs of those seeking training. It is to the consumer that these programs should be tailored to, not Washington.

We can establish an accountable system. Training programs must demonstrate their effectiveness to be certified as eligible programs. This means proving that training leads to meaningful, unsubsidized employment—showing how many people were placed, at what cost, and how many people remained employed 6 months to a year later. We owe this to the individuals seeking assistance and to the American taxpayers who pays for these programs.

We can establish a framework that not only allows for business community involvement, but business community leadership. The private sector must outline their employment needs and assist in the design of training programs.

The Workforce Investment Partnership Act incorporates all of these principles. The programs incorporated in the legislation include job training, vocational education, and adult education. Additionally, it provides strong, mandatory linkages to welfare to work, Wagner-Peyser, Job Corps, Older Americans, Vocational Rehabilitation, the Bureau of Apprenticeship and Training, veterans, Trade Adjustment Assistance, as well as other training related programs.

While separate funding streams will be maintained for each of the activities, in recognition of their function, States and localities will be empowered with the tools and the flexibility to implement real reform in order to provide comprehensive services to those seeking assistance.

Under this bill, States will have the ability to submit a unified plan for all of the programs incorporated in and linked to this legislation to the appropriate Secretary describing how they will coordinate services in order to avoid duplication.

Statewide and local partnerships, led by the business community, will be established to assist in the development of such a plan, set policy for training, and generally advise the appropriate elected official overseeing the system.

At the local level, all services provided must be accessible through a one stop customer service system. Consumers, both employers and job seekers seeking assistance, will be able to receive comprehensive information regarding the availability, eligibility,

and quality of the programs. With this kind of system, we can remove the confusion and frustration inherent in the current programs.

Finally, training will be delivered under a framework of an individual training account which will be used to ensure the principle of consumer choice. The specific nature of the individuals training account will be determined by States and localities.

In conclusion, I would like to thank my colleagues, Senators JEFFORDS, KENNEDY, and WELLSTONE, as well as the other members of the Subcommittee of Employment and Training for their cooperation and dedication in developing a piece of legislation that moves us forward. This has been a bipartisan effort from Day One. I believe that level of cooperation and leadership is essential if we are to have a chance to pass real reform.

There have been a number of orgnizations—both public and private—who have participated in an open and constructive process used to develop this legislation. Their input has been vital.

Again, the Workforce Investment Partnership Act is designed to address and reform the Federal Government's role in providing job training assistance to Americans. For too long, that role has been to foster confusion, frustration and complication. With this bill, we offer a new foundation, and a positive framework for success. Instead of rules that tie the hands of States and localities, this bill provides the tools to empower them to develop comprehensive work force investment systems that address the needs of job seekers and employers. This bill is a road map to a better system, and if we are to achieve the goals we have set—a stronger economy, a better-trained work force, and welfare reform—we need to begin that journey today.

Mr. KENNEDY. Madam President, an educated work force has become the most valuable resource in the modern economy. Our Nation's long term economic vitality depends on the creation of an effective, accessible, and accountable system of job training and career development which is open to all our citizens. Schools must assume more responsibility for preparing their students to meet the challenges of the 21st century workplace. Disadvantaged adults and out of school youth need the opportunity to develop job skills which will make them productive members of the community. Dislocated workers who have been displaced by the rapid pace of technological change deserve the chance to pursue new careers. The way in which we respond to these challenges today will determine how prosperous a nation we are in the next century.

The importance of highly developed employment skills has never been greater. The gap in earnings between skilled and unskilled workers is steadily widening. For those who enter the work force with good academic training and well developed career skills, this new economy offers almost unlimited potential. However, for those who lack basic proficiency in language, math and science and who have no career skills, the new economy presents an increasingly hostile environment.

The Workforce Investment Partnership Act which I am introducing with Senators JEFFORDS, DEWINE, and WELLSTONE will provide employment training opportunities for millions of Americans. It responds to the challenge of the changing workplace by enabling men and women to both acquire the skills necessary to enter the work force and upgrade their skills throughout their careers. It will provide access to the educational tools that will enable them not only to keep up, but to get ahead.

The legislation which we will be introducing represents a true collaboration of our four offices. I want to publicly commend Senators JEFFORDS and DEWINE for the genuine spirit of bipartisanship which has made this collaborative effort possible. Senator WELLSTONE and I appreciate it. Over the last 6 months, each of us has devoted an enormous amount of time and effort to fashioning a legislative consensus which will truly expand career options, encourage greater program innovation, and facilitate cooperative efforts amongst business, labor, education, and State and local government. While each of us can cite provisions in this bill which we would like to change, we all believe that the Workforce Investment Partnership Act will accomplish our principal goals.

I also want to recognize the important role President Clinton has played in bringing about this dramatic reform of our current job training system. He has consistently emphasized the need for greater individual choice in the selection of career paths and training providers. The philosophy behind the skill grant proposal is reflected in our legislation.

The Workforce Investment Partnership Act is designed to provide easy access to state of the art employment training programs which are geared to real job opportunities in the community. The cornerstones of this new system are individual choice and quality labor market information. In the past, men and women seeking new careers often did not know what job skills were most in demand and which training programs had the best performance record. All to often, they were forced to make one of the most important decisions in their lives based on anecdotes and late-night advertisements.

No training system can function effectively without accurate and timely information. The frequent unavailability of quality labor market information is one of the most serious flaws in the current system. In order to make sound career choices, prospective trainees need both detailed information on local career opportunities and performance based information on training providers. That information will now be available at easily accessible one stop employment centers, along with career counseling and other employment services. The legislation places a strong emphasis on providing information about what area industries are growing, what skills those jobs require, and what earning potential they have. Extensive business community participation is encouraged in developing this information. Once a career choice is made, the individual must still select a training provider. At present, many applicants make that choice with a little or no reliable information. Under our bill, each training provider will have to publicly report graduation rates, job placement and retention rates, and average earnings of graduates.

Because of the extensive information which will be available to each applicant, real consumer choice in the selection of a career and of a training provider will be possible. The legislation establishes individual training accounts for eligible participants, which they can use to access career education and skill training programs. Men and women seeking training assistance will no longer be limited to a few predetermined options. As long as there are real job opportunities in the field selected and the training provider meets established performance standards, the individual will be free to choose which option best suits his or her needs.

This legislation will organize the delivery of services more effectively and utilize resources more creatively. There will be a significant consolidation of the dozens of narrowly focused programs which currently exist into several broad funding streams for the distinct populations needing assistance. Consolidation makes sense in those areas in which multiple programs are currently serving the same population. However, it is equally important to preserve separate streams of funding for distinct populations. The programmatic needs of middle age dislocated workers with extensive employment histories are quite different from the services required by young adults with limited skills and no work histories. Similarly the problems faced by out of school youth require very different solutions than those confronting the adult population. Ensuring that services which are designed to meet the needs of each of these populations are available is a Federal responsibility. For that reason, this legislation maintains distinct programs with separate appropriations for dislocated workers, disadvantaged adults, and at risk youth.

The WIPA gives State and local government significantly enhanced discretion in designing their training systems. If this reform is to be truly responsive to those at the community level who are in need of services, it is essential that the authority which the Federal Government delegates to the States be exercised through a broad

based decisionmaking process. Governors, State legislatures, mayors, and other county and local officials should all have a meaningful voice in the design of a State's new job training system and they will under this legislation. Local boards of business, labor, education and community leaders are—in my opinion—essential to insuring that programs meet the real world needs of participants, and that the training programs correspond to labor market demands. The success we have had a Massachusetts has been due to large measure to active participation by local business leaders on the regional employment boards. WIPA strengthens the role of such boards, giving them major new policy making responsibilities. These boards will play the primary role in assuring that training programs address the actual employment needs of area businesses.

An essential element of the new system we have designed in accountability. As I noted earlier, each training provider will have to monitor and report the job placement and retention achieved by its graduates and their average earnings. Only those training programs that meet an acceptable performance standard will remain eligible for receipt of public funds. The same principle of accountability is applied to those agencies administering State and local programs. They are being given wide latitude to innovate under this legislation. But they too will be held accountable if they programs fail to meet challenging performance targets.

There is no challenge facing America today which is tougher or more important than providing at risk, often out of school, youth with meaningful education and employment opportunities. Far too many of our teenagers are being left behind without the skills needed to survive in the 21st century economy. I am particularly proud of the commitment which the Workforce Investment Partnership Act makes to these young men and women. This legislation authorizes a new initiative focused on teenagers living in the most impoverished communities in America. These areas range from the poorest neighborhoods of our largest cities to impoverished rural counties. Each year, the Secretary of Labor will award grants from a $250 million fund to innovative programs designed to provide opportunities to youth living in these areas. The programs will emphasize mentoring, strong links between academic and worksite learning, and job placement and retention. It will encourage broad based community participation from local service agencies and area employers. These model programs will, we believe, identify the techniques which are most effective in reaching those youth at greatest risk.

The Workforce Investment Partnership Act includes titles reauthorizing major vocational education and adult literacy programs. Both programs will continue to be separately funded and independently administered. We have incorporated them in the Workplace Act because they must be integral components of any comprehensive strategy to prepare to meet the demands of the 21st century workplace. Students who participate in vocational education must be provided with broad based career preparation courses which meet both high academic standards and teach state of the art technological skills. Adult literacy programs are essential for the 27 percent of the adult population who have not earned a high school diploma or its equivalent. Learning to read and communicate effectively are the first steps to career advancement. In vocational education and adult literacy, we are placing the same emphasis on program accountability which we did in job training.

The Workforce Investment Partnership Act we are introducing today will make it possible for millions of Americans to gain the skills needed to compete in a global economy. In doing so, we are also enabling them to realize their personal American dreams.

In closing, I want to recognize the important contribution which Stephen Springer, a key member of my staff during the 104th Congress, played in the evolution of job training reform. Tragically, he died at a young age after a courageous battle with cancer. He believed that the type of innovative work force development system which this legislation would create had the potential to open doors of opportunity for millions of Americans. His commitment was extraordinary. He continued to work on this issue even as his health was failing. He is no longer with us, but he continues to inspire us. Stephen Springer's creative vision of a work force development system equal to the challenges of the 21st century economy is reflected in the Workforce Investment Partnership Act. When enacted, it will be a wonderful legacy for this extraordinary individual.

Mr. WELLSTONE. Mr. President, I am pleased to join my colleagues, Senators DEWINE, JEFFORDS, and KENNEDY, in introducing the Workforce Investment Partnership Act of 1997. This bipartisan bill is a major accomplishment for Americans who need Federal assistance to acquire skills to qualify for good jobs.

The bill also is a major accomplishment for my colleague from Ohio, Senator DEWINE, Chairman of the Labor Committee's Employment and Training Subcommitee, whom I commend for bringing us to this point through numerous valuable hearings and a rigorous, cooperative drafting process. A number of Minnesotans testified at our hearings. Groups from Minnesota and from around the country have been consulted and listened to. I thank both Senator DEWINE and Senator JEFFORDS for the openness of the process. As always, I would also like to acknowledge the leadership of Senator KENNEDY. His deep experience and commitment have helped make this an excellent bill.

As leaders for our respective parties on the Subcommittee and on the full Labor Committee, the four of us may not always agree on issues facing America's working families. But we agree on this bill. It will fundamentally improve our Federal system of job training, adult and vocational education, and vocational rehabilitation programs.

The bill will help coordinate, streamline and decentralize our Federal job training system. It will make that system more accountable to real performance measures. It gives private sector employers—the people who have jobs to offer and who need workers with the right skills—a greater role in directing policy at the State and local level, which is where most decision-making power resides in this bill. And it moves the whole country to where Minnesota has already moved decisively: to a system of one-stop service centers where people can get all the information they need in one location. At these one stops, people then will have the ability to make their own choices, based on the best information, about which profession they want and ought to pursue, about the skills and training they'll need, and about the best place to get those skills and that training. I have visited one-stop centers in Minnesota. They work.

In addition, and this is very important, our bill achieves the things I have mentioned above without neglecting the need to target resources from the Federal level to those who need them most: to disadvantaged adults and youth, and to dislocated workers.

That is crucial. This bill does not overreach. It does not block-grant all Federal job training, adult education and vocational education progams to governors. It retains crucial federal priorities, then allows State and local authorities to decide how best to address their needs. That is why I believe this Congress will succeed where we did not during the last Congress. We'll pass this bill, reach an acceptable conference agreement with the House, and send major, important legislation to the President for his signature.

By Mr. LAUTENBERG (for himself, Mr. HOLLINGS and Mr. THURMOND):

S. 1187. A bill to suspend temporarily the duty on ferroboron; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation with Senators HOLLINGS and THURMOND to temporarily suspend the rate of duty imposed on imported ferroboron. Ferroboron is the key raw material in amorphous metal electrical power distribution transformer cores. Transformers using these cores reduce energy losses and greenhouse gas emissions associated with these losses by 60 to 80 percent when compared to other transformer core technologies. This provides both increased energy conservation and decreases environmental

degradation in those developing nations where the most promising market opportunities exist.

While these benefits are tangible and significant, they, and the extensive research and development that yielded them, are costly. An amorphous metal transformer has an initial cost 20 to 30 percent higher than the less energy efficient and environmentally friendly transformers it seeks to replace. Fortunately, because of its many benefits, the total owning cost of an amorphous metal transformer over its 20- to 30-year life is far lower than the initially cheaper competition. Reducing the cost of an important and costly raw material, by suspending the duty paid on it, helps to ensure the cost-competitiveness of the end product in the export markets. This is good for manufacturers, for American workers, and for our economy.

Mr. President, I have received assurances from my constituent, AlliedSignal, Inc., that there is no U.S. manufacturer of ferroboron, thus, this legislation does not adversely affect any American business.

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. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.72.02	Ferroboron (provided for in subheading 7202.99.50.	Free	No change	No change	On or before 12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

THE COURT CONSISTENCY IN COMMUNICATIONS ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Court Consistency in Communications Act of 1997. The purpose of this bill is to bring consistency to the judicial interpretation of some of the central provisions of the Telecommunications Act, to make sure that an appellate court with broad and deep understanding of these issues can bring its expertise to bear on them, and to resolve related litigation as quickly as possible. In many other areas, such as bankruptcy and labor, strong precedent exists for consolidation of cases to bring about more efficient and informed judgments.

This measure is simple, effective and straightforward. It consolidates in the District of Columbia Federal courts all appeals of FCC decisions under title II of the Communications Act of 1934 and State commission decisions under section 252 of the Telecommunications Act of 1996. Let me tell you why this legislation is crucially needed.

The telecommunications industry accounts for about one-sixth of our national economy. And almost 2 years ago we passed legislation designed to unleash competition in the industry. It was signed into law with great fanfare. As President Clinton said, ''Today with the stroke of [my] pen, competition and innovation can move as quick as light.'' But we are still waiting for lower rates, better service, and greater innovation that was promised when the Telecom Act was signed.

The sad truth is that the promise of the Telecom Act has gotten bogged down in litigation. Lawyers are arguing about the meaning of its provisions in courts all across the country. Indeed, today a major challenge to the FCC's jurisdiction over long distance service is being filed in the Eighth Circuit. In my opinion, even under current law this case should have been filed in the District of Columbia.

We don't, of course, want to take away people's ability to redress grievances through the courts. The right to sue is, for better or worse, almost sacred to American culture. But while some people may choose to wait for a resolution to emerge from the 93 different Federal district courts and 12 distinct Federal circuits, to my mind the better way to bring competition to telecommunications markets is to have some judicial certainty about the rules of the game—and to have it sooner, rather than later. This bill should create the necessary framework for predictability in the courts, so that companies can shift their rivalry from the courtroom to the marketplace.

This proposal is not a panacea, but it does move us in the right direction. By streamlining the appellate process, the Court Consistency in Communications Act will speed the arrival of local and long distance telephone competition. It will help consumers—the people who pay the bills, who deserve more choice and who wonder why their rates aren't going down.

Mr. President, this judicial reform bill does not alter the substance of the Telecommunications Act in any way—that is clearly in the jurisdiction of the Commerce Committee. Nor does it affect pending cases. Finally, to those who have expressed concerns about the measure, let me remind them that this is not a final product, but a work in progress; in other words, we want to work with you.

I urge my colleagues to support this measure, because all of us have an interest in reducing litigation and encouraging competition.

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. 1188

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 ''Court Consistency in Communications Act of 1997''.

SEC. 2. JURISDICTION OF THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AND THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

(a) JURISDICTION OF REVIEW BY DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

''§ 1369. District Court for the District of Columbia; review of certain communications determinations

''The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a determination as provided under section 252(j)(2) of the Communications Act of 1934 (47 U.S.C. 252(j)(2)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States code, is amended by adding at the end the following:

''1369. District Court for the District of Columbia; review of certain communications determinations.''.

(b) JURISDICTION OF THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—

(1) IN GENERAL.—Chapter 83 of title 28, United States Code, is amended by adding at the end the following:

''§ 1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit

''The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction of an appeal as provided under sections 252(j)(2) and 402(b) of the Communications Act of 1934 (47 U.S.C. 252(j)(2) and 402(b)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 83 of title 28, United States Code, is amended by adding at the end the following:

''1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit.''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Communications Act of 1934 is amended—

(A) in section 252 (47 U.S.C. 252)—

(i) in subsection (e)(6), by striking the second sentence;

(ii) by redesignating subsection (j) as subsection (k); and

(iii) by inserting after subsection (i) the following new subsection (j):

''(j) JUDICIAL REVIEW OF STATE COMMISSION ACTIONS.—

''(1) REVIEW.—In any case in which a State commission makes a determination under this section, any party aggrieved by the determination shall bring an action for the review of the determination, if at all, in the United States District Court for the District of Columbia.

''(2) APPEAL.—Any appeal of a decision of the court under subparagraph (A) shall be brought in the United States Court of Appeals for the District of Columbia Circuit.''; and

(B) in section 402(b) (47 U.S.C. 402(b)), by adding at the end the following:

''(10) By any person challenging any other decision or order of the Commission under title II.''.

''(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to determinations of the Federal Communications Commission under title II of the Communications Act of 1934 and to determinations by State commissions (as that term is defined in section 3(41) of that Act (47 U.S.C. 153(41)) under section 252 of that Act on or after the date of enactment of this Act.

By Mr. SMITH of Oregon (for himself and Mr. HATCH):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDICIARY PROTECTION ACT OF 1997

Mr. SMITH of Oregon. Mr. President, former Secretary of State, John Foster Dulles once stated that ''Of all the tasks of government, the most basic is to protect its citizens against violence.'' While this has been one of our biggest challenges, Congress has the ability to also strengthen those laws that deter violence and provide protection to those whose careers are dedicated to protecting our families and also our communities.

With that intent, I rise today with my colleague, Senator HATCH, to introduce the Federal Judiciary Protection Act, a bill to provide greater protection to Federal law enforcement officials and their families. Under current law, a person who assaults, attempts to assault, or who threatens to kidnap or murder a member of the immediate family of a U.S. official, a U.S. judge, or a Federal law enforcement official, is subject to a punishment of a fine or imprisonment of up to 5 years, or both. This legislation seeks to expand these penalties in instances of assault with a weapon and a prior criminal history. In such cases, an individual could face up to 20 years in prison.

This legislation would also strengthen the penalties for individuals who communicate threats through the mail. Currently, individuals who knowingly use the U.S. Postal Service to deliver any communication containing any threat are subject to a fine of up to $1,000 or imprisonment of up to 5 years. Under this legislation, anyone who communicates a threat could face imprisonment of up to 10 years.

Briefly, I would like to share an example illustrating the need for this legislation. In my State of Oregon, Chief Judge Michael Hogan and his family were subjected to frightening, threatening phone calls, letters, and messages from an individual who had been convicted of previous crimes in Judge Hogan's courtroom. For months, he and his family lived with the fear that these threats to the lives of his wife and children could become reality, and, equally disturbing, that the individual could be back out on the street again in a matter of a few months, or a few years.

Judge Hogan and his family are not alone. In April of this year, the wife of a circuit court judge in Florida was stalked by an individual who had been convicted of similar offenses in 1994 and 1995. Mrs. Linda Cope, the wife of Circuit Judge Charles Cope was leaving a shopping mall one afternoon and as pursued by a man named Stelios Kostakis. As she left the parking lot, she realized that she was being followed and attempted to lose Kostakis by taking alternative routes and speeding through residential streets. In a desperate attempt, Mrs. Cope cut in front of a semitrailer truck, risking a serious accident and possible loss of life, to escape. Even after this third offense, stalking the wife of a circuit court judge, he was sentenced to only 6 months on probation and $150 in fines and other court costs.

In September 1996, Lawrence County Judge Dominick Motto was stalked, harassed, and subjected to terrorist threats by Milton C. Reiguert, who was upset by a verdict in a case that Judge Motto had heard in his courtroom. After hearing the verdict, Reiguert stated his intention to ''point a rifle at his head and get what he wanted.''

Mr. President, these are only a few examples of vicious acts focused at our Federal law enforcement officials. As a member of the legislative branch, I believe it is our responsibility to provide adequate protection to all Americans who serve to protect the life and liberty of every citizen in this Nation. I encourage my colleagues to join us in sponsoring this important legislation.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

Mr. ALLARD. Mr. President, campaign finance reform is the catch phrase of the year in politics. The problem is that every Senator has a different definition of reform, including myself. That is why today I am introducing the Campaign Finance Integrity Act. I want to ensure that we change the campaign finance system without being unconstitutional and that flies in the face of the first amendment, especially in light of the fact that today is the 210th anniversary of the signing of the Constitution.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict and that you can't have both. But fortunately for those of us who believe in the first amendment rights of all American citizens, the Founding Fathers and the Supreme Court are on our side.

Thomas Jefferson repeatedly stated the importance of the first amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly stated its importance back in 1798 with, ''One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others.'' Again in 1808, he stated that ''The liberty of speaking and writing guards our other liberties.'' And in 1823, Jefferson stated, ''The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to.'' Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the first amendment. Since the post-Watergate changes to the campaign finance system, 24 congressional actions have been declared unconstitutional, with 9 rejections based on the first amendment. Out of those nine four dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley versus Valeo, the Court states that,

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all first amendment rights.

Also, supporters of some of the campaign finance reform bills, believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. It seems to me that if you look at history, price controls didn't work in the 1970's and they won't work in the 1990's. The Supreme Court agrees and is again very clear in its intent on price controls in campaigns. The Buckley decision says, ''* * * the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quality of campaign spending.* * *''

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The ''distribution of the humblest handbill'' to

the ''expensive modes of communication'' are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the first amendment, while providing important provisions to open the campaign finance of candidates up to the scrutiny of the American people and I believe the Campaign Finance Integrity Act does that.

My bill would: Require candidates to raise at least 50 percent of their contributions from individuals in the State or district in which they are running; equalize contributions from individuals and political action committees, PAC's, by raising the individual limits from $1,000 to $2,500 and reducing the PAC limit from $5,000 to $2,500; index individual and PAC contribution limits for inflation; reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5,000; require organizations, groups, and political party committees to disclose within 24 hours the amount and type of independent expenditures over $1,000 in support of or in opposition to a candidate; require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and require annual full disclosure of those activities to members and shareholders; prohibit depositing of an individual contribution by a campaign unless the individual's profession and employer are reported; encourage the Federal Elections Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt; ban the use of taxpayer financed mass mailings, and create a tax deduction for political contributions up to $100 for individuals and $200 for a joint return.

This is commonsense campaign finance reform. It drives the candidate back into this district or State to raise money from individual contributions. It has some of the most open, full, and timeliest disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups, and individuals to say what they want in a political campaign is preserved but the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of the more popular campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate welfare, then there would be little influence left for these large donors. Campaign contributions would no longer be based on special interests but on ideas. Let's stop corporate welfare, especially the Overseas Private Investment Corporation, OPIC, where companies get a subsidized ride on the backs of taxpayers in order to invest without risk or without the market controlling the outcome. The best way to eliminate corporate subsidies is to eliminate the Department of Commerce, where a majority of corporate welfare programs are funded. To break special interest money, we must break the so-called iron triangle of big business, big labor, and big government.

Ojbecting to the popular catch phrase of the moment is very difficult for any politician, but turning your back on the first amendment is more difficult for me. I want campaign finance reform but not at the expense of the first amendment and that is what my legislation does. Not everyone will agree with the Campaign Finance Integrity Act and many of us will disagree on this issue but the first amendment is the reason we can disagree.

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. 1190

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 ''Campaign Finance Integrity Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONTRIBUTIONS

Sec. 101. Requirement for in-state and in-district contributions to congressional candidates.
Sec. 102. Use of contributions to pay campaign debt.
Sec. 103. Modification of political party contribution limits to candidates when candidates make expenditures from personal funds.
Sec. 104. Modification of contribution limits.

TITLE II—DISCLOSURE REQUIREMENTS

Sec. 201. Disclosure of certain expenditures for issue advocacy.
Sec. 202. Disclosure of certain non-Federal financial activities of national political parties.
Sec. 203. Political activities of corporations and labor organizations.

TITLE III—REPORTING REQUIREMENTS

Sec. 301. Time for candidates to file reports.
Sec. 302. Contributor information required for contributions in any amount.
Sec. 303. Prohibition of depositing contributions with incomplete contributor information.
Sec. 304. Filing of reports using computers and facsimile machines; required electronic disclosure by commission.

TITLE IV—MISCELLANEOUS

Sec. 401. Ban on mass mailings.
Sec. 402. Tax deduction for political contributions.
Sec. 403. Effective date.

TITLE I—CONTRIBUTIONS

SEC. 101. REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively;

(2) by inserting after subsection (d) the following:

''(e) REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.—

''(1) DEFINITIONS.—

''(A) IN-STATE CONTRIBUTION.—In this subsection, the term 'in-State contribution' means a contribution from an individual that is a legal resident of the candidate's State.

''(B) IN-DISTRICT CONTRIBUTION.—In this subsection, the term 'in-district contribution' means a contribution from an individual that is a legal resident of the candidate's district.

''(2) LIMIT.—A candidate for nomination to, or election to, the Senate or House of Representatives and the candidate's authorized committees shall not accept an aggregate amount of contributions of which the aggregate amount of in-State contributions and in-district contributions is less than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

''(3) TIME FOR MEETING REQUIREMENT.—A candidate shall meet the requirement of paragraph (2) at the end of each reporting period under section 304.

''(4) PERSONAL FUNDS.—For purposes of this subsection, a contribution that is attributable to the personal funds of the candidate or proceeds of indebtedness incurred by the candidate or the candidate's authorized committees shall not be considered to be an in-State contribution or in-district contribution.''.

(b) CONFORMING AMENDMENTS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (b)(1)(A), by striking ''(e)'' and inserting ''(f)'';

(2) in subsection (d)(2), by striking ''(e)'' and inserting ''(f)''; and

(3) in subsection (d)(3)(A)(i), by striking ''(e)'' and inserting ''(f)''.

SEC. 102. USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 101) is amended by adding at the end the following:

''(j) LIMIT ON USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.—

''(1) TIME TO ACCEPT CONTRIBUTIONS.—Beginning on the date that is 90 days after the date of a general or special election, a candidate for election to the Senate or House of Representatives and the candidate's authorized committees shall not accept a contribution that is to be used to pay a debt, loan, or

other cost associated with the election cycle of such election.

''(2) PERSONAL OBLIGATION.—A debt, loan, or other cost associated with an election cycle that is not paid in full on the date that is 90 days after the date of the general or special election shall be assumed as a personal obligation by the candidate.''.

SEC. 103. MODIFICATION OF POLITICAL PARTY CONTRIBUTION LIMITS TO CANDIDATES WHEN CANDIDATES MAKE EXPENDITURES FROM PERSONAL FUNDS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 102) is amended by adding at the end the following:

''(k) CONTRIBUTION LIMITS FOR POLITICAL PARTY COMMITTEES IN RESPONSE TO CANDIDATE EXPENDITURES OF PERSONAL FUNDS.—

''(1) IN GENERAL.—In the case of a general election for the Senate or House of Representatives, a political party committee may make contributions to a candidate without regard to any limitation under subsections (a) and (d) until such time as the aggregate amount of contributions is equal to or greater than the applicable limit.

''(2) APPLICABLE LIMIT.—The applicable limit under paragraph (1), with respect to a candidate, shall be the greatest aggregate amount of expenditures that an opponent of the candidate in the same election and the opponent's authorized committee make using the personal funds of the opponent or proceeds of indebtedness incurred by the opponent (including contributions by the opponent to the opponent's authorized committee) in excess of 2 times the limit under subsection (a)(1)(A) with respect to a general election.

''(3) DEFINITION OF POLITICAL PARTY COMMITTEE.—For purposes of this subsection, the term 'political party committee' means a political committee that is a national, State, district, or local committee of a political party (including any subordinate committee).''.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B)(i) The principal campaign committee of a candidate for nomination to, or election to, the Senate or House of Representatives shall notify the Commission of the aggregate amount expenditures made using personal funds of the candidate or proceeds of indebtedness incurred by the candidate (including contributions by the candidate to the candidate's authorized committee) in excess of an amount equal to 2 times the limit under section 301(a)(1)(A).

''(ii) The notification under clause (i) shall—

''(I) be submitted to the Commission not later than 24 hours after the expenditure that is the subject of the notification is made;

''(II) include the name of the candidate, the office sought by the candidate, and the date and amount of the expenditure; and

''(III) include the aggregate amount of expenditures from personal funds that have been made with respect to that election as of the date of the expenditure that is the subject of the notification.''.

SEC. 104. MODIFICATION OF CONTRIBUTION LIMITS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''$1,000'' and inserting ''$2,500''; and

(B) in paragraph (2)(A), by striking ''$5,000'' and inserting ''$2,500''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''paragraphs (1)(A) and (2)(A) of subsection (a) and subsections (b) and (d)''; and

(B) in paragraph (2)(A), by striking ''means the calendar year 1974.'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), calendar year 1997.''.

TITLE II—DISCLOSURE REQUIREMENTS

SEC. 201. DISCLOSURE OF CERTAIN EXPENDITURES FOR ISSUE ADVOCACY.

(a) ISSUE ADVOCACY.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(d) ISSUE ADVOCACY.—

''(1) REQUIRED REPORT.—A person (other than a candidate or a candidate's authorized committee) who makes a payment in an aggregate amount equal to or greater than $1,000 for a communication containing issue advocacy shall submit a statement to the Commission (not later than 24 hours after making the payment) describing the amount spent, the type of communication involved, and the market or area in which the communication was disseminated.

''(2) DEFINITION.—

''(A) IN GENERAL.—In this subsection, the term 'a communication containing issue advocacy' means a communication that—

''(i) uses the name or likeness of an individual holding Federal office or a candidate for election to a Federal office;

''(ii) mentions a national political party; or

''(iii) uses the terms 'the President', 'Congress', 'Senate', or 'House of Representatives' in reference to an individual holding Federal office.

''(B) EXCEPTION.—The term shall not include a payment which would be—

''(i) described in clause (i), (iii), or (v) of section 301(9)(B) if the payment were an expenditure under such section; or

''(ii) an independent expenditure.''.

(b) INCREASED REPORTING FOR INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended in the matter following paragraph (2)(C), by striking ''after the 20th day, but more than 24 hours, before any election'' and inserting ''during a calendar year''.

SEC. 202. DISCLOSURE OF CERTAIN NON-FEDERAL FINANCIAL ACTIVITIES OF NATIONAL POLITICAL PARTIES.

Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H)(v), by striking ''and'' at the end;

(2) in subparagraph (I), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(J) for a national political committee of a political party, disbursements made by the committee in an aggregate amount greater than $1,000, during a calendar year, in connection with a political activity (as defined in section 316(c)(3));''.

SEC. 203. POLITICAL ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS.

(a) DISCLOSURE TO EMPLOYEES AND SHAREHOLDERS REGARDING POLITICAL ACTIVITIES.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(c) AUTHORIZATION REQUIRED FOR POLITICAL ACTIVITY.—

''(1) IN GENERAL.—Except with the separate, written, voluntary authorization of each individual, a national bank, corporation or labor organization shall not—

''(A) in the case of a national bank or corporation described in this section, collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment or membership if any part of the dues, fee, or payment will be used for a political activity in which the national bank or corporation is engaged; and

''(B) in the case of a labor organization described in this section, collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of the dues, fee, or payment will be used for a political activity.

''(2) EFFECT OF AUTHORIZATION.—An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

''(3) DEFINITION OF POLITICAL ACTIVITY.—For purposes of this subsection, the term 'political activity' includes a communication or other activity that involves carrying on propaganda, attempting to influence legislation, or participating or intervening in a political party or political campaign for a Federal office.

''(d) DISCLOSURE OF DISBURSEMENTS FOR POLITICAL ACTIVITIES.—

''(1) CORPORATIONS AND NATIONAL BANKS.—A corporation or national bank shall submit an annual written report to shareholders stating the amount of each disbursement made for political activities or that otherwise influences Federal elections.

''(2) LABOR ORGANIZATIONS.—A labor organization shall submit an annual written report to dues paying members and nonmembers stating the amount of each disbursement made for political activities or that otherwise influences Federal elections, including contributions and expenditures.''.

(b) DISCLOSURE TO THE COMMISSION OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended in section 201) is amended by adding at the end the following:

''(e) REQUIRED STATEMENT OF CORPORATIONS AND LABOR ORGANIZATIONS.—Each corporation, national bank, or labor organization who makes an aggregate amount of disbursements during a year in an amount equal to or greater than $1,000 for any activity described in subparagraph (A), (B), or (C) of section 316(a)(2) shall submit a statement to the Commission (not later than 24 hours after making the payments) describing the amount spent and the activity involved.''.

TITLE III—REPORTING REQUIREMENTS

SEC. 301. TIME FOR CANDIDATES TO FILE REPORTS.

Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended—

(1) in clause (ii), by striking ''and'' following the semicolon;

(2) in clause (iii), by striking ''; and''; and

(3) by adding at the end the following:

''(v) monthly reports during the months of July, August, September, and October, that shall be filed no later than the final day of the reporting month; and

''(vi) 24-hour reports, beginning on the day that is 15 days preceding an election, that shall be filed no later than the end of each 24-hour period; and''.

SEC. 302. CONTRIBUTOR INFORMATION REQUIRED FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking '', and if the amount'' and all that follows through

the period and inserting: ''and the following information:

''(A) The identification of the contributor.

''(B) The date of the receipt of the contribution.''; and

(B) in paragraph (2)—

(i) in subsection (A), by striking ''such contribution'' and inserting ''the contribution and the identification of the contributor''; and

(ii) in subsection (B), by striking ''such contribution'' and all that follows through the period and inserting '', no later than 10 days after receiving the contribution, the contribution and the following information:

''(i) The identification of the contributor.

''(ii) The date of the receipt of the contribution.'';

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (3), by striking ''or contributions aggregating more than $200 during any calendar year''; and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in subsection (h)(2), by striking ''(c)(5)'' and inserting ''(c)(4)''.

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking ''whose contributions'' and all that follows through ''so elect,''.

SEC. 303. PROHIBITION OF DEPOSITING CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit or otherwise negotiate a contribution unless the information required by this section is complete.''.

SEC. 304. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; REQUIRED ELECTRONIC DISCLOSURE BY COMMISSION.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11) ELECTRONIC FILING.—

''(A) IN GENERAL.—The Commission shall issue a regulation to permit a report, designation, or statement required to be filed with the Commission under this Act to be filed in electronic form accessible by computer or through the use of a facsimile machine or other method of transmission that corresponds with the method of record-keeping or transmission used by persons required to file under this Act.

''(B) INTERNET ACCESS TO CAMPAIGN FINANCE INFORMATION.—The Commission shall make the information contained in a designation, statement, report, or notification filed with the Commission under this section accessible to the public on the Internet and publicly available at the offices of the Commission not later than 24 hours after the designation, statement, report, or notification is received by the Commission.''.

TITLE IV—MISCELLANEOUS

SEC. 401. BAN ON MASS MAILINGS.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3)—

(I) in subparagraph (G), by striking '', including general mass mailings,'';

(II) in subparagraph (I), by striking ''or other general mass mailing''; and

(III) in subparagraph (J), by striking ''or other general mass mailing'';

(ii) in paragraph (6)—

(I) by striking subparagraphs (B), (C), and (F);

(II) by striking the second sentence of subparagraph (D); and

(III) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively; and

(iii) by striking paragraph (7);

(B) in subsection (c), by striking ''subsection (a) (4) and (5)'' and inserting ''paragraphs (4), (5), and (6) of subsection (a)'';

(C) by striking subsection (f); and

(D) by redesignating subsection (g) as subsection (f).

(2) Section 316 of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is amended by striking subsection (a).

(3) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended by striking subsection (f) and inserting the following:

''(f) **[Reserved]**.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first Congress that begins after December 31, 1998.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply with respect to elections occurring, payments made, and filing periods beginning after December 31, 1998.

ADDITIONAL COSPONSORS

S. 222

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 401

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 401, a bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 948

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 948, a bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects.

S. 980

At the request of Mr. DURBIN, the names of the Senator from California [Mrs. BOXER] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1164

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1164, a bill to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights, religious freedom, and democracy in China, and enhances the national security interests of the United States with respect to China, and for other purposes.

S. 1178

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution designating March 1, 1998, as ''United States Navy Asiatic Fleet Memorial Day,'' and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

BROWNBACK AMENDMENT NO. 1204

Mr. BROWNBACK proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

''SEC. 1. . (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term ''Secretary'' means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

BRYAN (AND OTHERS) AMENDMENT NO. 1205

Mr. BRYAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. KERRY, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 65, line 18, strike ''$160,269,000'' and insert ''$150,269,000''.

On page 65, line 23, after ''205'' insert '', none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))''.

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term ''money received'', for the purposes of the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

ABRAHAM AMENDMENT NO. 1206

Mr. ABRAHAM proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 96, line 16, strike ''$83,300,000'' and insert ''$55,533,000''.

On page 96, line 25, strike ''$16,760,000'' and insert ''$11,173,000''.

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional $32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which $8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers''.

MCCAIN AMENDMENT NO. 1207

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike ''*Provided*'' and all that follows through ''heading'' on line 8 and insert the following: ''*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges''.

On page 134, line 12, strike ''a project list to be submitted by the Secretary'' and insert ''the report of the Secretaries''.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1208

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. HATCH, Mr. CAMPBELL, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike ''$120,000,000'' and insert ''$124,000,000''.

On page 64, line 16, strike ''$1,346,215,000'' and insert ''$1,341,215,000''.

BUMPERS AMENDMENT NO. 1209

Mr. BUMPERS proposed an amendment to the bill, H.R. 2107, supra; as follows:

Strike all after ''SEC. 339'' on page 123, line 9, of the pending Committee amendment and add the following:

''(a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the

United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

''(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication.''.

GRAHAM AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

ALLARD AMENDMENT NO. 1211

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1190) to reform the financing of Federal elections; as follows:

At the appropriate place in the bill, insert the following:

SEC. 402. TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) DEDUCTIBILITY OF CONTRIBUTIONS.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

''SEC. 222. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

''(a) GENERAL RULE.—There shall be allowed as a deduction for any taxable year an amount equal to the contributions of the individual during the taxable year to candidates for Federal office other than President or Vice-President.

''(b) MAXIMUM DEDUCTION.—The deduction allowed by subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return).

''(c) DEFINITIONS.—For purposes of this section, the terms 'contribution', 'candidate', and 'Federal office' have the meanings given such terms by the Federal Election Campaign Act of 1971.''.

(2) ABOVE-THE-LINE DEDUCTION.—Section 62(a) of such Code is amended by adding after paragraph (17) the following new paragraph—

''(18) CONGRESSIONAL CANDIDATE CONTRIBUTIONS.—The deduction allowed by section 222.''.

(b) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting:

''Sec. 222. Contributions to congressional candidates.

''Sec. 223. Cross reference.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

CRAIG AMENDMENT NO. 1212

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

BUMPERS AMENDMENT NO. 1213

Mr. GORTON (for Mr. BUMPERS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title I, add the following new section:

''SEC. . ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled ''Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas'' and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, that such lands or interests therein may only be acquired with the consent of the owner thereof.''

COCHRAN AMENDMENT NO. 1214

Mr. GORTON (for Mr. COCHRAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 47, line 9. following ''(25 U.S.C. 45, et seq.)'' insert the following: ''or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)''

MURKOWSKI AMENDMENTS NOS. 1215–1217

Mr. GORTON (for Mr. MURKOWSKI) proposed three amendments to the bill, H.R. 2107, supra; as follows:

AMENDMENT NO. 1215

At the appropriate place insert the following:

''SEC. ——. Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine-Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided*, That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast line, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glascier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further*. That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits.''

AMENDMENT NO. 1216

Title I of Public Law 96–514 (94 Stat. 2957) is amended under the heading ''Exploration of National Petroleum Reserve in Alaska'' by striking ''(8) each lease shall be issued'' through the end of the first paragraph and inserting in lieu thereof the following:

''(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such pool, field, or like area, or any part thereof (whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well re-working operations performed in accordance with a unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operated in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of Conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgement the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit.

In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning; (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act.''

AMENDMENT NO. 1217

On page 69, lines 9 and 10, strike ''the relocation of the Regional Office for Region 10 to Ketchikan and other''

On page 77, beginning on line 14 add the following: ''Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of $17,500,000 from the total funds appropriated for Region 10.''

JEFFORDS (AND TORRICELLI) AMENDMENT NO. 1218

Mr. JEFFORDS (for himself and Mr. TORRICELLI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

SEC. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield cites.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 2:15 p.m. on transition to digital TV.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. 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 Wednesday, September 17, 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. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public land exchange, and for other purposes, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Wednesday, September 17, 1997, at 9:30 a.m., hearing room (SD–406), to consider S. 1173, the Intermodal Transportation Act of 1997.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 17, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. and at 2 p.m. to hold hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 17, at 10 a.m., for a hearing on campaign financing issues.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet with the Senate Committee on the Judiciary during the session of the Senate on Wednesday, September 17, 1997, at 9 a.m. in room 226 of the Dirksen Senate Building to conduct a joint oversight hearing on the problem of youth gang activity in Indian Country.

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

COMMITTEE ON THE JUDICIARY AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a joint hearing on: ''Criminal Gangs in Indian Country.''

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. GORTON. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 10 a.m. on Pipeline One Call (S. 1115).

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

ADDITIONAL STATEMENTS

POWER OF PUBLIC-PRIVATE PARTNERSHIPS

• Mr. DOMENICI. Mr. President, I want to share with you and my colleagues an interesting experience from the last recess. It's a great example of the power of public-private partnerships. Improved mining tools, detection of land mines, public-private partnerships, and Cooperative Threat Reduction programs may not seem to be closely related, but I visited with a small business that is demonstrating the power of integrating several different national programs into a focused approach to some of our most challenging technical problems. And the fact that this small business is located in a remote corner of New Mexico, far from major population centers, is testimony to the ability of our nation's small business to compete in the most complex business arenas by carefully utilizing the power of well crafted partnerships.

Larry Stolarczyk of Raton Technology Research (RTR), in Raton, NM leads this unique small business. He's built a range of products through partnerships with Los Alamos and Sandia National Laboratories using different approaches. And he even brought in expertise from Russia through the Initiatives for Proliferation Prevention Program.

RTR tapped into different federal programs to build their products. In some cases, they contracted directly with a national laboratory when that laboratory had a unique capability that wasn't available from U.S. industry. In that case, RTR paid the full support costs for the national laboratory personnel. RTR has also used the CRADA or Cooperative Research and Development Agreement approach, enabled by my National Competitiveness and Technology Transfer Act of 1989. A CRADA enables cost-shared research involving both industry and laboratory scientists working toward common goals.

Where a research subject is closely related to a laboratory's mission, the CRADA is a wonderfully cost-effective way for industry to tap into national

laboratory resources. Usually, industry pays only for their part in the CRADA partnership, with the national laboratory costs provided through DOE funding. Furthermore, the CRADA mechanism provides good protection to industry for jointly developed intellectual property.

Initiatives for Proliferation Prevention (IPP) is a program within the Department of Energy. The program involves 10 national laboratories, over 20 institutes in the Former Soviet Union, and well over 50 U.S. corporations. The U.S. companies form the U.S. Industry Coalition or USIC and Larry Stolarczyk was a founding member of USIC. IPP traces its origins to the Cooperative Threat Reduction program established by Senators LUGAR and NUNN.

Each of RTR's products involves transmission of radio frequency waves and detection of reflected and scattered waves. Analysis of the return signals documents characteristics of materials near the sensor.

With the IPP program, Larry Stolarczyk built a team that couples expertise from Sandia National Laboratories with his company and with the Sedakov Institute for Measuring Systems Research of Nizhny Novgorod in Russia.

They are developing a borehole radar system for mapping fractures within tens of meters surrounding a borehole in an oil/gas reservoir. Precise understanding of these fractures outside the borehole enables optimization of the oil recovery strategy. Halliburton Logging Services is working with Raton Technology for initial field demonstrations.

The borehole radar tool can help reach some of the 300 billion barrels of oil remaining under U.S. soil, oil that can reduce our dependence on foreign sources. Furthermore, while the Russian institute was 100 percent supported by military missions before these programs started, it now has about 70 percent non-military support. Shifting these institutes away from military support toward commercial projects is one of the strongest objectives of the IPP Program.

In Raton, New Mexico, coal mining has been an important industry, and that's led RTR to apply its high technology capabilities to that sector. RTR has developed a Horizon Sensor to allow coal mining equipment to follow a coal seam. In coal mining, following that seam is important! Mining into the roof can cause a collapse, leaving significant coal in the seam reduces the profitability of the mine, and mining into the floor contaminates the coal. The low-tech solution is to have a miner posted near the cutting drum, not the world's safest location. The RTR approach mounts the sensor on the cutting head and allows measurements up to 20 feet ahead.

And now let me talk about RTR's contributions to locating land mines. I don't need to remind any of my colleagues that proliferation of land mines is a critical international problem. It's estimated that more than 100 Million land mines are buried in third world countries. Daily headlines discuss the tragic consequences of civilian encounters with these mines. The innocent victims are frequently children, who may incur life-threatening injuries or as a minimum, are forced to face life without some of their limbs. Around 27 Thousand people are killed or injured annually by land mines. Finding land mines, especially non-metallic ones, is very difficult.

The landmine project is funded through the U.S. Army Night Vision Laboratory. Los Alamos and NASA Johnson Space Flight Center are subcontractors to Raton Research. The instrument being build by Raton Technology will detect and image mines with a hand-held device. It may be the best chance we have of ridding the world of the scourge of non-metallic land mines.

These experiences were especially interesting to me, since I have strong personal interests in each of these national programs. I've encouraged partnerships between our national laboratories and U.S. industry. These partnerships provide benefits to the taxpayer by strengthening the laboratories for their national missions and they certainly provide benefits to U.S. business by enabling new commercial applications of lab technologies.

In addition, I've been a strong supporter of the Cooperative Threat Reduction programs designed to reduce the threat of proliferation of weapons of mass destruction. IPP encourages interactions between our national laboratories and institutes in the Former Soviet Union, and also build opportunities for U.S. industries to work with these foreign institutes. These programs are designed to ensure that the scientists working on weapons of mass destruction in these foreign institutes stay right where they are, and are not lured to rogue states to build new weapons of mass destruction.

I'm pleased to see that these national programs are really working and providing the benefits we intended.●

MAYOR DANNEL MALLOY

● Mr. DODD. Mr. President, it gives me great pleasure to congratulate the great city of Stamford, Connecticut, and Mayor Dannel Malloy, for having been ranked on the Children's Environmental Index as one of the most ''kid-friendly'' cities in the United States. Normally we consider the number 13 to be an unlucky number, but Stamford ranked number 13 of 219 cities in the nation on the quality of life for its children. Stamford was also ranked second in the nation in the education category which included student-teacher ratio and drop-out rate. This index, measured by the organization Zero Population Growth (ZPG), is the sixth in a series of bi-annual studies used to focus attention on the quality of life in the nation's largest cities. It is the third index which directly addresses the social and physical environment of children, measuring such areas as infant mortality, teen pregnancy, childhood poverty, high school drop-out rates, air quality, and crime rates.

Mr. President, I was recently appointed by Minority Leader TOM DASCHLE to chair the Senate Democratic Strike Force for Kids named ''Right Start 2000''. The purpose of this strike force is to develop constructive ways for us in Washington to best address the educational, health, and safety needs of America's children in the first six years of life. It is very clear from this index that we have much to learn from many of our Nation's cities. Clearly Stamford and other cities are taking bold and innovative steps to nurture our Nation's children.

The children of today are the leaders of the next millennium. As such, it is critical that we ensure they grow up in surroundings which protect, nurture, educate, and care for them. Stamford has shown its willingness to invest the resources necessary to produce the next generation of leaders. We can only hope that this index will give the impetus to other cities to focus upon what is really critical for our future, healthy and happy children today.

The road toward a better future for our kids will be a collective effort on the part of parents, schools, religious institutions, community, State, and national leaders. But this effort will be made easier in an environment where groups and individuals work in partnership with one another. I am delighted to know that this work is going on in my home State of Connecticut, and I particularly congratulate Mayor Malloy and all of the people of Stamford for their achievements on behalf of Stamford's children.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 15, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget (H. Con. Res. 178), show that current level spending is above the budget resolution by $9.5 billion in budget authority and by $12.9 billion in outlays. Current level is $20.6 billion above the revenue floor in 1997 and $36.3 billion above the revenue floor over the 5 years 1997–2001. The

current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.9 billion, $7.4 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated July 30, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105–33) and the Taxpayer Relief Act of 1997 (P.L. 105–34). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through September 15, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 29, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105–33) and the Taxpayer Relief Act of 1997 (P.L. 105–34). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JAMES L. BLUM,
(for June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

[In billions of dollars]

	Budget resolution (H. Con. Res. 178)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,314.9	1,324.4	9.5
Outlays	1,311.3	1,324.2	12.9
Revenues:			
1997	1,083.7	1,104.3	20.6
1997–2001	5,913.3	5,949.6	36.3
Deficit	227.3	219.9	−7.4
Debt Subject to Limit	5,432.7	5,329.3	−103.4
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security Revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.3	−0.7

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	1,101,532
Permanents and other spending legislation	843,324	801,465	.....
Appropriation legislation	753,927	788,263	.....
Offsetting receipts	−271,843	−271,843	.....
Total previously enacted	1,325,408	1,317,885	1,101,532

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED THIS SESSION			
Airport and Airway Trust Fund Reinstatement Act of 1997 (P.L. 105–2)	.....	.....	2,720
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−6,497	281	.....
Balanced Budget Act of 1997 (P.L. 105–33)	1	1	.....
Taxpayer Relief Act of 1997 (P.L. 105–34)	.....	.....	60
Total, enacted this session	−6,496	282	2,790
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	5,491	6,015	.....
TOTALS			
Total Current Level	1,324,403	1,324,182	1,104,322
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution	.....	.....	.....
Over Budget Resolution	9,468	12,861	20,594
ADDENDUM			
Emergencies	9,236	1,919	.....
Contingent Emergencies	307	300	.....
Total	9,543	2,219	.....
Total Current Level Including Emergencies	1,333,946	1,326,401	1,104,322

Note.—Amounts shown under ''emergencies'' represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts under ''contingent emergencies'' represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

PASSAGE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 1061

Mr. GORTON. Mr. President, I ask unanimous consent that the passage of S. 1061 be vitiated; further, that the bill be indefinitely postponed.

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

AUTHORIZATION FOR USE OF THE ROTUNDA

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 134, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 134) authorizing the use of the Rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness, Patriarch Bartholomew.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (H. Con. Res. 134) was agreed to.

ORDERS FOR THURSDAY, SEPTEMBER 18, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:10 a.m. on Thursday, September 18. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill, and the Hutchison NEA amendment as under the consent agreement.

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

Mr. GORTON. I further ask consent that if an amendment is offered from the list as a first-degree amendment, it be subject to relevant second-degree amendments.

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

PROGRAM

Mr. GORTON. Mr. President, I inform all Senators that tomorrow morning there will be 20 minutes of debate before a vote on or in relation to Senator HUTCHISON's amendment on the National Endowment for the Arts. Senators can, therefore, anticipate that the first rollcall vote tomorrow will take place at approximately 9:30 a.m. Following that vote, I hope that Members will cooperate with the managers of the Interior appropriations bill in offering their amendments. The majority leader has stated that we will complete action on this bill on Thursday. Senators should, therefore, anticipate rollcall votes throughout the day on Thursday. I thank all Senators for their attention and cooperation.

ADJOURNMENT UNTIL 9:10 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:26 p.m., adjourned until Thursday, September 18, 1997, at 9:10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1997:

DEPARTMENT OF DEFENSE

JERRY MACARTHUR HULTIN, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY, VICE RICHARD DANZIG, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1989, VICE REED E. HUNDT, RESIGNED.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1998. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

IN SUPPORT OF COPS PROGRAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Office of Community Oriented Policing Services. Three years ago, President Clinton vowed to place 100,000 more police officers on the streets of American cities in a nationwide effort to reduce crime starting at the community level. To fulfill this goal by the end of the year 2000, the Office of Community Oriented Policing Services [COPS] was established. Halfway through the 6-year program, 65,000 officers have been added to police forces across the Nation, and reports of dramatic drops in crime are coming in from cities throughout the country.

Cleveland, OH is one of these COPS success stories. Juvenile crime had been on the rise in Cleveland. Arrests for weapons violations rose 67 percent from 1989 to 1994. A 35-percent increase in juvenile felony arrests was seen between 1992 and 1993 alone. In spite of this rise in crime, the number of police officers had declined. The Cleveland Police Department has received over $8 million in grants from the COPS office. Among many COPS-funded programs, one especially innovative and successful program stands out, the Residential Area Policing Program [RAPP].

In an effort to create more of a community policing presence, the Cleveland police department identified abandoned, nuisance properties in various neighborhoods, restored the properties and stationed specially trained community policing officers there 24 hours a day. These officers established themselves in the neighborhood, made regular patrols, and conducted door-to-door surveys of the residents' problems. They also hosted training seminars and provided a safe house to the youths of the area. In short, the community police formed partnerships with the residents of the neighborhoods and, together, they improved the appearance of the neighborhood, identified community problems, and developed substantial solutions. In each of the four sites selected for the year-long program, the community officers became integral members of the community and left lasting, positive effects. Drug traffic has decreased, gunfire has diminished, and the number of civil disputes is down. Equally as important, the number of calls for service rose 100 percent showing that the residents felt comfortable turning to the police for help.

RAPP is but one of many endeavors on the part of the Cleveland police department to get more involved in community policing. Over $11 million have been awarded to communities in the 10th congressional district of Ohio resulting in the hiring of over 170 new officers. Residents profess that the programs have helped reduce crime, and the statistics prove it. Community policing works, and I support its continued funding so other cities may see the rewards of communities and police departments working together to combat crime.

A TRIBUTE TO BOB CARRIVEAU AND THE HONEYBEE STINGERS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. CAMP. Mr. Speaker, I would like to recognize a group of individuals which exemplifies the meaning of the word ''altruistic.'' Bob Carriveau and the Honeybee Stingers are a group of seniors who have joined together to contribute more than just time to the people of Michigan's fourth Congressional District; they have dedicated their talents and their passion for music for everyone's enjoyment.

On September 18, 1997, they will conduct their 1,600th performance for a charitable cause. Appropriately, this performance will take place on the Ellipse of the White House, which is viewed by many as a symbol of benevolence and leadership for our country.

Bob Carriveau and the Honeybee Stingers have set their own standards of benevolence and leadership for all music groups to follow. Formed in 1980, the band has created its own rich musical focus. They have been on the public airwaves for 7½ years and performed various times on live television. Six members of the band are in the Michigan Country Music Hall of Fame. The founders of the band, Bob and Wilma Carriveau, are the first couple ever to be inducted into this prominent society of musicians.

Bob Carriveau and the Honeybee Stingers have their own lofty standards of conduct. Through highs and lows, this band has remained a symbol of humble sincerity and selfless commitment to helping others.

The current 13 performers are: Bob and Wilma Carriveau, Phil and Joyce Leonard, Dale Haffer, Lonie Rummer, ''Singing'' Bill Winter, Howard Clark, Dilbert Collins, Paul Averill, Mike Hopkins, Jerry Mawhorter, and Jim Vickers.

I would like to rise today to pay tribute to this outstanding group and thank them for their tremendous efforts to spread their love of music and desire to help others. Their selfless commitment and integrity has brought happiness and smiles to thousands of people. Mr. Speaker, please join me in thanking the outstanding entertainers, Bob Carriveau and the Honeybee Stingers.

TRIBUTE TO THE RETIREES OF THE STERLING HEIGHTS FIREFIGHTERS UNION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LEVIN. Mr. Speaker, on Friday, September 19, the Sterling Heights Firefighters Union will host their annual dinner-dance honoring their 1997 retirees.

It is my distinct privilege to recognize the five retiring firefighters for their outstanding contributions to humanity: Advanced Life Support Coordinator Gregory B. Dobkin, Fire Inspector Michael T. LeBeau, Chief of Operations Kenneth R. Podolski, Battalion Chief Dale A. Vergauwen, and Battalion Chief John Edward Werkman.

These gentlemen have demonstrated acts of heroism and actions above and beyond the call of duty. Indeed, the people of Sterling Heights have been well-served by the untiring care and concern each of these men has given without limitations to their community.

Mr. Speaker, I ask my colleagues to join me in recognizing these gentlemen for their dedication, accomplishments, and years of service. I wish them good health and happiness as they move forward in their lives.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KIND of Wisconsin. Mr. Speaker, today the House of Representatives will adjourn at 4 p.m. without taking a vote on campaign finance reform. We should not be adjourning at this early hour with unfinished business still pending in the House. Mr. Speaker it is time that we stop the delaying tactics and allow a vote on campaign finance reform in the House.

We have heard conflicting reports from the leadership of the majority party regarding whether we will be allowed to vote on campaign finance reform this year. The House majority leader opened the door on the possibility that a vote on campaign finance reform would take place this fall, the Senate majority leader has slammed that door shut. It is time that we end the waffling on this issue. It is time that we vote now.

Mr. Speaker, I was elected to Congress because my constituents wanted me to work on the pressing issues of our time. They do not accept the fact that this House has never been given an opportunity to vote on campaign finance reform, and if they knew we were adjourning at 4 p.m. without taking action, they would be outraged. It is time to give the House an opportunity to vote on campaign finance reform. If not now, then when?

IN RECOGNITION OF THE LATE WILEY K. CARTER, LONGTIME ADMINISTRATIVE ASSISTANT TO U.S. SENATOR THAD COCHRAN OF MISSISSIPPI

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. PARKER. Mr. Speaker, today, I ask you to join me in remembering an outstanding Mississippian, a dedicated public servant and a

friend to the U.S. Congress—the late Wiley K. Carter.

Wiley Carter died Thursday, September 11, 1997, in Jackson, MS. Wiley was a 1954 graduate of Jackson Central High School and a 1958 graduate of Mississippi State University. He served in State government during the administration of Gov. John Bell Williams, 1968–72. At the time of his death at age 60, Wiley served as administrative assistant for my friend and colleague, Senator THAD COCHRAN. He had served with THAD COCHRAN since 1974 when he was in his second term in the U.S. House of Representatives.

Wiley loved Mississippi politics and government service, and he worked diligently to help the citizens of Mississippi. He was conscientious, he had a great sense of humor, and he was truly dedicated to our State and its citizens. My staff, my family, and I are shocked and greatly saddened by the loss of this good friend.

Wiley is irreplaceable and is truly an unforgettable friend to those who knew him. Wiley will be sorely missed both here in Washington and, even more, back home in Mississippi. He is survived by his wife, Gwen; sons, Craig and Scott; and his daughter, Christy. Our thoughts and prayers are with you.

Mr. Speaker and my colleagues in the U.S. House of Representatives, I ask you again to join me in honoring Wiley Carter, his willing sacrifice of his time and energy for the public good, and his representation of all that is good, true and steadfast in our society.

UKRAINE CELEBRATES SIXTH ANNIVERSARY OF INDEPENDENCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. SLAUGHTER. Mr. Speaker, as a cochair of the Congressional Ukrainian Caucus, I am proud today to recognize the sixth anniversary of the Independence of Ukraine. The actual anniversary was celebrated on August 24, but today, we in Congress are commemorating the occasion with a reception hosted by the caucus, the Ukrainian Congress Committee of America, and the Ukrainian-American Coordinating Council.

The past year has been an exciting, but challenging one for Ukraine. As the representative of a large and active Ukrainian community in Rochester, NY, I particularly want to note two milestones over the past year in United States-Ukrainian relations.

This year we cemented the Ukrainian-American strategic partnership through the first session of the Ukraine-United States Binational Kuchma-Gore Commission. I am hopeful and confident that this partnership will continue to strengthen over the coming years.

Even more significantly, on July 9, the unprecedented Charter on the Distinctive Partnership between NATO and Ukraine was signed at the Madrid NATO summit. This ground-breaking agreement will serve as the basis for Ukraine's security into the 21st century and demonstrates the close relationship that President Kuchma has built with Europe and the United States.

As exciting as these developments are, over the next year, we, the friends of Ukraine in the United States, must redouble our efforts to help Ukraine continue to move forward, particularly in the economic sphere. We must do what we can to support President Kuchma's ongoing efforts to reform Ukraine's economy, as he moves to integrate it into the world market economy. In Ukraine itself, the March 1998 elections will be an opportunity to elect a reform-minded Parliament to aid in this effort. Here at home, I have been working in Congress to secure continued United States aid to help Ukraine make this transition.

In addition, the Ukrainian community and other caring persons in the United States are challenged to continue their magnificent, humanitarian efforts to help relieve the still troubling health conditions for many Ukrainians, particularly children. We must do what we can to work together to lower infant mortality and to reverse the troubling trends toward lower life expectancy.

Yes, there is much work ahead, but Ukrainians in America have much to celebrate as well.

Mr. Speaker, I ask my colleagues to join me today in saluting and congratulating Ukraine and Ukrainian-Americans, as we commemorate the sixth anniversary of Ukrainian independence.

IN HONOR OF KAY HALLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Miss Kay Halle for her lifetime achievements in cultural activism.

Kay was born in Cleveland under the name of Katherine Murphy Halle. She attended Laurel School in Cleveland and the Mary C. Wheeler School in Providence, RI. She also studied at Smith College and the Cleveland Institute of Music.

Kay Halle was known as a radio personality, a worldwide traveler, a writer, and an activist. While she lived much of her life in Washington, the city of Cleveland considered her its ''Ambassadress Extraordinaire.''

Ms. Halle lived in England for a year and wrote a regular column for the Cleveland News. It was there in England that she frequently dined with cultural and political leaders, including Winston Churchill. Back in the United States, she campaigned for Franklin D. Roosevelt and later for John F. Kennedy.

For 2 years she hosted a Cleveland radio show, ''Know Your City,'' in which she interviewed local and world figures. In 1940, she traveled around South America by plane recording her impressions on tape for broadcast at Cleveland's WGAR radio station. She later served as the Washington's feature correspondent for WGAR.

Kay Halle led an active, fulfilling life. She made a dynamic impression wherever she traveled and shared her inspiring experiences with the Cleveland community. She is survived by her sister, Ann. Kay Halle will be greatly missed by all who knew her.

DISPLACED OLDER WORKERS DESERVE TAX RELIEF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. SMITH of New Jersey. Mr. Speaker, when large companies merge or downsize, it is often the older workers and long-time employees that bear the brunt of the job insecurity and downsizing that follows. When the corporate cost-cutters start scouring each department for cost savings, the most experienced workers often feel as though they have a bulls eye on their chest.

While every lay-off is a painful and unpleasant experience, older workers often find themselves in a unique ''catch-22'' situation: they are to young to comfortably retire, and too old for most companies to retrain. Many firms are understandably hesitant to retrain displaced older workers because the company may fear it will not be able to recoup their investment before the worker retires.

Yet clearly, in this global economy, displaced older workers in labor-intensive and ''smokestack'' industries negatively affected by trade agreements need to be retrained for jobs in other economic sectors. For example, when layoffs are concentrated in a particular industry, such as the defense industry, displaced older workers with specialized skills and knowledge have a difficult time finding comparable employment without retraining because the demand for their existing skills is low.

Mr. Speaker, data I have obtained from the Bureau of Labor Statistics [BLS] confirms what most Americans already know—older, displaced workers face very difficult challenges when seeking new employment.

For instance, in comparison with younger workers, older workers, those age 50 and above, have a higher unemployment rate—17 percent versus 12 percent—drop out of the labor force at higher rates after a lay-off—39 percent vs. 10 percent—suffer a longer period of unemployment between jobs—27.3 median weeks vs. 11.6 median weeks—and on average, take a 29.6 percent pay-cut in their median weekly earnings after they do finally secure a new job.

The current Tax Code compounds the problem by including severance payments made in connection with a lay-off or work force reduction as taxable income, even though this income is nonrecurring. This makes a displaced worker look suddenly wealthy on paper, pushing their family into a higher tax bracket. As a result, the current Tax Code actually taxes the severance payments of the most senior workers in a firm at the highest marginal rate, since the value of a severance package is usually derived from one's length of service to the firm.

Here is where the Tax Code is at its most heartless to displaced older workers, since those having the most difficult time finding another job are simultaneously being hit with the highest taxes on the severance payments they receive.

Mr. Speaker, to remedy this unfairness, and to provide a measure of assistance for older workers facing a particularly difficult situation, I am introducing the Career Transition Assistance Act of 1997, which will provide much needed tax relief in two critical areas.

First, my bill will allow employees who are offered severance pay packages by their employers to exclude the first $15,000 from their taxable income. No longer will the Tax Code punish displaced workers by taxing their misfortune. This income exclusion could be taken by the employee regardless of whether the reduction in force was voluntary or involuntary

In addition, if an employer's severance benefit provides for payments for up to 3 years from the date of separation, my legislation would allow the employee the flexibility to elect to exclude all or some of the severance payment from their income for the 3 year period, up to the $15,000 limit.

Second, the legislation will provide a $2,000 refundable tax credit for retraining expenses incurred after a lay-off. This tax credit is in keeping with the common-sense principle that families and individuals know their retraining needs better than government-run retraining programs.

To ensure that this tax relief is available to middle class families, jointly filing couples with incomes of up to $100,000, and single persons with incomes up to $75,000, would qualify under my legislation for the full $2,000 tax credit. The value of the credit is gradually phased out for persons earning higher amounts.

While I believe Congress should continue to reform and reduce red-tape in our Nation's patch-work of retraining programs, it is important to protect workers from slipping through the cracks of these programs' widely varying eligibility criteria.

This legislation will go a long way toward improving the efficiency of our Nation's labor markets, and I call on Members on both sides of the aisle to lend their support for this effort. Severance payments are designed to provide a financial cushion to help pad the blow of a work force reduction. When the Tax Code adds insult to injury by subjecting these families to a higher tax liability, it is clearly time to correct this insidious consequence.

TRIBUTE TO DELORES BACON–FINCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Delores Bacon-Finch. Delores has been a dutiful employee for the New York Police Department as a police administrative aide.

During her professional career Delores has performed a number of duties. In 1985 she was assigned to the community affairs community meetings with the community council, the youth council, block associations, churches, and local development corporations.

A dedicated community activists, Ms. Bacon-Finch feeds the homeless, assists senior citizens, works with the Kiwanis Club, struggles to curb gun violence and drug trafficking. Delores even finds the time to visit hospital patients. The efforts of Delores Bacon-Finch are noteworthy and deserving of recognition. I am pleased to introduce her to my House colleagues.

REAUTHORIZATION OF EX-IM BANK

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HASTERT. Mr. Speaker, I rise today to voice my support for reauthorizing the U.S. Export-Import Bank. By providing loans and guarantees that may otherwise be unavailable, the Ex-Im Bank is an invaluable tool to American workers and businesses, 80 percent of which are small companies.

In my home State of Illinois, 288 companies and 125 communities have benefited from the Ex-Im Bank in the last 5 years. During this time, Ex-Im financing helped to support the $2.2 billion in exports my State produces, and the estimated 30,000 jobs that manufacture those exports.

The Bank is essential to the communities, constituents, and businesses in my district. Whether it's in Elgin or Aurora, Batavia, or West Chicago, companies and their employees are benefiting.

I wish to thank my friend from New Jersey, Representative ROBERT MENENDEZ, for joining me in making this a priority. I'm delighted that the chief deputy whips from each side of the aisle can come together in making this a bipartisan effort.

TRIBUTE TO NICOLE S. SUARD

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. RIGGS. Mr. Speaker, I rise today to commend the activities of Nicole S. Suard, who has made a tremendous contribution to Napa County, CA, which I represent. Today, ''Nicky'' is being presented with 1 of 20 Regional Role Model Awards in the 1997 Life Saves ''Take a Bigger Role'' awards program.

Nicky Suard sees a need and comes up with a solution. Seeing a need for a home for unwed teenage mothers, she recruited a group of people and established Choix de Vie—Choice for Life—which recently celebrated the birth of its 100th baby.

For years, there has been a shortage of activities for teenagers in Napa. In 1996, Nicky arranged for a building to be donated, recruited volunteers, and founded the Lytehouse, Napa Valley's teen center.

Knowing that many nonprofits in Napa County did not have the expertise or ability to prepare grant requests, Nicky Suard brought together a group of leaders from the community to establish the Community Foundation of Napa Valley. The Community Foundation's goal is to be an aggregate of permanent fund raising for the benefit of the Napa Valley through wills, trusts, and estate planning. All moneys distributed to go local nonprofit organizations. Ms. Suard also donates her legal services as the incorporating attorney for many local nonprofits.

As if all of this is not enough, Nicky Suard is as dedicated mother of two children, Tyler and Corey. She also volunteers as a parent-teacher at their schools, teaching crafts. In all of this whirlwind of activity, she is supported and helped by her husband, Dr. Thomas Suard.

I have personally seen the results of Nicky Suard's efforts and have been impressed time and again with her hard work and commitment to the well-being of all people in the Napa community. Her vision, innovation, and accomplishments should be held up as a model for others.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

Ms. SANCHEZ. Mr. Chairman, I rise today in support of the Goodling amendment. While I believe that we should have national standards and expectations for all of our students, I do not believe these national tests will help us achieve that goal.

We cannot establish nationwide standards for our students if we fail to include all students in these national tests.

The fact is that too many students will be unable to participate in the President's proposed reading and math tests.

While I commend the administration's efforts to improve public education, I remained concerned that the proposed reading test will exclude too many children from the educational opportunity they deserve.

Limited English proficient students make up a significant percentage of kids in our Nation's classrooms. Unfortunately, the administration will not adequately accommodate the participation of these students.

We have tried to attain a compromise for LEP students, but the administration has failed to offer a comparable solution.

The administration says that it wants accountability from our schools. But who will account for the progress of children who cannot take these tests?

I believe that many more school districts will be affected than people realize.

Orange County, CA, for example, has long been considered an affluent, homogeneous area. My hometown, however, has rapidly changed over the years. The truth is, Orange County is now more diverse than ever, with many new Americans calling it home.

And Orange County schools have changed along with our demographics.

Currently, 30 percent of all Orange County students are limited English proficient. My congressional district is one of the better examples of how these tests cannot adequately assess all public schools and their kids.

Two out of four school districts in my congressional district will have over half of their students excluded from the reading test because of their large number of limited English proficient students.

Santa Ana Unified School District has 70 percent of its students classified as LEP, the sixth highest in the Nation. Garden Grove Unified School District has 43 percent of its students qualifying as limited English proficient, 11th highest in the Nation.

These are children from all over the world, Vietnamese children, Korean children, Hispanic children, and Romanian children who all want to learn and who all want high standards.

But we have no plan for what we will do with these children or how we will utilize the test results.

Of course, we need to have our students on track. But until we have a better idea of how these test results will be used, and how we can include the great many children who are still learning English, then I cannot be supportive of these national tests.

Please vote for the Goodling amendment.

IN HONOR OF ANN TRAPP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Mrs. Ann Trapp, for her many years of service and countless contributions to her community.

Ann Trapp was born in Cleveland. In 1949, she graduated from the St. Vincent Charity School of Nursing. She went on to work as a registered nurse for the St. Vincent Charity Hospital for 34 years. During this time she was also a member of the American Lung Association for Practitioners of Infection Control, and a member of the Lung Association.

Mrs. Trapp was devoted to many political organizations. She was a Democratic precinct committee leader and a member and ward leader of the Democratic Executive Committee. She was the recording secretary of the Parma Democratic Club. She played a role in several political campaigns in Parma and Cleveland and was named Parma Woman Democrat of the Year in 1990.

Not only was Mrs. Trapp active in politics, she was dedicated to her church as well. She was a member of St. Charles Borromeo Catholic Church for more than 40 years and served as a Eucharistic minister there. She belonged to Legion of Mary, Catholic Daughters, and Just Friends. She was also involved with the West Side Irish American Club and the Women's Guild of St. Vincent Charity Hospital and was a member of their alumni association.

Mrs. Trapp leaves behind 1 sister, 2 brothers, 4 daughters, 3 sons, and 15 grandchildren. She will be greatly missed.

UKRAINIAN INDEPENDENCE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today I rise to give tribute to a nation that has succeeded in it's struggle to be a free, democratic nation. On August 24th, Ukraine celebrated it's 6th year of independence.

Since August 24, 1991, When Ukraine declared independence from the former Soviet Union resuming its journey down the path to freedom and democracy, she has achieved success in many domestic and international arenas. Ukraine has worked hard to develop a target-oriented and balanced policy to achieve economic stability and build a truly democratic, economically developed state. The nation has worked to establish a solid foundation on which to build a true democracy. The foundation of a free market system has been established. The liberalization of prices, the currency rate, a mechanism of foreign trade, and privatization have all contributed to a developing market economy. The policy has resulted in a reduction in the annual inflation from 10,000 percent in 1993 to a projected 25 percent in 1997; the privatization of nearly 50,000 enterprises; and the adoption of a democratic constitution.

On the international front, Ukraine has worked hard to improve foreign policy by signing many important agreements with the international community: A joint Statement of the President of Ukraine and Poland on Accord and Unity; the Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation; the Agreement on the State-Border lines between Ukraine and Belarus; the Treaty on Good Neighborly Relations and Cooperation between Ukraine and Romania; and lastly, the Charter on a Distinct Partnership between Ukraine and NATO. They have participated in the first session of the Ukraine-United States Binational Commission Kuchma-Gore, which is a visible embodiment of a Ukrainian-American strategic partnership. Ukraine has also unilaterally and voluntarily disarmed all tactical nuclear weapons to continue the dream of a stable democracy.

To help foster freedom and democracy in Ukraine, the Congressional Ukrainian Caucus has been established. Representative JOHN FOX, Representative LOUISE SLAUGHTER, and Representative SANDER LEVIN, and I serve as cochairs. The primary purpose of the caucus is to organize an association of Members of Congress who share a common concern for building stronger bilateral relations between Ukraine and the United States. The caucus wants to support Ukraine in its process of democratization and market-oriented reforms.

I stand here today to congratulate Ukraine on another year of freedom and progress in the quest for democracy.

IN RECOGNITION OF OPPORTUNITY, INC.: AN ORGANIZATION THAT LIVES UP TO ITS NAME

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. PORTER. Mr. Speaker, I am pleased to rise today to recognize Opportunity, Inc., an outstanding organization located in Highland Park, IL. This is truly a remarkable enterprise and a magnificent example of the initiative needed to help people move from welfare to work and a better life.

Opportunity, Inc. is a unique, not-for-profit contract manufacturer that employs 120 persons, most of whom have developmental, physical and/or emotional disabilities. Founded in 1976 by local construction executive John Cornell, who still serves on the Board of Directors, the company will hold its annual Handicapable™ Leadership Award Dinner in Chicago on September 30. Noted conservative author and commentator, George F. Will, will be the keynote speaker.

The company's mission is twofold: First, to provide a mainstream plant environment in which handicapable people can work and earn a paycheck as well as the dignity that comes from being employed productively on a full-time basis; and, second, to provide its private sector customers with the best possible quality, price, and service.

As everyone understands, budget constraints compel us to look for ways to effectively address important needs without government subsidies, and Opportunity, Inc. is leading the way in this regard. A model of community response and innovation, the company has demonstrated how competitive and productive Handicapable™ employees can be. Opportunity, Inc. built and continues to operate the Nation's only not-for-profit, certified class 100,000 clean rooms for medical and surgical packaging. The firm's commitment to quality is so stringent that its principal medical/surgical customer—Baxter, International—has not rejected a single lot of product in over 7 years.

When I visited Opportunity, Inc. last year, however, I learned that its business success, while impressive, pales in significance to the positive contributions it has made to its employees' lives. I experienced firsthand how proud, dedicated, and competitive they are. As one man said to me, ''Congressman, all we need is a fair chance to compete. That's what we get here at Opportunity and just look at the results!'' Clearly, Opportunity, Inc. is an organization that lives up to its name.

Mr. Speaker, I am proud to represent a congressional district that includes enterprises of this caliber. It is my pleasure to salute the employees, management, and directors of Opportunity, Inc. on the occasion of their annual dinner, and to extend my personal congratulations to Harold, Peter, and Ron Foreman, who are the recipients of this year's Handicapable Leadership Award for 20 years of service.

I also commend Opportunity, Inc. as an example to my colleagues, who believe, as I do, that we must look to the private sector and to the local level for alternative solutions to difficult social problems.

REAUTHORIZATION OF EX-IM BANK

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HASTERT. Mr. Speaker, I rise today to voice my support for reauthorizing the U.S. Export-Import Bank. By providing loans and guarantees that may otherwise be unavailable, the Ex-Im Bank is an invaluable tool to American workers and businesses, 80 percent of which are small companies.

In my home State of Illinois, 288 companies and 125 communities have benefited from the Ex-Im Bank in the last 5 years. During this time, Ex-Im financing helped to support the $2.2 billion in exports my State produces, and

the estimated 30,000 jobs that manufacture those exports.

The Bank is essential to the communities, constituents, and businesses in my district. Whether it's in Elgin or Aurora, Batavia, or west Chicago, companies and their employees are benefitting.

I wish to thank my friend from New Jersey, Representative ROBERT MENENDEZ, for joining me in making this a priority. I'm delighted that the Chief Deputy Whips from each side of the aisle can come together in making this a bipartisan effort.

IN COMMEMORATION OF UKRAINE'S 6TH ANNIVERSARY OF INDEPENDENCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LEVIN. Mr. Speaker, I rise today in observance of the 6th anniversary of Ukrainian independence.

On August 24, 1991, the Ukrainian Supreme Soviet declared Ukraine's independence from the then Soviet Union. The declaration was confirmed several months later through a public referendum in which 90 percent of Ukraine's citizens voted in favor of independence. At the same time, Ukraine elected its first president.

Since then, Ukraine has labored hard to transform itself from a Communist controlled republic to a democratic and free market country. This has not been an easy task. Unemployment and inflation have run rampant throughout Ukraine. Shortages of food and other essentials are common. And in many cases wages often go unpaid for months.

However, throughout this long ordeal Ukrainians have remained committed to reforming their country. Ukraine is one of only a few of the former Communist dominated countries to have a peaceful transition of power. In 1991 and 1994, Ukraine held successful elections for both president and parliament without violence or bloodshed. Furthermore, Ukraine's Parliament, the Rada, adopted its first post-Communist constitution last year guaranteeing future free and fair democratic elections.

Ukraine has also shown a strong commitment to peace and regional stability. For instance, Ukraine is in full compliance of all reductions in force under the Conventional Forces in Europe Agreement. Early this year, NATO and Ukraine entered into a charter that will ensure cooperation between the alliance and Ukraine on all regional security issues including peacekeeping and humanitarian missions. However, most importantly, Ukraine agreed unilaterally to dismantle its entire nuclear arsenal, the third largest in the world at the time, and sign as a party to the Nuclear Nonproliferation Treaty.

Under the leadership of President Leonid Kuchma, Ukraine has instituted a rigorous economic reform plan. Already this plan has helped to lower the inflation from an overwhelming rate of 10,000 percent in 1993 to an anticipated level of 25 percent this year. It has also led to the privatization of nearly 50,000 state-run small and medium sized industries.

This progress has not come without controversy. Like many former Communist countries Ukraine has had a difficult time dealing with graft and corruption among government officials. This has caused a great deal of concern among United States and other foreign investors who have had great difficulties doing business in Ukraine because of the lack of firm laws and regulations guarding against abuse of power. The government of Ukraine realizes the seriousness of this problem and has taken steps to correct the problems expressed by foreign investors and clean up corruption within the government. For example, President Kuchma announced a clean hands anti-corruption campaign which has resulted in a large shakeup at the highest levels of government within Ukraine. In addition, Ukraine's president has also established an advisory committee made up of Ukrainians, foreign investors, and President Kuchma to deal with investor complaints in an efficient and timely manner.

I view these as steps in the right direction, but clearly more needs to be done. Specifically, I encourage the Ukrainian Rada to adopt comprehensive legal reforms that will protect investors from unscrupulous officials seeking individual profit.

The United States has been a major partner in Ukraine's success and should continue to play a major role.

Mr. Speaker, I urge my colleagues to continue to support aid to Ukraine so that we may continue to celebrate the occasion of a free and democratic Ukraine for years to come.

A NIGHT TO CELEBRATE, SENATOR ROBERT D. WETMORE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to honor a valuable Massachusetts State legislator, Senator Robert D. Wetmore. On September 28, 1997, colleagues, family, and friends will gather to toast Senator Wetmore's distinguished career in the Massachusetts General Court. Allow me to inaugurate this celebration early by introducing Senator Wetmore and his accomplishments to this House.

Robert Wetmore dedicated his entire career toward serving others. Even before his 32 years in elected office, he committed himself to his colleagues as a head lineman for the Massachusetts Electric Co. and by presiding over the local union. In 1965, he first entered the Massachusetts General Court as a State representative. In addition to his participation on several standing committees, the combination of his innovativeness, foresight, and abilities, allowed him to steer several new initiatives. Among these are his participation on the Bicentennial Commission and the Special Commission on Bike Paths. His leadership in identifying the effects of growth patterns on the quality of life in the commonwealth placed him on the vanguard of proactive government by foreseeing issues and precluding problems.

In 1977, Mr. Wetmore entered the Massachusetts senate. He would continue to serve the people of the Worcester, Hampton, Hampshire, and Franklin districts, and the institution, for 10 terms. Beyond chairing and vice-chairing several standing committees, he continued to identify new areas of specialization and organize committees to address these issues.

Senator Wetmore subscribes to one of life's lessons that I hold dear to my own heart: It is not enough to leave a place the way you found it—you should leave it better. Were a person only to strive for this in private life, it would undoubtedly win other's trust and praise. When someone such as Robert Wetmore makes this his public mission in the General Court, everyone in the Commonwealth of Massachusetts reaps the benefits. As a lifelong Massachusetts resident, I too, owe Senator Wetmore a debt of gratitude.

I ask all the Members of this House to join me in recognizing this dedicated public servant.

ONCE AGAIN, THE NEED FOR TORT REFORM IS EVIDENT

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BACHUS. Mr. Speaker, a jury in New Orleans, LA, last week has given us a prime example of this country's need for serious tort reform. Ten years after a tank car fire, CSX Transportation was hit with a $2.5 billion punitive damages verdict for this incident in which it was considered blameless by the National Transportation Safety Board.

No matter who was at fault, such an enormous punitive damages award in this case would still be out of line, because there were no deaths or serious injuries as a result of the fire. But to make matters worse, every governmental authority that reviewed this incident, from the city of New Orleans to the National Transportation Safety Board, found no fault with CSXT. In fact, the city of New Orleans issued a proclamation recognizing the individuals from CSXT who prevented the fire from spreading for their heroic actions.

Certainly local residents were inconvenienced because of the evacuation, but it was the trial lawyers who filed a class action lawsuit before the fire was even put out that convinced the jury to reach into the deepest pocket in the lawsuit, not the parties who were responsible.

Punitive damages in our legal system are supposed to punish egregious behavior, but Mr. Speaker, in this case what was the jury possibly punishing? These high cost punitive damage awards must be reigned in, from the McDonald's hot coffee case to the bad paint job on the BMW, the consumers are actually the ones who will feel the belt-tightening because of the lack of tort reform laws.

TRIBUTE TO TIFFANY MONROY

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ABERCROMBIE. Mr. Speaker, I would like to bring to the attention of the House the speech of Ms. Tiffany Monroy, a student at Sacred Heart Academy of Honolulu, which won the Voice of Democracy competition

sponsored by the Honolulu Veterans of Foreign Wars. I certainly give my personal congratulations to Ms. Monroy, the daughter of Daniel and Loretta Monroy. I also would like to express my appreciation to VFW Post 1540 of Honolulu and its Ladies' Auxiliary for sponsoring the event. I trust that it will provide inspiration to my colleagues as we deliberate and endeavor to legislate solutions to the issues our Nation faces.

DEMOCRACY—ABOVE AND BEYOND—1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Hawaii Winner Tiffany Monroy)

A mother had three children: Adam, Owen, and Daniel. Upon dying, the mother gave Adam to his banished father to be raised. Owen was given to his aunts and uncles to be raised. Finally, Daniel was given to the community to be raised by all. Years went by and the boys grew up. Adam became a rotund man who ate all he wanted when he wanted and no one could stop him from doing what he wanted. Owen grew up into a portly fellow who shared whatever he wanted with an esoteric group of friends. Daniel developed into a toned, lean, tall man, because he ate and worked depending upon the prosperity and needs of the community. It was he who soared above and beyond his brothers. These men soon became leaders of nations, taking with them the only governing methods they knew. When these individuals died, their governments lived on. Adam became autocracy, Owen became oligarchy, and Daniel became democracy. Like Daniel, who towered over his siblings, democracy remains above and beyond autocracy and oligarchy.

The three forms of government are like ladders competing to reach a great land—a land of great milk, great honey, and great chocolate—which coincidentally is at a great height. The amount of rungs a climbing individual has is in direct proportion to how many people have the power and authority to rule. ''Contestant #1, with the ruling power in the hand of one sole individual, is Autocracy. Contestant #2, with the ruling power in the hands of a few people, is Oligarchy. Finally, last but not least, contestant #3, with the ruling power in the hands of many people is Democracy. Okay, contestants, on your mark get set, go! Wow, I don't know how Autocracy is going to get to the top with only one rung and I can't see how Oligarchy's gonna make it up . . . But hark! Look at Democracy go! He's got enough rungs to get him to the top and then some! Go Democracy go! And the winner without any competition is Democracy! Just look at him standing at the zenith sparkling with sweat, way up above and beyond the other two!''

Democracy is able to maintain itself above and beyond any other form of government because of the level of participation democracy calls for from those who are governed. It calls on everyone to participate in their government since democracy is the form of government in which rule is by the people. As Pericles of Athens said, ''Our constitution is named a democracy because it is in the hands not the few, but of the many.'' In a democracy people cannot sit back with their arms folded and leave decisions up to a sole person. Instead, they must unfold their arms, stand up, and take action for what they believe in. Democracy gives people the opportunity to be active participants in the government which rules them. Perhaps even better, democracy makes those who are governed care about their government. Because the power is in the hands of the people, it is the people themselves who must take responsibility for what happens to them, since it is ultimately their choice. Therefore, they care about their government even more than those people who are ruled by autocracies or oligarchies. The caring, active participation that democracy calls for is what keeps democracy high above and above any other form of government.

Democracy remains untouched by any other form of government because there essentially no one ruling over the people. The marrow of democracy, the very core of this type of government is the fact that the people rules themselves. There is no almighty leader who says ''this is the way things go'' nor is there an omnipotent group who dictates ''this is how all things shall be done.'' Rather, in a democracy, the people choose for themselves who they want and what they want and need. Perhaps Abraham Lincoln captured the quintessence of democracy by saying democracy is a ''government of the people, by the people, and for the people.'' This is exactly what puts democracy above and beyond any other government: the people have the ultimate say.

Through every age democracy has and always will remain above and beyond any other form of government because it calls for caring participation from the people by putting the power directly into the hands of the people. Democracy will forever stay above and beyond any other form of government because no one else has a ladder with as many rungs.

IN HONOR OF MARGIE WAGONER OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Margie Wagoner, a teacher at Corpus Christi Catholic School in my district, who this Thursday will be awarded a $2,500 grant by the Children's Television Workshop and Creative Classroom magazine to implement an innovative school project. Her creative and innovative teaching methods bring education to life for her students, and her outstanding efforts have now been nationally recognized.

Ms. Wagoner is one of only three teachers chosen to receive a grant in the second annual ''Plan a Dream'' program. She will use her grant to establish a ''global garden'' to give her students a better understanding of the world in which they live. Sixth grade students will research, plan, and build a greenhouse to support the global garden. Second graders will explore and grow plants from different areas of the world focusing on their ancestors' country of origin. Students will learn about the different plants in the garden, as well as the customs and folklore of the nations from which they originate.

Parents will recognize the Children's Television Workshop as the men and women who make educational shows such as ''Seasame Street'' and the ''Electric Company'' possible. But they also work with educators to help them improve both the way we teach our children and the environment in which we teach them. The ''Plan a Dream'' program recognizes the efforts of teachers like Margie Wagoner and tries to build on their success.

Open to all teachers of kindergarten through sixth grades, ideas were submitted in the areas of technology, math, science, language arts, social studies, and the arts. Projects were judged by an expert panel on originality of the idea, explanation of education value, effective classroom planning, exemplary use of materials, ability to motivate students, and innovative lesson presentation.

I salute Margie Wagoner for her accomplishments and her commitment to teaching. She is an outstanding role model for her students, parents, and other teachers. Her national recognition is well-deserved.

REPRESENTATIVE DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 17, 1997 into the CONGRESSIONAL RECORD.

REPRESENTATIVE DEMOCRACY

A Hoosier friend asked me the other day what's the most important thing to do to restore the confidence of people in the federal government. My response was that we have to make government accessible, responsive, and workable.

The critics of government certainly have a point. Government can be inefficient, inaccessible, and unaccountable. It is not hard to understand why government, especially the federal government, is under attack. But it has always seemed to me that the best answer to the critics of government is to make government work better.

COMPLICATED COUNTRY

Under our system of government we have a representative democracy—a government in which decisions are made by the people through their elected representatives. It is far from a perfect system. It can be difficult to understand, chaotic, slow, and frustrating. But I believe it is the best way for us to deal with our nation's challenges and problems.

We live in a complicated country of vast size and remarkable diversity. Since World War II the population of our country has more than doubled. Our citizens are spread far and wide, and they represent a great variety of races, religions, regional interests, and national origins. It is not easy to develop a system to enable such a country to live together peacefully and productively, but representative democracy allows us to do it. Representative democracy, for all its faults, is our best hope for dealing with our problems through a process of compromise, negotiation, and deliberation. Our system gives people an opportunity not only to speak but also to participate in the decision-making process and to engage with others in open discussion and debate. At its best, representative democracy gives us a system whereby all of us have a voice in the process and a stake in the product.

Many people think that the way to deal with their problems is to abolish politics. But politics—the process of compromise, negotiation, and deliberation—is the essence of how we make our system work. Politics may be unpopular but it is also indispensable. It is the way that we express the popular will of the people. We need to strengthen representative democracy, not enfeeble it.

ROLE FOR GOVERNMENT

In many ways we have lost what was the premise of government in this country when it was formed—the belief that government can work. The widespread public contempt

for government today produces a vicious circle that makes government worse.

I am well aware of the problems we have today in government, but I am also impressed with the miracle of our constitutional structure. It is a commonplace observation to praise the wisdom of the founding fathers, but it is also necessary for us to continually appreciate the remarkable system they put together. The representative democracy envisioned by our Constitution is strong enough to preserve the fragile union, strong enough to promote the general welfare, and strong enough to ward off the power of the special interests.

I do not want to see a federal government that is crippled or incapable of playing a significant role in the life of this country. Government should be able to provide for the national security, help address social problems, protect the environment, and to do the many other things we have come to expect it to do. Sometimes government gets in our way, but other times it can be helpful to ordinary people in their effort to succeed, to have opportunity, and to correct instances of oppression and injustice.

CONFIDENCE IN GOVERNMENT

Our country has seen major changes in recent years—the globalization of our economy, the federal deficit constraining government's ability to deal with problems, the end of the Cold War and the less coherent framework for international relations, and the shift of many Americans toward individual freedom and consumption and away from restraint and sense of duty. All of this change has brought formidable challenges to policymakers, and government has not always performed well. Confidence in government has declined.

Government has lost so much respect in recent years that it threatens the ability to make good policy. If we are to have effective government and effective public policy then we must improve the confidence of the people in government. Several steps would be helpful. I believe we need more of what the politicians call ''retail politics''—direct contact between the elected representative and the people. Today too much of our politics is based on the work of consulting firms, pollsters, and media advisors, and voters have difficulty feeling real ties to the people they elect to govern them. We will strengthen the confidence of the people in government if we can engage them more in the process. Elected officials can also help restore confidence in government by promising less and producing more, focussing better on what the citizens want, working together across party and ideological lines for shared goals, and restoring greater civility to the political debate.

But perhaps the most important step is to improve public understanding of what government has done and can do. Those of us who see important reasons for government to act must be willing not just to criticize government and point out its faults, but also to make clear what government has been able to accomplish—from preserving our security and building the interstate highway system to setting up the national parks and sharply reducing poverty among older persons through Social Security. It is important that all of us have an understanding of the limits of government but also an understanding that government works well in many areas. I simply do not see how it is possible to deal with many of our problems without a minimal public confidence in government.

CONCLUSION

I know there are a lot of voices today saying that representative democracy in this country just doesn't work very well. And it's certainly not difficult to point to instances when it does not. But on the other hand, given the number and complexity of the problems we confront, my view is that our representative democracy works reasonably well. I do not for a moment agree with those who think that the American system has failed or that the future of the country is bleak.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 398 and 399. I was unavoidably absent. Had I been present, I would have voted ''aye'' on both accounts.

UPDATE ON MULTILATERAL AGREEMENT ON INVESTMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, over the last several years, the United States has led an effort in the Organization for Economic Cooperation and Development [OECD] to develop a binding and comprehensive agreement on investment. In May 1995, the OECD Ministers launched the negotiation of a Multilateral Agreement on Investment [MAI]. At the OECD ministerial meeting in May 1997, the OECD Ministers agreed to extend the negotiations until May 1998. Negotiating sessions are scheduled every 6 weeks beginning the week of September 15.

Recently, Dr. Witherell, Director for Financial Fiscal and Enterprise Affairs of the OECD gave a speech entitled ''The Multilateral Agreement Investment (MAI) Negotiations: The State of Play and Implications for the Asia Pacific Region.'' Issues involved in the agreement are complex and time consuming. Dr. Witherell's speech presented a clear and objective analysis of the issues.

I suggest that interested Members review extracts from Dr. Witherell's speech. His speech presented the issues of the MAI and discussed which issues need to be resolved in order to conclude a successful MAI.

I request that a copy of extracts from Dr. Witherell's speech dated September 1, 1997, be printed in the CONGRESSIONAL RECORD.

EXTRACTS FROM MAI SPEECH BY WILLIAM WITHERELL, SYDNEY, SEPTEMBER 1, 1997

One of the central objectives of the OECD since its creation in 1961 has been the development of a liberal environment for international investment. A very important step was taken at the OECD Ministerial meeting of May '95 when the governments of the 29 OECD Member countries' decided to commence negotiations on a Multilateral Agreement on Investment (the MAI). The private business sector was a strong advocate for developing a comprehensive legal framework for foreign direct investment which would consolidate and extend the present system of bilateral, regional and sectoral agreements. While the negotiations are between the OECD Member countries and the European Commission, the resulting agreement is to be a free standing treaty, open to any country willing and able to assume the obligations of the agreement.*

The OECD Ministers initially targeted the completion of the negotiations for May of this year; but that proved to be too optimistic despite the strong commitment and political will of our Member countries and a very intensive schedule. The issues are complex and time-consuming; and some, especially those of a more ''political nature,'' might not be resolved until the liberalization commitments among the participating countries are fully agreed. So a modest extension of the timetable until next April has been set. This extra time will ensure that the result is indeed a high standard agreement with a satisfactory balance of commitments by all parties. Extra time also has opened up the possibility for non-OECD countries to be involved more closely. Indeed, some may even become founding members of the Agreement.

We now have—in almost final form—the main building blocks of this Agreement. Of course, there remain a number of outstanding issues—the inclusion of a special clause for regional economic integration agreements such as the EU, the coverage of subnational measures, the treatment of cultural measures, the issue of conflicting jurisdiction and the treatment of labor and environment matters, to name some. Some, especially the more politically sensitive ones, are likely to remain unsettled until the last minute. This is to be expected in such a negotiation. But the ground has been prepared for a successful outcome in the coming months. A satisfactory agreement for all concerned—including interested non-OECD countries—is clearly within our reach.

WHAT WILL THE MAI LOOK LIKE?

The MAI will be the first multilateral agreement to include disciplines in three key areas of investment rule-making: investment protection, investment liberalization and binding dispute settlement. As such, it is undoubtedly the most complex multilateral negotiation on investment ever undertaken.

The MAI aims to provide a ''level playing field'' for international investors by eliminating distortions to investment flows and facilitating a more efficient allocation of capital. This will contribute to the ultimate objectives of economic growth and development. In the MAI contracting parties will undertake obligations aimed at reducing barriers and discriminatory treatment of FDI (investment liberalization) and increasing legal security for international investment and investors (investment protection). These obligations will be legally enforceable through provisions for settling disputes—including investor-to-state as well as state-to-state disputes. In all of these areas, the negotiators are seeking to incorporate high standards.

The MAI will bind the Contracting Parties to a set of fundamental rules governing the treatment of MAI investors and investments. The non-discrimination principles of National Treatment and most-favored nation treatment (MFN) will be the norms for all phases of investment from the entry of the investor and its investments to the treatment of the investor and its investments after they are established. These central principles will assure foreign investors non-discriminatory access to a sector and equitable treatment after they are established.

Some who are not familiar with the negotiations have misunderstood these provisions as requiring a wholesale dismantling of governmental regulations. The clearly is not the case. The MAI will not deprive national authorities of their sovereign right to promote

*Footnotes appear at end of speech.

economic development, a cleaner environment and other public policy goals. What the MAI will require is the provision of fair and non-discriminatory treatment of foreign investors, not deregulation.

Aside from general exceptions or derogations, any measures of participating countries that do not conform to the MAI obligations will need to be notified as country-specific reservations when the countries adhere to the MAI. Early this year, the negotiators tabled their initial lists of country-specific reservations. The scope of these reservations is subject to negotiation with other parties to the agreement. Thus another crucial aspect of the negotiations, the liberalization of existing investment restrictions, has begun. In the end, the overall assessment that each country will make of the results of the negotiations will likely take account of both the rules of the Agreement and the liberalization commitments as reflected in the reservation lists.

The OECD has made important contributions towards the policy objectives of protection and conservation of the environment and promoting sustainable development. Questions have been raised as to how the MAI will relate to these objectives. As noted above, the important positive role of foreign investment in promoting development is now widely recognized. Several approaches to addressing environmental policy concerns in the MAI are being examined and further proposals are likely as the debate continues. For examples, one provision under consideration would call upon governments not to lower environmental standards in an effort to attract foreign investment. Similar approaches are being considered for labor standards. It should be emphasized that nothing in the agreement would prevent participating countries from developing of maintaining effective measures for the protection of the environment or promoting sustainable development or improving labor standards. There is no convincing case, however, why such measures would need to discriminate against foreign investors.

There is strong support for a provision that would associate with the agreement OECD's Guidelines for Multinational Enterprises, without changing their voluntary character. These Guidelines set international standards, which are non-binding, to encourage multinational enterprises to behave responsibly as good corporate citizens in the countries in which they operate. The cover corporate activities in a wide range of areas, including, inter alla, environment and employment and industrial relations.

Most investment disputes that might arise under the MAI should be settled without recourse to formal procedures. Accordingly, the agreement provides for consultation arrangements to encourage amicable solutions. Nevertheless, the credibility of the MAI will require the binding arbitration of disputes between states, or between an investor and a participating government, be available to ensure effective recourse in the event of breach of the agreement. These provisions will be the ''teeth'' of the MAI. They will be one of the major innovations of the agreement because they go further than GATS (which has only state-to-state dispute settlement) and further than most bilateral treaties, which, unlike the MAI, deal only with established investment and not the conditions for entry and establishment.

WHY THE MAI?

The OECD countries have long recognized that foreign direct investments is central to the process of international economic integration—or globalisation—fueling development of advanced economies and developing countries alike. Foreign direct investment offers recipient countries the opportunity to upgrade productivity and competitiveness, benefit from the transfer of technical and managerial expertise, and promote integration into the international economy. And increased investment very often leads to increased trade, creating a powerful engine of prosperity.

In recent years the critical role played by foreign direct investment has become more widely appreciated. In the new environment characterized by liberalization of trade and investment regimes and by privatization, regulatory reform and demonopolisation of domestic industries, the potential gains from inward investment are more likely to be realized than ever before.

Foreign direct investment has been growing rapidly: over the past three years the global stock of foreign direct investment has doubled. Particularly welcome in 1996 was the dramatic increase by one third in the inflows to developing countries.[2]

The multilateral system lacks a comprehensive and coherent framework—or ''rules of the game''—for investment. We have come to the stage where international investment rules can begin to be multilateralised. From the perspective of international firms, fixed investment commitments are long term, and firms seek assurances that the investment regimes will not become more adverse over the period of these commitments. While market factors are the primary determinants of investment decisions, investors are seeking long term stability of rules and procedures, guarantees for entry and establishments, equal competitive opportunities and protection of existing investments. To become irreversible, commitments need to be locked in through binding international obligations enforceable by dispute settlement.

From the perspective of governments, the global competition for capital in the coming years will be intense. Countries not providing sufficient assurances to investors will likely be charged higher risk premiums by the market. Moreover, governments recognize that the remaining investment restrictions and discriminatory treatment of foreign firms are a potential source of international friction, not the least because these are often barriers to market access. Such restrictive or discriminatory measures distort market-determined flows of capital and have a detrimental effect on economic growth and development. The greater the role of investment in the global economy, the more important it becomes to avoid, or have a framework to address such frictions.

Such considerations led the governments of the OECD countries to conclude in 1995 that the time was ripe for establishing a system of rules to safeguard the future of international investment and to provide the legal protection that would encourage more investment between countries. After some sixteen meetings of the high level Negotiating Group over the past two years, the main elements of the MAI are now in place, and draft text or options for text are available for most outstanding issues.

SOME IMPLICATIONS FOR THE ASIA-PACIFIC REGION

Since the MAI negotiations are taking place between the twenty-nine OECD Member countries and the European Commission, successful conclusion of the MAI negotiations will mean that a major portion of the world's investment flows will be covered by a comprehensive framework of international rules of the game. Indeed, the vast bulk of FDI originates within OECD countries and is destined for other markets within the OECD area—some 85% of all outflows and almost 70% of inflows in recent years.

But, a number of non-OECD countries are important hosts, and in some cases also home countries, for foreign investment. Among the top thirty host countries for foreign direct investment in the 1990's.[3] are ranked seven of the non-OECD members of APEC: China, Malaysia, Singapore, Indonesia, Thailand, Hong Kong (China), and Chinese Taipei.

While other regions are also significant, the role the MAI will come to play in the Asia-Pacific will be of critical importance. The member countries of APEC, for example, have accounted for about 50% of global foreign direct investment inflows thus far in the present decade. The non-OECD Asian economies as a group have also become an important source of outward investment. The share of these economies in world outflows has increased from almost nothing in 1981 to 12 per cent today. A striking fact is that, as a group, these economies invest more abroad than any single OECD economy except the United States.

In view of this situation, it was decided that the MAI should be a free standing treaty, open to accession by interested non-OECD countries and on equal footing with OECD Members. Each country will be able to negotiate its terms of accession, i.e. its own schedule of reservations. Adhesion of all parties to the basic rules of the agreement will be essential, but different levels of economic development can be reflected in individual country reservations, which might, in some cases, include transition periods.

The OECD is undertaking an unprecedented dialogue with non-OECD countries as the negotiations progress, focusing, in particular, on the growing number who appear to be interested in acceding to the MAI. The next meeting of the Negotiating Group in mid-September will represent a new stage in this respect. Four non-OECD economies—Argentina, Brazil, Hong Kong(China), and the Slovak Republic—will join the Negotiating Group as ''Observers'' for the first time. During the same week, a special session of the MAI Negotiating Group will bring together the negotiators from the OECD countries and senior investment policy officials from a number of interested non-OECD countries. This meeting could lead to further consultations at this level. It is hoped that these processes will facilitate some of these countries joining the MAI as founding Members, or soon after the agreement is put in place.

[1] The OECD Member countries are the following: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Norway, New Zealand, Netherlands, Poland, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

[2] UNCTAD Press Release: TAD/INF/2710, 10 July, 1997.

[3] ''Special Feature: Recent Trends in Foreign Direct Investment'' in Financial Market Trends. Vol. 76, OECD, Paris, June 1997.

TRIBUTE TO GENERAL J.H. BINFORD PEAY III

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. SKELTON. Mr. Speaker, today I wish to congratulate and pay tribute to Gen. J.H. Binford Peay III who will retire from the U.S. Army on October 1, 1997. General Peay's career spans more than 35 years, during which he has offered selfless and distinguished service as a soldier, teacher, leader, military

statesman, and visionary adviser to America's most senior national leaders.

Gen. Binnie Peay grew up in Virginia. He graduated with honors from the Virginia Military Institute, and was commissioned a second lieutenant in the field artillery. He served two tours in Vietnam, with the 4th Division and the 1st Cavalry Division, and was decorated for valor. Following the war, General Peay served a succession of high profile and influential staff and command positions, including Executive to the Chief of Staff of the Army, commandant of the command and general staff college at Fort Leavenworth, and assistant division commander of the 101st Airborne Division. During these years, General Peay was one of a number of officers and enlisted personnel who helped restore integrity, morale, and spirit to the Army in the wake of the Vietnam war.

In 1989, General Peay took command of the 101st Airborne Division (Air Assault) at Fort Campbell, KY. The division deployed to the Arabian Gulf in August 1990 as part of Operation Desert Shield. During Operation Desert Storm, the 101st made the longest, most rapid heliborne assault in the history of warfare, deploying more than 150 miles behind enemy lines to block Iraqi reinforcements and lines of communications.

During the period 1991 to 1994, General Peay served as Deputy Chief of Staff for Operations, and then as Vice Chief of Staff of the Army. In 1994, the President named him to his current assignment, Commander in Chief of U.S. Central Command. During this 3-year tour, General Peay set the stage for preserving regional peace and stability over the long term, while enhancing our Nation's ability to respond to any contingency.

Mr. Speaker, Gen. J.H. Binford Peay III is a preeminent military thinker, a master of tactics and strategy, and an expert on the intricacies of senior level military management and command. I know the Members of the House will join me in offering our heartfelt gratitude to General Peay and his family—his wife, Pamela, and sons, Jim and Ryan—for their service to our Nation, and wish them all the best in the years ahead.

SIXTH ANNIVERSARY OF THE INDEPENDENCE OF UKRAINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LANTOS. Mr. Speaker, today, we here in the Congress are making the sixth anniversary of the independence of Ukraine. The formal and official anniversary falls upon August 24, but because the Congress was in recess at that time, we are celebrating this historic occasion today.

Six years ago, on August 24, 1991, the parliament of Ukraine approved a declaration of independence and affirmed the sovereignty of Ukraine. That took place, as some of my colleagues will recall, in the midst of the abortive coup against Soviet President Mikhail Gorbachev by military leaders and Communist hard liners in Moscow. The decisive action of Ukraine at that time sounded the death knell for the old Soviet Union. Independence was declared earlier by the Baltic Republics, but the key factor was Ukraine's courageous declaration of independence. It was followed by declarations of independence by Byelorussia, Moldova, and the Central Asian Republics. The decision of the Ukrainian parliament—the Supreme Rada—was followed by a popular referendum held on December 1, in which the people of Ukraine overwhelmingly voted to separate from the Soviet Union and establish a sovereign and independent state.

It is hard to believe that these tumultuous events took place only 6 years ago, Mr. Speaker. In these past 6 years, the Ukraine has had to deal with a multitude of extremely difficult problems. First, the country has had to deal with the transition to democracy and the creation of a free-market economy, and this has required dealing with serious political and economic issues. Second, at the same time, the people of Ukraine and their government institutions have had to deal with creating separate State institutions and establishing a separate national identity because Ukraine has not existed as a separate and independent country for centuries. Third, the country has been saddled with the legacy of the failed Soviet economic and political system. The tragedy of the Chernobyl nuclear disaster in northern Ukraine is only the best known and most visible consequence of eight decades of Communist Party incompetence and misrule.

As the second largest country in area in Europe, and as one of the largest countries in Europe in population, Ukraine is a vital and an important friend of the United States. Strong relations between our two countries are important to secure stability and prosperity in Central and Eastern Europe.

In the 6 years of independence, the Government of Ukraine has made a number of difficult choices—nuclear weapons have been removed from the territory. In July of this year, Ukraine and NATO have signed a charter affirming the commitment of NATO and Ukraine to the ''development of a strong, enduring relationship between NATO and Ukraine.'' The importance of Ukraine and our commitment to its success is clearly indicated by the level of United States foreign assistance to Ukraine—it receives the third largest amount of assistance of all country in the world.

While we celebrate Ukraine's independence, Mr. Speaker, this does not mean that all of the problems of Ukrainian independence have been resolved. Ukraine must accelerate its economic reforms, in order to assure a stable and prosperous economy. Democratic institutions and practices must be accelerated. There is still a long way to go in achieving full respect for human rights in Ukraine, including firmly establishing such fundamental rights as freedom of religion, freedom of speech, and freedom of the press. The problem of corruption and crime must be dealt with in order to assure a successful democratic government and functioning economy. While we note these serious problems, we also reaffirm our commitment to work with the Government of Ukraine in dealing with them.

This festive occasion is an opportunity for us to look back over the past 6 years and marvel and rejoice in the great progress that has been made, but it is also an occasion when we can look to the future and recommit ourselves to the still-daunting tasks that the people of Ukraine face. The American people support Ukraine. We welcome your triumphs and we are willing to work with you in achieving the goals that both our countries seek in assuring the continuing independence and prosperity of Ukraine.

Mr. Speaker, on this sixth anniversary of Ukrainian independence, I congratulate the people of Ukraine on this joyous national occasion. The relationship between the United States and Ukraine is an important one for both of our countries, and this occasion is a happy one for us to reaffirm our commitment to good relations and cooperation.

THE RE-OPENING OF THE SMALL BUSINESS RESOURCE CENTER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. CLYBURN. Mr. Speaker, I rise today on the occasion of the re-opening of the Small Business Resource Center in Charleston, SC, that will serve existing and prospective small business entrepreneurs throughout the State of South Carolina. Statistics reveal that a large percentage of businesses fail due to a lack of management knowledge and business experience. This Small Business Center will provide informational seminars and technical assistance, as well as education and training on a continual basis to help small business entrepreneurs achieve and maintain success in their business endeavors. We are very fortunate in the city of Charleston to have a centralized location where individuals can get necessary information, and where all services are free of charge.

Continuing its commitment to small business, Apple Computer, Inc. is donating state-of-the-art equipment, software, and seminar consulting assistance to the Charleston Small Business Resource Center. This remarkable facility will allow individuals and small business owners to research, plan, and jump-start their businesses and to receive free consulting from SCORE [Service Corps of Retired Executives Association] volunteers. Individuals will use the latest Macintosh technology to develop business plans, create marketing materials, develop loan packages, and conduct market and competitive researches.

The Small Business Resource Center in Charleston is the result of a national agreement between the U.S. Small Business Administration, the U.S. Department of Commerce's Minority Business Development Agency, and NationsBank to commit tangible resources aimed at increasing the success rate of small- and minority-owned businesses through education and technical assistance. The College of Charleston and Bell South also played vital roles in the opening of the South Carolina center.

Mr. Speaker, I would ask that my colleagues join me in commending all those involved in reopening the Small Business Resource Center by forging partnerships that will embrace and encourage small businesses throughout the State of South Carolina.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. EHLERS. Mr. Speaker, on rollcall No. 397, S. 562, I was in the Chamber and voted ''yes,'' but apparently my vote was not recorded by the electronic voting system.

Had the voting system worked, I would have been recorded as voting ''Yes.''

IN PRAISE OF DISTRICT OF COLUMBIA HIGH SCHOOL STUDENTS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. HARMAN. Mr. Speaker, I rise today in praise of two outstanding young people who have been interning in my office for 2½ weeks, Christiana Hodge of Eastern High School and Calvin Wingfield of Banneker High School.

Thanks to the internship program for District of Columbia high school students organized by my colleague, Representative ELEANOR HOLMES NORTON, I have had the pleasure to work with these two bright and dedicated students whose contribution to my office has been invaluable.

Mr. Speaker, I have been so impressed by Christiana and Calvin's willingness to spend 3 weeks interning on Capitol Hill—and working hard—while waiting for the school year and new challenges to begin. It is my hope that this experience has been as rewarding for them as it has for me.

I know Christiana and Calvin will go far in life, because of their outstanding qualities. I thank them for their help over these past weeks, and I thank ELEANOR HOLMES NORTON for bringing me in contact with them.

IN SUPPORT OF REPEAL OF SECTION 1555 OF FASA

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ADERHOLT. Mr. Speaker, in 1994, the 103d Congress voted to turn the General Services Administration into a competitor with private employers for billions of procurement dollars generated by State and local governments. That something of this magnitude can be enacted into Federal law without so much as a hearing is a prime example of how disconnected Washington can become from the American people.

Let me briefly discuss what I understand to be the conceptual case for this program. In a nutshell, proponents seem to contend that non-Federal public entities will get more bang for their procurement buck by purchasing items off the Federal supply schedules, making State and local taxpayers the ultimate beneficiaries of the cooperative purchasing program.

Now I certainly support saving taxpyers' money, but where is the evidence in this instance? On the contrary, I am not convinced the cooperative purchasing program will provide anticipated savings to State and local governments and their taxpayers on a sustained basis.

Despite the moratorium, the cooperative purchasing program has already had a disruptive effect in the marketplace, and the potential for further disruption is far, far greater. In what I am sure is reflective of the experiences of my colleagues, I have heard from small business persons in my district who fear for their futures if the cooperative purchasing program goes into effect.

The more I hear, the more I am convinced section 1555 of the Federal Acquisition Streamlining Act should be repealed. The sooner we get rid of this program, the better. If we fail to do so, it is highly unlikely that appropriate remedial action will be taken prior to implementation of the program, and countless small business persons and their employees—our constituents will see their worst fears about the future materialize.

This issue quite simply pits big government against small business, and it's pretty clear that small business won't make out very well in that competition. That's what my constituents are telling me. These small companies which compete each and every day with very little if any margins for error, are fearful not of competition, but rather of unfair competition. All they ask for, I would say to the members of this committee, is a level playing field. They have a right to that, and by repealing the cooperative purchasing program we can meet their rightful expectation.

JUVENILE CRIME PREVENTION: SOUND POLICIES VS. SOUND BITES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. CARSON. Mr. Speaker, the following statement from the Indianapolis, IN, deputy chief of police is offered for insertion into the CONGRESSIONAL RECORD. Mr. Turner provides provocative thoughts and sensible responses to the challenges we face in ''Juvenile Crime Prevention: Sound Policies Vs. Sound Bites.''

JUVENILE CRIME: SOUND POLICIES VS. SOUND BITE ISSUES FORUM

(By Robert B. Turner)

Ladies and gentleman, members of Congress, and fellow panelists; I am truly honored to be here today, the opportunity to address you and the opportunity to participate in this forum is an opportunity of a lifetime for me. I have been a member of The Indianapolis Police Department for approximately twenty-five years and I have been a licensed attorney for more than twelve years. During these often conflicting and competitive professions, I have always held a sincere and religious commitment to my fellow man; but, I especially love children. I believe that children are the most sincere and genuine people on earth. When I think of children I often think of the biblical passage in the Book of Luke, chapter 8,5. ''A sower went out to sow his seed: and as he sowed, some fell by the way side; and it was trodden down, and the fowls of the air devoured it. Some fell upon rock, and as soon as it was sprung up, it withered away, because it lacked moisture . . . And some fell among thorns; and the thorns sprang up with it, and choked it . . . And some fell on good ground, and sprang up, and bore fruit a hundredfold.'' The topic of this forum is Juvenile Crime: Sound Policies vs. Sound Bite Issues. The real question that we are asking ourselves today is in fact ''Where Are We as a Society, as a Community, Sowing Our Seeds?''

In the city of Indianapolis we recently arrested a young African-American male for murdering another young African-American male for the purpose of taking his tennis shoes. In very similar incidents involving knives, guns, and other deadly weapons, young people have committed homicides and aggravated assaults while stealing items such as ''Starter Jackets,'' ''Cheap gold chains,'' ''designer wheels on cars,'' and other ego based articles.

A young woman recently gave birth to an infant and abandoned her newborn child inside of a latrine in an Indiana State Park. The young lady left her living child in the latrine; fortunately the child's life was saved by a stranger who happened by.

Another young mother assaulted and killed her infant child because the child would not stop crying. In all major cities throughout the nation, young people are being abandoned by their parents, communities, schools, and governments and are in fact being raised, educated, and motivated by television, computer networks, nintendo games, violent movies, local gangs, drug organizations, and experienced criminals. These young people being products of their nonconventional environments, are using drugs, selling drugs, resorting to criminal behavior, resorting to violence; and they are being arrested, imprisoned and warehoused at very young ages, and for extended periods of time. So where in fact are we sowing our seeds if more and more of our children are using drugs, using deadly weapons, being murdered, or being arrested?

There is a popular soft drink in America called the ''Uncola''. It is transparent/clear and you can see right through it. It would be totally invisible if it did not contain the carbonation which creates and bubbles. I often refer to the lost children of our nation, ''our lost seeds'' as the ''the unchildren,'' ''the uns'' for short.

They are un-cared for, un-supervised, unsupported, un-educated, un-employed, unhealthy, un-popular, un-cooperative, un-conventional, un-grateful, un-sympathetic, and generally un-wanted. They are invisible in our society, and but for their rebelliousness, ''their carbonation,'' we would see right through them.

I currently serve as the Deputy Chief of Police in the city of Indianapolis and I supervise the Criminal Investigations Division which includes units such as the Homicide Branch, the Robbery Branch, Metro-Gang Task Force, Narcotics-Metro Drug, Sex Crimes Unit, Domestic Violence Unit, White Collar Crime Unit, the Vice Unit and the Juvenile Branch. When these young people are brought into the criminal justice system after being arrested and incarcerated by our officers, I often ask myself ''What can I do with this child?'' The standard, customary, typical, and conventional responses are incarceration, home detention, probation, rehabilitation, and recirculation. More often than not, it is simply too late; ''Our seeds have fallen by the way side, they have been trodden down, the fowls of the earth have devoured them, they have withered away because they lacked moisture, the thorns of the earth have choked them.''

We as a society, we as a community, have foreclosed our options because we have been careless, we have failed to do as the Bible

suggests, we have failed to sow our seeds on good ground. I admire both the courage and the lasting wisdom of Dr. Martin Luther King, Jr. I often think of and refer to the words of Dr. King, in his famous ''Letter from Birmingham Jail,'' because he spoke of a people ''smothering in an airtight cage of poverty in the midst of an affluent society; of ominous clouds of inferiority beginning to form in the little mental sky of children; of observing the children as they begin to distort their personalities by developing an unconscious bitterness toward people who are different; and, of those children forever fighting a degenerating sense of nobodiness.'' Think about that word, ''Nobodiness.'' Does the term ''Nobodiness'' apply to the young African-American male that killed another young man for a pair of tennis shoes? Does the term ''Nobodiness'' apply to the young woman who delivered a living fetus alone in a secluded place and immediately abandoned it, leaving her living child alone and unloved, to die in a filthy latrine? Does the term ''Nobodiness'' apply to young people all over this nation who take up arms against their neighbors, former friends and school mates in the name of gang honor, colors and territories? Does the term ''Nobodiness'' apply when educational institutions, governmental agencies, prospective employers, and medical service providers treat certain people with disrespect because of their nationality, poverty, color, or ethnicity; or when individual law enforcement officers acting under color of law, use inhumane methods, weapons, or tools such as toilet plungers to ''Break a person down?'' To break a person down to ''Nobodiness.''

As an attorney and a law enforcement officer, I believe that our society must develop both a desire and a plan that allows us to sow our seeds upon good ground long before our seeds are trodden down; long before our children develop this degenerating sense of nobodiness; long before we invest in the standardize methods of incarceration, probation, or rehabilitation. Our plan, and our duty as leaders and parents is to plant the seeds of ''Somebodiness'' in our children. The seeds of ''justice,'' ''equality,'' ''education,'' ''self-esteem,'' ''love,'' and ''opportunity,'' in ''all'' of our children, not simply as individual parents of our specific children, but as true sowers of all of God's seeds; it truly takes a village to raise a child.

We must raise our children on a solid foundation of love, self-respect, parental commitment, education, opportunity, family, community, character, and religion. We must plant our seeds and our future on good ground. We must serve as examples for our children, and we must nurture, support and protect our children. We must invest our hearts and our future in them long before the thorns of the earth choke them out.

Long before the drugs, guns, and gangs act to devour our children's futures. When we act to care for our children as God directed us to do, only then will they ''spring up and bare fruit a hundred fold''; only then may we say that we are truly sowers of God's seeds; only then may we say that we have terminated the evils that drugs, guns, gangs, and crime have visited upon our children, families, and communities. I can proudly tell you that the children, the sick, the elderly, the poor, the weak and the oppressed in the city of Indianapolis and in the Tenth Congressional District, truly have friend, a supporter, a good sower of seeds, and an excellent Congressional Representative in the Honorable Julia Carson, and based upon the history of the Congressional Black Caucus, I know that all of the people in this great nation have support, friendship, understanding, love and very good ground in all of you. Thank you so much for this opportunity to address you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 18, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine proliferation in the information age.
SD–342

1:30 p.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud in the micro-cap securities industry.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the bankruptcy code's effect on religious freedom, and to review the Judicial Conference request for additional bankruptcy judges.
SD–226

SEPTEMBER 23

9:00 a.m.
Finance
To hold hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Environment and Public Works
To hold hearings on S. 1180, to authorize funds for programs of the Endangered Species Act.
SD–406

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Federal antitrust policy in the healthcare marketplace.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

Special on Aging
To hold hearings to examine screening and treatment options for prostate cancer.
SD–628

SEPTEMBER 24

9:00 a.m.
Finance
To continue hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Labor and Human Resources
Business meeting, to mark up the proposed Workforce Investment Partnership Act, and to consider pending nominations.
SD–430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 25

9:00 a.m.
Finance
To continue hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Federal agency energy management provisions of the Energy Policy Act of 1992.
SD–366

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the comittee's special investigation on campaign financing.
SH–216

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

SEPTEMBER 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD–366

OCTOBER 8

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 9

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

CANCELLATIONS

SEPTEMBER 19

10:00 a.m.

Governmental Affairs

To resume hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.

SD–342

Wednesday, September 17, 1997

Daily Digest

HIGHLIGHTS

Senate agreed to Military Construction Appropriations, 1998 Conference Report.

House Committees ordered reported 14 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9437–S9529

Measures Introduced: Eight bills were introduced, as follows: S1183–1190. **Page S9515**

Measures Reported: Reports were made as follows:

S. 1093, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, with an amendment in the nature of a substitute. (S. Rept. No. 105–83) **Page S9515**

Measures Passed:

Treasury/Postal Service Appropriations, 1998: Pursuant to the order of July 17, 1997, Senate passed H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1998, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1023, Senate companion measure, as passed by the Senate on July 22, 1997. Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Campbell, Shelby, Faircloth, Kohl, and Mikulski. **Page S9510**

Labor/HHS Appropriations, 1998: Pursuant to the order of September 4, 1997, Senate passed H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1061, Senate companion measure, as passed by the Senate on September 11, 1997. Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Specter, Cochran, Gorton, Bond, Gregg, Faircloth, Craig, Hutchison, Stevens, Harkin, Hollings, Inouye, Bumpers, Reid, Kohl, Murray, and Byrd. **Page S9510**

Subsequently the bill was indefinitely postponed.

Authorizing Use of Capitol Rotunda: Senate agreed to H. Con. Res. 134, authorizing the use of the rotunda of the Capitol to allow members of Congress to greet and receive His All Holiness, Patriarch Bartholomew. **Page S9529**

Passage Vitiated:

Treasury/Postal Service Appropriations, 1998: Pursuant to the order of July 17, 1997, Senate vitiated passage of S. 1023, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1998, and the bill was indefinitely postponed.

Labor/HHS Appropriations, 1998: Pursuant to the order of September 4, 1997, Senate vitiated passage of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. **Page S9529**

Interior Appropriations, 1998: Senate resumed consideration of H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, with certain excepted committee amendments, taking action on amendments proposed thereto, as follows: **Pages S9440–43, S9448–S9501, S9503–10**

Adopted:

Brownback Amendment No. 1204, to ensure that the Huron Cemetery in Kansas City, Kansas, is used as a cemetery. **Pages S9448–50, S9496–97**

Bumpers Amendment No. 1209 (to committee amendment beginning on page 123, line 9 through

page 124, line 20), relating to Bureau of Land Management regulations governing hardrock mining on certain Federal land. **Pages S9484–85**

Gorton (for Craig) Amendment No. 1212, to require the Forest Service to implement recreation residence special use permit fees over a five year phase-in period and provides that no increases in fees may occur on the Sawtooth National Forest until January 1, 1999, and further provides that no fees may be increased sooner than a year after release of the Forest Service appraisal of the property. **Page S9507**

Gorton (for Bumpers) Amendment No. 1213, to revise the boundaries of the Arkansas Post Memorial. **Page S9507**

Gorton (for Cochran) Amendment No. 1214, of a technical nature. **Pages S9507–08**

Gorton (for Murkowski) Amendment No. 1215, to provide that entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine—Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove. **Page S9508**

Gorton (for Murkowski) Amendment No. 1216, to amend certain oil and gas lease provisions with regard to the exploration of the national petroleum reserve in Alaska. **Pages S9508–09**

Gorton (for Murkowski) Amendment No. 1217, to limit the expenditure of funds which may occur to fund the Forest Service's Juneau regional office. **Pages S9509–10**

Jeffords Amendment No. 1218, to express the sense of the Senate regarding the preservation of Civil War battlefields. **Pages S9505–07**

Rejected:

By 23 yeas to 77 nays (Vote No. 241), Ashcroft Amendment No. 1188 (to committee amendment beginning on page 96, line 12 through page 97, line 8), to eliminate funding for programs and activities carried out by the National Endowment for the Arts. **Pages S9440–43, S9465–83**

By 49 yeas to 51 nays (Vote No. 242), Bryan Amendment No. 1205, to reduce funding for Forest Service road construction and eliminate the purchaser credit program. (Also, by 49 yeas to 51 nays (Vote No. 243), Senate failed to reconsider the vote by which the amendment was rejected.) **Pages S9450–65, S9483–84**

By 26 yeas to 73 nays (Vote No. 244), Abraham Amendment No. 1206 (to committee amendment beginning on page 96, line 12 through page 97, line 8), to reduce funding for the National Endowment of the Arts, and provide additional construction funds for the National Park Service. **Pages S9486–88, S9495**

By 37 yeas to 62 nays (Vote No. 245), Hutchinson Amendment No. 1187 (to committee amendment beginning on page 96, line 12 through page 97, line 8), to provide financial assistance to States to support the arts. **Pages S9488–96**

Pending:

Hutchinson Amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by Act of Congress. **Pages S9440–41**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, September 18, 1997. **Page S9529**

Military Construction Appropriations Conference Report: By 97 yeas to 3 nays (Vote No. 240), Senate agreed to the conference report on H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S9443–47**

Appointments:

National Nutrition Monitoring Advisory Council: The Chair, on behalf of the President pro tempore, pursuant to Public Law 101–445, appointed Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council. **Page S9510**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report on Federal Advisory Committees for fiscal year 1996; referred to the Committee on Governmental Affairs. (PM–66). **Pages S9511–12**

Transmitting a report concerning the national emergency with respect to Iran; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–67). **Pages S9512–13**

Nominations Received: Senate received the following nominations:

Jerry MacArthur Hultin, of Virginia, to be Under Secretary of the Navy.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1998.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1998. **Page S9529**

Messages From the President: **Pages S9511–13**

Messages From the House: **Pages S9513–14**

Measures Referred: **Page S9514**

Communications: **Page S9514**

Petitions: Pages S9514–15
Statements on Introduced Bills: Pages S9515–24
Additional Cosponsors: Pages S9524–25
Amendments Submitted: Pages S9525–27
Authority for Committees: Page S9527
Additional Statements: Pages S9527–29

Record Votes: Six record votes were taken today. (Total–245) Pages S9447, S9483–84, S9495–96

Adjournment: Senate convened at 9:45 a.m, and adjourned at 9:26 p.m., until 9:10 a.m., on Thursday, September 18, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9529.)

Committee Meetings

(Committees not listed did not meet)

DIGITAL TV

Committee on Commerce, Science, and Transportation: Committee held hearings to examine future technologies such as high-definition television, digital television and multiplexing, receiving testimony from Representative Tauzin; Reed E. Hundt, Chairman, Federal Communications Commission; Larry Irving, Assistant Secretary of Commerce for Communications and Information; Robert W. Decherd, A.H. Belo Corporation, Dallas, Texas, on behalf of the National Association of Broadcasters; Preston Padden, ABC Television Network, New York, New York; and David D. Smith, Sinclair Broadcast Group, Inc., Baltimore, Maryland.

Hearings were recessed subject to call.

UNDERGROUND UTILITIES PROTECTION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings on S. 1115, to create uniform national standards and provide grants to establish or improve State one-call notification systems designed to protect America's underground infrastructure which includes buried communication and fiber optic cables, water and sewer pipes, electric lines, and oil and gas pipelines, after receiving testimony from Kelley S. Coyner, Acting Administrator for Research and Special Programs Administration, Department of Transportation; Catherine G. Abbott, Columbia Gas Transmission Corporation, Fairfax, Virginia; Frank Ianna, AT&T, Basking Ridge, New Jersey; Charles E. Dettmann, Association of American Railroads, Washington, D.C.; and Gene Shull, A.E. Shull and Company, Tyler, Texas, on behalf of the Associated General Contractors.

ALASKA LAND EXCHANGE

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1158, to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and S. 1159, to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, after receiving testimony from Eleanor Towns, Director of Lands, Forest Service, Department of Agriculture; Mayor Lonnie Anderson, and Gordon Jackson, Kake Tribal Corporation, both of Kake, Alaska; Albert Dick, Huna Totem Corporation, Hoonah, Alaska; and Jack Hession, Sierra Club, Anchorage, Alaska.

AUTHORIZATION—TRANSPORTATION

Committee on Environment and Public Works: Committee ordered favorably reported S. 1173, authorizing funds for construction of highway safety programs and for mass transit programs, with amendments.

FAST-TRACK TRADE AUTHORITY

Committee on Finance: Committee held hearings on proposed legislation to renew fast track trade authority to allow the President to negotiate further trade agreements to open foreign markets to United States goods and services, and other related trade proposals, receiving testimony from Robert E. Rubin, Secretary of the Treasury; Charlene Barshefsky, United States Trade Representative; and Jeffrey M. Lang, Deputy United States Trade Representative.

Hearings were recessed subject to call.

INTERNATIONAL TELECOMMUNICATION UNION TREATY

Committee on Foreign Relations: Committee concluded hearings on the Constitution and Convention of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with declarations and reservations by the United States as contained in the Final Acts (Treaty Doc. 104–34), after receiving testimony from Vonya B. McCann, Coordinator for International Communications and Information Policy, Department of State; David F. Fisher, ADC Telecommunications, Inc., Minneapolis, Minnesota; and Lon C. Levin, American Mobile Radio Corporation/American Mobile Satellite Corporation, Reston, Virginia.

CHINA POLICY ACT

Committee on Foreign Relations: Committee held hearings on S. 1164, to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights,

religious freedom, and democracy in China and enhances the national security interests of the United States with respect to China, receiving testimony from Senator Abraham; Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; and Gary L. Bauer, Family Research Council, Robert A. Kapp, United States-China Business Council, Robert Kagan, Carnegie Endowment for International Peace, Abigail E. Abrash, Robert F. Kennedy Memorial Center for Human Rights, and Richard N. Haass, Brookings Institution, all of Washington, D.C.

Hearings were recessed subject to call.

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 Sheila Heslin, former Director of Russian, Ukrainian, and Eurasian Affairs, National Security Council.

Hearings continue tomorrow.

INDIAN COUNTRY GANG ACTIVITY

Committee on the Judiciary/Committee on Indian Affairs: Committees concluded joint hearings to examine the incidence of youth violence and criminal gang activity within Indian country, and the Federal response, after receiving testimony from Kevin V. DiGregory, Deputy Assistant Attorney General, Criminal Division, and Charles F. Rinkevich, Director, Federal Law Enforcement Training Center (Glynco, Georgia), both of the Department of Justice; Judge William A. Thorne, Third District Court of Utah, Salt Lake City; Ivan Makil, Salt River Pima-Maricopa Indian Community, Scottsdale, Arizona; David Nez, Navajo Nation, Window Rock, Arizona; and Daniel N. Lewis, Boys and Girls Clubs of America, Phoenix, Arizona.

TELECOMMUNICATIONS COMPETITION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights and Competition concluded hearings to examine the outlook for competition in the telecommunications industry as a result of the Telecommunications Act of 1996, and the role of the Department of Justice in promoting and protecting this competition, after receiving testimony from Joel I. Klein, Assistant Attorney General, Antitrust Division, Department of Justice; Reed E. Hundt, Chairman, Federal Communications Commission; Barry K. Allen, Ameritech Corporation, Chicago, Illinois; Mark C. Rosenblum, AT&T Corp., Basking Ridge, New Jersey; William P. Barr, GTE Corporation, and Gene Kimmelman, Consumers Union, both of Washington, D.C.; and John C. Shapleigh, Brooks Fiber Properties, Inc., St. Louis, Missouri.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 2487–2492; and 2 resolutions, H. Con. Res. 152, and H. Res. 231, were introduced. **Page H7527**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers (H. Rept. 105–164 Part 2);

H.R. 2343, to abolish the Thrift Depositor Protection Oversight Board, amended (H. Rept. 105–249);

H. Res. 230, providing for consideration of H. Res. 168, to implement the recommendation of the bipartisan House Ethics Reform Task Force (H. Rept. 105–250);

H.R. 2247, to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, amended (H. Rept. 105–251); and

Conference report on H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998 (H. Rept. 105–252). **Pages H7509–27**

Speaker pro Tempore: Read a letter from the Speaker wherein he designated Representative Calvert to act as Speaker pro tempore for today. **Page H7367**

Motion to Adjourn: Rejected the Miller of California motion to adjourn by a yea and nay vote of 43 yeas to 355 nays with 1 voting ''present'', Roll No. 400. **Pages H7367–68**

Motion to Adjourn: Rejected the DeLauro motion to adjourn by a yea and nay vote of 39 yeas to 364 nays, Roll No. 401. **Pages H7371–72**

Motion to Adjourn: Rejected the Miller of California motion to adjourn by a yea and nay vote of 57 yeas to 359 nays, Roll No. 404. **Pages H7480–81**

Labor, HHS, and Education Appropriations Act: By a yea and nay vote of 346 yeas to 80 nays, Roll No. 402, the House passed H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. The House completed general debate and considered amendments to the bill on September 4, 5, 8, 9, 10, 11, and 16. **Pages H7372–H7452**

Agreed To:

The Lowey amendment that repeals sections of the Balanced Budget Act and Taxpayer Relief Act relating to a tobacco industry settlement credit; and **Pages H7373–75**

The Riggs amendment that prohibits the Department of Education to sanction a State for its election not to provide special education and services under the Individuals with Disabilities Education Act to individuals who are 18 years of age or older and are incarcerated in adult State prisons. **Pages H7376–79**

Withdrawn:

The Coburn amendment was offered but subsequently withdrawn that sought to prohibit the Centers for Disease Control or any other part of the Public Health Service from supporting any program in which blood samples are collected from newborns and tested for HIV when the samples do not indicate the identity of the baby; **Pages H7375–76**

The Nadler en bloc amendments were offered but subsequently withdrawn that sought to require a medically necessary and appropriate determination to be made only by the treating health care professional; and prohibit monetary rewards to health care professionals to influence a decision as to what constitutes medically necessary and appropriate treatments, tests, procedures, or services; **Page H7381**

The Riggs amendment was offered but subsequently withdrawn that sought to prohibit the Department of Education from any sanction to a grant recipient for its refusal or failure to enforce a preference or affirmative action plan for admissions to public educational institutions; and **Pages H7382–83**

The Hoekstra amendment was offered but subsequently withdrawn that sought to reduce the amounts made available for ''Education Reform'' and related programs and increase the amounts for ''School Improvement Programs''. **Pages H7383–90**

Point of Order Sustained Against:

The Shadegg amendment that sought to prohibit any funds to be used to enter into a contract with a person or entity that is the subject of a proceeding commenced by the Federal Government and alleging fraud. **Pages H7390–91**

The bill was considered pursuant to the order of the House of Thursday, July 31. **Pages H6667–69**

Congressional Gold Medal: The House passed H.R. 2248, to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace. **Pages H7453–54**

Presidential Messages: Read the following messages from the President:

Federal Advisory Committees: Message wherein he submitted the twenty-fifth Annual Report on Federal Advisory Committees for fiscal year 1996—referred to the Committee on Government Reform and Oversight; and **Page H7454**

National Emergency re Iran: Message wherein he submitted his report concerning the national emergency with respect to Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 105–131). **Pages H7454–56**

Treasury, Postal Service Appropriations: By a yea and nay vote of 231 yeas to 192 nays, Roll No. 403, the House passed H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998. **Pages H7456–80**

Agreed To:

The Blagojevich amendment that increases Bureau of Alcohol, Tobacco, and Firearms funding by $1 million for the youth crime interdiction initiative and reduces the Treasury Inspector General funding accordingly; **Page H7466**

The Sununu amendment that identifies $200,000 of OMB funding for implementation of the Congressional Review Act; **Pages H7466–67**

The Filner amendment that prohibits the IRS from including an individual's Social Security Number on the outside of a tax-related mailing and requires the SSN, if used as a part of a mailing, to be in a sealed envelope which cannot be viewed without opening it; and **Pages H7475–76**

The Sanders amendment that prohibits the United States Customs Service from importing any product manufactured by forced or indentured child labor. **Page H7476**

Rejected:

The Lowey amendment that sought to strike Section 516, prohibiting the use of any funding associated with the Federal Employees Health Benefit Plan to be used for any benefits or coverage for abortion. **Pages H7469–71**

The Bill was considered pursuant to a unanimous consent agreement that made it in order for the

Chairman of the Committee of the Whole to postpone a request for a recorded vote on any amendment and reduce the time for voting by electronic device on any postponed question. **Page H7456**

Points of Order Sustained Against:

Proviso relating to aggregate overtime limitation of $30,000; **Page H7465**

Section 413 relating to the Federal Property and Administrative Services Act; **Page H7467**

Section 518 relating to certain historic U.S. origin firearms imports; and **Pages H7471–72**

Section 519 relating to expanding the Global Package Link Service. **Page H7472**

Late Report: Conferees received permission to have until midnight tonight to file a conference report on H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998. **Page H7480**

Senate Messages: Messages received from the Senate today appear on pages H7367 and H7380–81.

Referrals: S. 965, to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, was referred to the Committee on Science and S. Con. Res. 45, commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement, was referred to the Committee on International Relations. **Page H7527**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7528–29.

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of the House today and appear on pages H7367–68, H7371–72, H7452, H7479–80, and H7480–81. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 8:28 p.m.

Committee Meetings

FORAGE IMPROVEMENT LEGISLATION

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review forage improvement legislation. Testimony was heard from Michael Dombeck, Chief, Forest Service, USDA; Maitland Sharp, Assistant Director, Renewable Resource and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia approved for full Committee action the District of Columbia appropriations for fiscal year 1998.

FHA MULTIFAMILY RESTRUCTURING—TAX CONSEQUENCES

Committee on Banking and Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on Tax Consequences of FHA Multifamily Restructuring. Testimony was heard from Kenneth J. Kies, Chief of Staff, Joint Committee on Taxation; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action amended the following bills: H.R. 1411, Drug and Biological Products Modernization Act of 1997; H.R. 2469, Food and Nutrition Information Reform Act; and H.R. 1710, Medical Device Regulatory Modernization Act of 1997.

ASIA-U.S. DEMOCRACY PROGRAM PROMOTIONS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on U.S. Democracy Program Promotions in Asia. Testimony was heard from John Shattuck, Assistant Secretary, Democracy, Human Rights and Labor, Department of State; and public witnesses.

OVERVIEW—U.S. POLICY TOWARD MEXICO AND CANADA

Committee on International Relations; Subcommittee on Western Hemisphere held a hearing on an Overview of U.S. Policy toward Mexico and Canada. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1544, amended, Federal Agency Compliance Act; H.R. 2440, to make technical amendments to section 10 of title 9, United States Code; and H.R. 2464, amended, to amend the Immigration and Nationality Act to exempt international adopted children under age 10 from the immunization requirement.

COPYRIGHT LEGISLATION

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property concluded hearings on the following bills: H.R. 2281, WIPO Copyright Treaties Implementation Act; and H.R. 2180, On-Line Copyright Liability Limitation Act. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H. Con. Res. 131, amended, expressing

the sense of Congress regarding the ocean; H.R. 134, amended, to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project; H.R. 512, New Wildlife Refuge Authorization Act; H.R. 1476, Miccosukee Settlement Act of 1997; H.R. 1805, Auburn Indian Restoration Amendment Act; H.R. 1849, amended, Oklahoma City National Memorial Act of 1997; H.R. 2007, amended, 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; H.R. 2233, amended, Coral Reef Conservation Act of 1997; and H.R. 2314, Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1997.

HOUSE ETHICS REFORM TASK FORCE RECOMMENDATIONS

Committee on Rules: Granted, by a record vote of 5 to 3, a modified closed rule on H. Res. 168, to implement the recommendations of the bipartisan House Ethics Reform Task Force, providing one hour of general debate equally divided between Representative Livingston and Representative Cardin. The rule provides that no amendments will be in order except those printed in the Rules Committee report, which may be considered only in the order printed in the report, may be offered only by a member designated in the report, will be debatable for the time specified in the report, and will not be subject to amendment. Finally, the rule provides one motion to recommit. Testimony was heard from Representatives Livingston, Dreier, Shays, Hostettler, Cardin, Pelosi, Hamilton, Menendez and Barrett of Wisconsin.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported amended the following bills: H.R. 2429, to reauthorize the Small Business Technology Transfer Program through fiscal year 2000; and H.R. 860, Surface Transportation Research and Development Act of 1997.

OSHA'S PROPOSED REVISION—INJURY AND ILLNESS REPORTING REQUIREMENTS

Committee on Small Business: Held a hearing on OSHA's proposed revision on occupational injury and illness recording and reporting requirements. Testimony was heard from Greg Watchman, Acting Assistant Secretary, Occupational Safety and Health, Department of Labor; and public witnesses.

NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Committee on Ways and Means: Concluded hearings to examine the recommendations of the National Commission on Restructuring the IRS with regard to Executive Branch governance and Congressional oversight of IRS. Testimony was heard from the following former officials of the IRS, Department of the Treasury: Donald C. Alexander and Sheldon S. Cohen, both Commissioners; and C. Morgan Kinghorn, Chief Financial Officer; Kenneth J. Kies, Chief of Staff, Joint Committee on Taxation; and public witnesses.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998.

APPROPRIATIONS—LEGISLATIVE BRANCH

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 18, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to resume hearings to examine the implications for farmers of the recently proposed tobacco settlement, 9 a.m., SD–106.

Committee on Commerce, Science, and Transportation, to hold hearings on the nominations of Robert L. Mallett, of Texas, to be Deputy Secretary, and W. Scott Gould, of the District of Columbia, to be Chief Financial Officer and an Assistant Secretary, both for the Department of Commerce, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings on the international space station program, 2 p.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings on the nominations of Ernest J. Moniz, of Massachusetts, to be Under Secretary, Michael Telson, of the District of Columbia, to be Chief Financial Officer, Mary Anne Sullivan, of the District of Columbia, to be General Counsel, Dan Reicher, of Maryland, to be an Assistant Secretary for Energy, Efficiency, and Renewable Energy, Robert Wayne Gee, of Texas, to be Assistant Secretary for Policy, Planning, and Program Evaluation, and John C. Angell, of Maryland, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, all of the Department of Energy, 9 a.m., SD–366.

Committee on Foreign Relations, to hold hearings on the nominations of Wyche Fowler Jr., of Georgia, to be Ambassador to the Kingdom of Saudi Arabia, Martin S. Indyk, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs, Barbara K. Bodine, of California, to be Ambassador to the Republic of Yemen, Robin Lynn Raphel, of Washington, to be Ambassador to the Republic of Tunisia, and Johnny Young, of Maryland, to be Ambassador to the State of Bahrain, 10 a.m., SD–419.

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Rules and Administration, to resume hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996, 2 p.m., SR–301.

Select Committee on Intelligence, to hold hearings to examine intelligence issues with regard to China, 10 a.m., SD–562.

Full Committee, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

NOTICE

For a Listing of Senate committee meetings scheduled ahead, see pages E1782–83 in today's Record.

House

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on financial privacy, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up the following bills: H.R. 1270, amended, Nuclear Waste Policy Act of 1997; H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act; and H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, l0:30 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Postsecondary Education, Training and Life-Long Learning, hearing on the Shutdown of the Consolidation Loan Process in the William D. Ford Direct Student Loan Program, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on Needle Exchange, Legalization, and the Failure of the Swiss Heroin Experiments, 5 p.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on United States Policy Toward Nigeria, 3:30 p.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, to mark up H.R. 2431, Freedom From Religious Persecution Act of 1997, 11 a.m., 2118 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing regarding the First Amendment and Restrictions on Issue Advocacy, 10 a.m., 2226 Rayburn.

Subcommittee on Crime, hearing on the Criminal Asset Forfeiture Act of 1997, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, to continue oversight hearings on Royalty-In-Kind for Federal oil and gas production, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on U.S.-Canada Pacific Salmon Treaty negotiations, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on H. Con. Res. 151, expressing the sense of the Congress that the United States should manage its public domain national Forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives and that the United States should serve as an example and as a world leader in actively managing its public domain national forests in a manner that substantially reduces the amount of carbon dioxide added to the atmosphere, 10 a.m., 1334 Longworth.

Committee on Science, to hold a hearing on MIR Safety, 9:30 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs strategic plan required by the Government Performance and Results Act, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up Child Support Incentives legislation, 10 a.m., B–318 Rayburn.

Subcommittee on Social Security, to continue hearings on the Future of Social Security for this Generation and the Next, 11 a.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe, to hold hearings to examine religious intolerance in Europe, 10 a.m., SD–G50.

Next Meeting of the SENATE

9:10 a.m., Thursday, September 18

Senate Chamber

Program for Thursday: Senate will resume consideration of H.R. 2107, Interior Appropriations, 1998.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 18

House Chamber

Program for Thursday: Consideration of H. Res. 168 (modified closed rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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